ORDINANCE NUMBER 820.1

AN ORDINANCE TO NULLIFY AND REPLACE, IN ITS ENTIRETY, ORDINANCES 700 AND 810; BEING AN ORDINANCE REGULATING NUISANCES, INCLUDING BUT NOT LIMITED TO WEEDS AND OUTDOOR STORAGE OF HOUSEHOLD ITEMS, AUTOMOBILE PARTS AND UNSANITARY CONDITIONS AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND OTHER MATTERS RELATING THERETO.

WHEREAS the City Council of the City of Roanoke deems it proper to nullify and replace Ordinances 700 and 810 to better provide for the public health, safety, morals and welfare of the Municipality.

WHEREAS the City Council of the City of Roanoke previously adopted Ordinance Number 820 that contained numerous typographical errors and the City Council now becoming aware of said errors and desiring to correct said errors.

NOW THEREFORE, be it ordained by the City Council of the City of Roanoke, Alabama that Ordinance Number 820.1 is hereby adopted as follows:

SECTION 1: DEFINITIONS

820.1-1.1. For the purposes of this Article the term "nuisance" shall mean: (1) Anything that unlawfully causes hurt, inconvenience or damage; or (2) That class of wrongs that arises from the reasonable, unwarrantable or unlawful use by a person of such person's own property, or the property of another person including but not limited to both real and personal property, or from such person's own improper, indecent, unsightly or unlawful personal conduct, working an obstruction of or injury to the right of another or of the public, and producing material annoyance, inconvenience, discomfort or hurt to another person or to the general public; or (3) Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property of another; or, (4) All buildings, structures or conditions which are: (a) unsafe, unsanitary or unfit for human habitation; or, (b) not provided with adequate egress; or (c) which constitute a fire hazard; or, (d) are otherwise dangerous to human life; or, (e) which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, abandonment; or accumulation of rubbish and debris.

820.1-1.2. Without affecting or limiting the generality of the above definition or meaning of the term "nuisance" as herein defined, it is declared that any of the conditions declared in this ordinance to be nuisances are within such definition.

820.1-1.3. Unless the context clearly indicated a different meaning, the following words and phrases, wherever used in this ordinance, shall have the meanings respectively ascribed to them in this section:

CITY means the City of Roanoke, Alabama

DISMANTLED, JUNKED OR ABANDONED VEHICLES shall be deemed to include major parts thereof, including bodies, engines, transmissions, rear ends, etc.
PERSON means and includes each and every individual, firm, corporation, person, association, company, partnership, or agency.

STREET OR HIGHWAY shall mean and include the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular travel.

VEHICLE shall mean and include a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

PROPERTY shall mean any real property within the City which is not a street or highway.

BUSINESS means and includes each and every exhibition, activity, trade, business, vocation, occupation, profession, machine, device, article or line of merchandise, engaged in, conducted, carried on, or operated in the City, or the police jurisdiction thereof, for which a license is required and provided for hereunder.

HOUSEHOLD ITEMS shall mean and include, for the purpose of this ordinance, as items and goods not normally used or stored outside of a residence or other enclosed building. Such items include (but are not limited to) kitchen appliances, clothes, dishes, hand or shop tools, furniture, plumbing fixtures such as tubs, sinks, commodes, televisions and stereo equipment.

SALVAGE AND/OR JUNKYARD shall mean and include a business dealing in buying or selling, holding or storing old or scrap metal, any rags, scrap paper, wrecked or abandoned vehicles, or any like old materials; or a place or premises where any person stores or allows to remain for more than three (3) days any old or scrap metals, rags, scrap paper, two or more vehicle bodies from which the motors have been removed, two or more motor vehicles which are valuable as junk only or as replacement parts on other motor vehicles, or any other articles commonly known and recognized as junk.

DANGEROUS STRUCTURES, WELLS AND EXCAVATIONS - DECLARED NUISANCES means and includes any unsightly building, billboard or other structure which has been abandoned or partially destroyed or commenced and left unfinished, which has been deemed to be unsuitable or unfit for human occupancy or habitation by any duly constituted official of the state department of health, the county department of health or the city building official, or any abandoned well or excavation not properly protected and which may attract children and endanger them in the course of play, shall constitute a public nuisance and may be abated as provided by law.

STAGNANT POOLS OF WATER - DECLARED NUISANCES means allowing stagnant pools of water to accumulate or exist is declared to be a public nuisance.

WRECKED, ABANDONED OR DAMAGED MOTOR VEHICLES - DECLARED NUISANCES shall mean and include major parts thereof, including bodies, engines, transmissions, rear ends, etc. and wrecked or damaged motor vehicles abandoned on private premises and on public streets, highways, and the right of ways thereof, particularly and including those vehicles which are visible, which are allowed to remain unmoved for extended periods of time on private premises other than licensed salvage or junk yards operating in compliance with the laws of Alabama and the City of Roanoke within view of a public right of way, constitute hazards to children, targets for vandals.
and thieves, shelters for rodents and other animals and eyesores to the immediate neighborhood, and therefore constitute public nuisances.

A vehicle legally or physically incapable of being operated shall include one which has not been duly registered according to law or which lacks the equipment in good operating condition as required by law to enable it to be registered.

**REASONABLE TIME** Without determining what constitutes a reasonable time for each condition that may arise, as that time may vary from situation to situation, any period over thirty (30) days is specifically declared an unreasonable time for any nuisance to remain in existence. Moreover, any period in excess of twenty-four (24) hours is specifically declared unreasonable for a vehicle to remain on the public road or right of way.

**GENDER** Wherever the context requires, the masculine gender shall include the feminine and neuter genders, and the plural shall include the singular and the singular shall include the plural.

**ENFORCEMENT OFFICER** (a) There is hereby created the position of building and nuisance enforcement officer within the City of Roanoke. This officer may also be referred to herein as the enforcing official and may also be that person referenced as the Zoning Administrator in Ordinance Number 682 of the City of Roanoke. This officer shall be a sworn law enforcement officer with the City of Roanoke to be supervised by the police chief of the City of Roanoke. In addition to all other powers and authorities of other policemen of the City of Roanoke the building and nuisance enforcement officer shall have such other and further duties as stated herein and as may be provided in other ordinances as well.

(b) It shall be the duty of the police officers of the City to report to the building and nuisance enforcement officer the existence of any nuisance known to them. The police officers of the City of Roanoke shall also have the authority to take such action as is appropriate to enforce any and all provisions of this ordinance except those provisions specifically delegated to the chief of police, the nuisance enforcement law officer or some other official of the City of Roanoke.

**SECTION 2: SPECIFIC CONDITIONS PROHIBITED**

820.1-2.1. **NUISANCE IS UNLAWFUL.** (a) It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property and it shall be unlawful to permit any dangerous building, structure or condition to remain or to continue in existence in any place after receiving an order from the enforcing official to abate the same by repair, rehabilitation, demolition or removal. It shall be unlawful to occupy any building or structure or permit it to be occupied while it is or remains a nuisance.

(b) Any tenant, lessee or such other person or entity which otherwise utilizes any property that constitutes a nuisance or who utilizes any property in a manner so as to constitute a nuisance shall be deemed in violation of this section 820.1-2.1.

(c) Any owner, landlord, lessor, or such other person or entity which controls any property that is used by another shall be in violation of this Section 820.1-2.1 in the event that tenant, lessee or such other user of the property utilizes the property in a manner as to constitute a nuisance.

820.1-2.2. It shall be unlawful and a nuisance for an owner of a lot that is vacant or that is not being used for the purpose of producing revenue to allow to remain thereon for any unreasonable length of time piles of rubbish, partially burned timbers from a burned building or other source or unsightly
and dangerous walls. It is likewise unlawful and a nuisance for the owner of any such lot to allow the debris from a burned building or other source to remain thereon in such manner as to obstruct the drainage of the lot.

820.1-2.3. It shall be unlawful and constitute a nuisance for any person to permit weeds to grow to a height in excess of six (6) inches on any premises or vacant lot owned or occupied by him within the City.

820.1-2.4. PREMISES TO BE KEPT FREE OF GARBAGE, WEEDS, INOPERABLE MOTOR VEHICLES AND TIRES, (a) Garbage and Junk. It shall be unlawful for the owner or other person in charge or control of a building, lot, or other premises within the City or the police jurisdiction to fail to keep said lot or premises clean and free from garbage, refuse, litter, junk, debris, salvaged materials, household items, trash, used motor vehicle tires, inoperable motor vehicles, kitchen appliances and other non-decorative matters, including any materials within which water may accumulate or which may shelter or encourage the growth of insects or rodents, or materials which generate obnoxious odors, or which offend the esthetics of the community and thereby cause a substantial diminution in the value of other property nearby, except under emergency conditions not to exceed forty-eight (48) hours. Likewise, it shall be unlawful for any person to deposit, store, or keep any of the aforesaid items on the premises of another person without the consent of the owner or other person in control of the premises. However, this subsection shall not apply to a licensed business if such activity is reasonably necessary incident in the operation of the business and is done in a manner which does not allow the accumulation of water within which mosquito larvae may live or encourage the growth of insects and/or rodents. Each day such condition is maintained, shall constitute a separate offense.

(b) Weeds, shrubs, other vegetable growth. It shall be unlawful for any owner, proprietor, or other person in charge or control of any lot, place or premises within the City or police jurisdiction when such lot, place or premises are not under cultivation for useful and productive purposes, to fail to keep and maintain the same free from injurious, noxious, or unsightly weeds, shrubs, and other vegetables or high grass growth. Each day such condition is maintained, shall constitute a separate offense.

SECTIONS: DUTIES

820.1-3.1. NOTICE TO REMEDY UNSAFE CONDITION OR TO DEMOLISH STRUCTURE.
(a) The term "appropriate city official" as used in this article shall mean any city employee designated by the mayor as the person to exercise the authority and perform the duties delegated by this article to the "appropriate city official."

(b) Whenever the appropriate city official finds that a building, structure, part of a building or structure, party wall, or foundation situated in the city is unsafe to the extent that it is a public nuisance, the official shall give the person or persons, firm, association, or corporation last assessed for state taxes and all mortgagees of record written notice to remedy the unsafe or dangerous condition of the building or structure or to demolish the building or structure within the time set out in this article, or that the building or structure may be demolished by the city and the cost thereof assessed against the property. A copy of the notice shall be served by first-class mail or by personal service.
(c) Notice of the order, or a copy thereof, prior to the delivery or mailing of the order as required by this section shall also be posted at or within three feet of an entrance to the building or structure. If there is no entrance or other multiple entrances, the notice may be posted at any location upon the building or structure.

820.1-3.2. AUTHORITY OF CITIES TO DEMOLISH UNSAFE BUILDINGS. The city shall have authority, after notice as provided herein, to move or demolish buildings and structures, or parts of buildings and structures, party walls, and foundations when any of the above are found by the governing body of the city to be unsafe to the extent of being a public nuisance from any cause.

820.1-3.3. No person, firm or corporation shall deposit, store, keep or permit to be deposited, stored or kept in the open upon public or private property a dismantled, unserviceable, junked or abandoned vehicle, or one legally or physically incapable of being operated, unless a license for said storage has theretofore been obtained from the proper authority.

820.1-3.4. REMOVAL FROM PRIVATE PROPERTY, (a) When any nuisance, other than one in regards to a building, structure, part of a building or structure party wall or foundation, is found to exist on private property within the City or its police jurisdiction, the police of the City of Roanoke, shall serve written notice on the owner of the property or his tenant or agent, if known. Such notice shall describe the nuisance and prescribe a time not to exceed fourteen (14) days, within which it is to be removed or abated by the owner, tenant, or agent.

(b) When a nuisance is not removed or abated in accord with a notice given pursuant to subsection (a) above, the police shall issue a citation to the person or entity to whom the notice was given. The guilt or innocence of the person receiving said citation shall be determined by Municipal Court of the City of Roanoke. A person or entity found guilty of violating this ordinance will be guilty of violating a municipal ordinance and be subject to the payment of a $200 fine or the statutory maximum for such violation(s).

820.1-3.5. WRECKED AND ABANDONED CARS. (1) In addition to the definition of abandoned vehicle stated elsewhere in this ordinance, the definition of abandoned motor vehicle shall include the definition stated in the Code of Alabama, 1975, Section 32-13-1, as may be amended from time to time.

(2) Except as otherwise specifically stated herein, upon an abandoned vehicle being located the procedures for remedying the situation shall be followed as stated in Code Alabama, 1975, Section 32-13-1, as may be amended from time to time.

(3) If any wrecked or abandoned vehicle or any other object is in a public highway, alley, street or thorough fare or situated so that it causes a present hazard or unduly obstructs traffic, ingress to or egress from private or public property, the same may be removed by the police department without any prior notice and all costs of the same shall be assessed against the owner or the operator of said vehicle.

(4) Neither the owner, lessee, or occupant of the premises from which the aforesaid vehicle shall be removed, its servants or agents, or the City, shall be liable for any loss or damage to said vehicle while being removed, or while in the possession of the City, or as a result of any subsequent sale or other disposition.
SECTION 4: NOTICE TO ABATE NUISANCE

820.1-4.1. (a) The notice shall require the owner to abate the nuisance within the time stated in the notice or to request a hearing before the administrative officer designated by the mayor or council to determine whether there has been a violation. The notice shall apprise the owner of the facts of the alleged nuisance and shall name the particular date, time, and place for the hearing, if requested. The notice shall contain the names of all owners and lien holders of the property, a legal description of the property, and the nature of the proceeding.

(b) The notice shall be sent to the person shown by the records of the county tax collector to have been the last person assessed for payment of ad valorem tax on the property where the nuisance is situated. It shall be the responsibility of the person to promptly advise the appropriate city official of any change of ownership or interest in the property. The appropriate city official shall cause a copy of each building nuisance notice to be recorded in the Office of the Judge of Probate.

(c) The notice shall require the owner to complete abatement of the nuisance within 120 days from the date of the notice, provided the appropriate city official may stipulate additional time, but in no case more than a total of 150 days.

(d) The notice may also require the immediate vacation of a building or structure and prohibit its occupation until the required repairs and improvements have been completed, inspected, and approved by the appropriate city official. In these cases, the official shall post at each entrance to the building or structure a sign stating “THIS STRUCTURE IS UNSAFE. ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CITY OF ROANOKE”, or words of similar import, and shall be signed and dated. The sign shall remain until the required repairs and improvements have been made or the structure has been demolished and removed. The sign shall not be removed without permission of the official whose name is affixed thereon. No person shall enter the structure except for the purpose of making the required repairs or demolishing the structure.

(e) Whenever in the opinion of the building and nuisance enforcement officer a nuisance exists as defined in the Code of the City of Roanoke, Alabama, or other applicable law or ordinance, and in the opinion of the nuisance enforcement officer it is not practical or appropriate to issue citations for a nuisance, the said officer shall order the owner, agent, occupant, and/or lessee of the property on which the nuisance is located to abate the same. If however in the opinion of the nuisance enforcement officer the nuisance was caused or left by persons not the owner, occupant or lessee of the property the said officer may order the person who caused the nuisance to abate the same. Abatement shall mean full and complete removal of any declared nuisance.

(f) In the event two or more citations have been issued regarding a nuisance at the same location within a period of twelve (12) months a rebuttable presumption shall exist that abatement is the proper remedy for the said nuisance.

SECTION 5: APPEALS FROM NOTICE TO ABATE

820.1-5.1. A hearing before the administrative official may be requested within five days of the date of the notice of the appropriate city official. The appropriate city official shall notify the owner by personal service or by first-class mail of the determination of the administrative official. If the administrative official determines that a nuisance exists, the owner shall comply with the initial order to abate issued by the appropriate city official, with any modifications as may be made by the administrative official.
SECTION 6: FAILURE TO COMPLY

820.1-6.1. When a nuisance is not removed or abated when a nuisance exists on any property, the owner of which is not known or on the property of a nonresident having no agent or tenant on whom notice may be served, it shall be the duty of the Chief of Police to have the nuisance abated or removed. The expenses of doing so shall be a charge or a lien on the property and, on being reported to the City Council, an order shall be made taxing the same against the property and the amount shall be collected at the same time and in the same manner as annual taxes, in addition, resort may be had to a court of equity to enforce the lien.

820.1-6.2. (a) If the owner fails, neglects, or refuses to comply with the notice to abate the nuisance, there shall be a public hearing before the City Council. Notice of the hearing shall be given to the owner at least five days in advance by personal service or by first-class mail.

(b) After the public hearing, the City Council may by resolution order the appropriate city official to proceed with the work specified in the notice or may order that the nuisance be demolished or removed or may find that no nuisance exists. If the owner appears at the public hearing, no further notice of the order of the City Council shall be required. If the owner fails to appear, notice of the order of the City Council shall be mailed to the person's last known address and shall be published once in a newspaper of general circulation in the city. Upon the expiration of seven days from the date of the resolution, the appropriate city official shall proceed to carry out the decision of the council.

820.1-6.3. The owner of any vehicle so removed may regain possession thereof from said City by making application therefore within thirty (30) days after its receipt by said City upon paying to said City all reasonable costs of removal, which shall be repaid to the person who paid or incurred such charges, plus an additional charge of five dollars per day ($5.00) for storage charge of said vehicle while in possession of the City.

820.1-6.4. If no claim for said aforedescribed vehicle is made within two (2) months after receipt thereof, said City may sell vehicle for the best price obtainable as junk or otherwise and the proceeds thereof shall be used to pay the reasonable charges of delivering the same to said City if a claim therefore be made by the person who paid said charges, the expenses of keeping and disposing of said vehicle, and any balance shall be paid into the General Fund.

820.1-6.5. Neither the owner, lessee, or occupant of the premises from which any aforedescribed vehicle shall be removed, his or its servants or agent, or the City, shall be liable for any loss or damage to said vehicle while being removed, or while in the possession of the City, or as a result of any subsequent sale or other disposition.

SECTION 7: ASSESSMENT OF COST LEVY

820.1-7.1. COSTS OF DEMOLITION; CITY TO OBTAIN LIEN. Upon demolition of the building or structure, the appropriate city official shall make a report to the governing body of the costs thereof, and the governing body shall adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and assessing the same against the property. The proceeds received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of demolition. Any person, firm, or corporation having an interest in the property may be heard at the meeting as to any objection he or she may have to the fixing of the cost or the amounts thereof. The city clerk shall give not less than five days' notice of the meeting at which the fixing of the costs are to be considered, by first-class mail to the last known address of the owner. The fixing
of the costs by the governing body shall constitute a special assessment against the lot or lots, or the parcel or parcels of land upon which the building or structure was located, and shall constitute a lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property except liens for taxes, and shall continue in force until paid. The City Clerk shall mail a copy of the resolution to the person last assessing the property for taxes and all mortgagees of record, and a certified copy of the resolution shall also be filed in the Office of the Judge of Probate of the county in which the city is situated. The City Clerk shall forward a copy to the county tax collector. Upon the filing, the tax collector shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the city.

820.1-7.2. PAYMENT OF COSTS. The City, in ordering any repair or demolition, the cost of which or any part thereof is to be assessed against any property in accordance with this ordinance, may provide that the same shall be paid in cash within 30 days after the final assessment; provided, however, that if the assessed amount is greater than ten thousand dollars ($10,000), the property owner may, at his election, by notifying the municipal official charged with the duty of collecting the assessments in writing within 30 days after the final assessment is determined, pay the final assessment in 10 equal annual installments, which shall bear interest at a rate not exceeding 12 percent per annum. Interest shall begin to accrue upon the expiration of 30 days from the date on which the final assessment is set by the governing body and the interest shall be due and payable at the time and place the assessment is due and payable.

Any person who elects to make installment payments may pay the outstanding balance of the final assessment together with all accrued interest thereon at any time during the installment payment schedule. The first installment shall be payable within 30 days after the final assessment is determined, and all installments thereof shall be payable at the City Clerk's office. Upon full payment of the final assessments and accrued interest thereon, the municipality shall record a satisfaction of the lien in the office of the judge of probate.

820.1-7.3 FAILURE TO MAKE PAYMENT. If the property owner fails to pay the assessment lien within 30 days, or having elected to make installment payments, fails to make any installment payment when due, the whole assessment lien shall immediately become due and payable, and the officer designated by the City to collect the assessment shall proceed to sell the property against which the assessment lien is made to the highest bidder for cash, but in no event less than the amount of the lien plus interest thru the date of the default. Prior to the sale, notice shall be given by publication once a week for three consecutive weeks in a newspaper published in the municipality or of general circulation therein, setting forth the date and time of the sale and the purpose for which the same is made, together with a description of the property to be sold. If the officer shall fail to advertise and sell any property on which the payments are past due, any taxpayer of the issuing municipality shall have the right to apply for a writ of mandamus requiring the official to take such action to any court of competent jurisdiction, and the court shall, on proof, issue and enforce the writ.

SECTION 8: COLLECTION REMEDY OF CITY

820.1-8.1. AUTHORITY TO ASSESS AGAINST PROPERTY SOLD TO STATE FOR NONPAYMENT OF TAXES; EFFECT OF SUBSEQUENT REDEMPTION OR SALE BY STATE ON LIEN. The city shall have the power to assess the costs authorized by this article against any lot or lots or parcel or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes. When an assessment has been made against a lot or lots or parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the
state, shall not operate to discharge, or in any manner affect the lien of the city for assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots or parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to the assessment.

820.1-8.2. SALE OF PROPERTY UPON DEFAULT:

(a) Any property owner, notwithstanding his or her default, may pay the assessment lien with interest and all costs if tendered before a sale of the property.

(b) The cost of any notice and sale resulting from a default on paying an assessment shall constitute a charge against the property to be sold and shall be retained out of the proceeds of the sale.

(c) The officer making the sale shall execute a deed to the purchaser, which shall convey all rights, title, and interest which the party against whose property the assessment was made had or held in the property at the date of making the assessment or on the date of making the sale. Any surplus arising from the sale shall be paid to the city clerk/treasurer to be kept as a separate fund by the city clerk/treasurer for the owner upon the responsibility of his or her official bond. The municipality may, by its agents, purchase real estate sold as provided under this ordinance and, in the event of the purchase, the deed for the same shall be made to the municipality.

(d) No mistake in the notice of sale in the description of the property or in the name of the owner shall vitiate the assessment or the lien and if for any reason, the sale made by the municipality is ineffectual to pass title, it shall operate as an assignment of the lien. and, upon the request of the purchaser, supplementary proceedings of the same general character as required in this ordinance may be had to correct the errors in the proceedings for his or her benefit or the lien so assigned to him or her may be enforced by civil action.

820.1-8.3. REDEMPTION OF THE PROPERTY:

(a) Any real property heretofore or hereafter sold for the satisfaction of an assessment lien imposed thereon by the City Council may be redeemed by the former owner, or his or her assigns, or other persons authorized to redeem property sold for taxes by the state, within two years from the date of the sale by depositing with the officer designated by the City Council to collect the assessments the amount of money for which the lands were sold, with interest thereon at the rate of 12 percent per annum from the date of the sale through the date of the payment.

(b) In addition to any other requirements set forth in this ordinance, the proposed redemptioner must pay or tender the purchaser or his transferee all insurance premiums paid or owed by the purchaser with accrued interest on the payments computed from the date the premiums were paid at 12 percent per annum through the date of payment.

(c) In addition to any other requirements set forth in this section, the proposed redemptioner must pay or tender to the purchaser or his transferee the value of all permanent improvements made on the property determined in accordance with this ordinance. As used herein "permanent improvements" shall include, but not be limited to, all repairs, improvements, and equipment attached to the property as fixtures. The proposed redemptioner shall make
written demand upon the purchaser of a statement of the value of all permanent improvements made on the property since the assessment sale. In response to written demand made pursuant to this section, the purchaser shall within 10 days from the date of the demand, furnish the proposed redemptioner with the amount claimed as the value of the permanent improvements, and within 10 days after receipt of the response, the proposed redemptioner either shall accept the value so stated by the purchaser, or disagreeing therewith, shall appoint a referee to ascertain the value of the permanent improvements. The proposed redemptioner shall in writing (i) notify the purchaser of his or her disagreement as to the value; and (ii) inform the purchaser of the name of the referee appointed by him or her. Within 10 days after the receipt of notice, the purchaser shall appoint a referee to ascertain the value of the permanent improvements and advise the proposed redemptioner of the name of the appointee. The two referees shall, within 10 days after the purchaser has appointed his or her referee, meet and confer upon the award to be made by them. If they cannot agree, the referees shall at once appoint an umpire, and the award by a majority of the body shall be made within 10 days after the appointment of the umpire and shall be final between the parties.

(d) If the proposed redemptioner fails or refuses to nominate a referee as provided in subsection (c), he or she shall pay the value put upon the improvements by the purchaser. If the purchaser refuses or fails to appoint a referee, as provided in subsection (c), the purchaser shall forfeit his or her claim to compensation for the improvements. The failure of the referees or either of them to act or to appoint an umpire shall not operate to impair or forfeit the right of either the proposed redemptioner or the purchaser in the premises, in the event of failure without fault of the parties to affect an award, the appropriate court shall proceed to ascertain the true value of the permanent improvements and enforce the redemption accordingly.

(e) In addition to all other payments provided hereunder, the proposed redemptioner shall also pay interest to the purchaser on the value of all permanent improvements computed from the date the improvements were made at the rate of 12 percent per annum through the date of the payment.

820.1-8.4. EXTENSION OF REDEMPTION. The fixed two-year period of redemption allowed by Section 8 for the redemption of any property heretofore or hereafter sold for the satisfaction of any assessment lien may be extended to a date 60 days after the date of the certificate of warning to redeem provided for in Section 10, but in no event for a longer period than six years from the date of such sale.

820.1-8.5. CERTIFICATE OF WARNING TO REDEEM. At any time after an assessment sale deed has been recorded in the office of the judge of probate in which the property therein described lies and after expiration of the fixed two-year period of redemption allowed by Section 8, any person may apply to the judge of probate for the certificate of warning to redeem, which references the recorded volume and page number of the deed to be recorded in the real estate records, in substantially the following form: "I hereby certify that on or prior to the date of this certificate, I mailed a certified copy of the deed here recorded, together with notice that the same is here recorded, and a warning to redeem to each of the one or more persons other than the grantee in said deed, to whom the property therein described was last finally assessed for ad valorem taxation at the address of each such person as shown by said ad valorem tax assessment records. This ___ day of _______, 2____, Judge of Probate, Randolph County, Alabama."
820.1-8.6. APPLICATION FOR ENTRY OF CERTIFICATE. At the time of application for entry of the certificate of warning to redeem, the applicant shall deliver to the judge of probate three certified copies of the recorded deed and shall pay the judge of probate a fee of one dollar ($1). Copies of the deed need not include any certificate of acknowledgment. The applicant shall also deliver to the judge of probate a certified copy of the ad valorem tax assessment records of the county containing the name of the person or persons other than the grantee in the deed to whom the property described in the deed was last finally assessed for ad valorem taxation, together with the address for each person as shown by the tax assessment records, or an affidavit that there is no one else. The judge of probate shall promptly mail to each person at such address one of the aforesaid certified copies of the deed, together with an attached warning to redeem in substantially for the following form: "Take notice that there is recorded in my office in Deed Book __ at page __ a deed of which the attached is a correct copy. You are warned that unless you, or those claiming under you, take prompt steps to redeem from those claiming under the deed, all rights of redemption may be lost. This _____ day of ____________, 2 __, Judge of Probate, Randolph County, Alabama."

Promptly upon or after mailing the notice or notices and certified copy or copies of the deed, it shall be the duty of the judge of probate to record in the real estate records the signed and dated certificate of warning substantially as prescribed by Section 10. At the expiration of 60 days after the date of the certificate all rights to redeem from the sale shown by the deed shall cease and desist.

820.1-8.7. REDEMPTION EFFECTED. Redemption may be effected after expiration of the fixed two-year period of redemption allowed or provided by Section 8 and before the extended period of redemption has expired in the same manner and at the same redemption price as is provided in Section 8; provided, that if the judge of probate has made the certificate of warning to redeem as provided in Section, said redemption price shall be increased by one dollar ($1).

SECTION 9: NOT EXCLUSIVE REMEDY

820.1-9.1. In addition to remedies otherwise provided for herein, the governing body of the City may cause an action to be instituted to enjoin or abate any nuisance.

SECTION 10: CONSTRUCTION OF ARTICLE


SECTION 11: EMERGENCY ACTION

820.1-11.1. Notwithstanding any other provisions of this ordinance, the City of Roanoke shall have authority to enact, and authorize the appropriate city official to initiate immediate repair or demolition of a building structure when, in the opinion of the official so designated, such emergency action is required due to imminent danger of structural collapse endangering adjoining property, the public right of way, or human life or health. The cost of the emergency action shall be fixed by the City Council and shall be assessed as provided in this ordinance.
SECTION 12: EFFECT OF RESOLUTIONS AND ACCOUNT REPORTS CONFIRMED BEFORE ENACTMENT OF ORDINANCE

820.1-12.1. All resolutions authorizing abatement or removal of nuisances enacted prior to the passage of this Ordinance under the authority of any other act, are hereby given full force and effect, and the City may proceed to have said nuisances removed or abated as provided under said authority.

All account reports previously confirmed prior to the enactment of this Ordinance are hereby given full force and effect, and the City may proceed to collect these special assessments in the same manner as provided by prior Ordinances.

SECTION 13: REPEAL OF CONFLICTING ORDINANCES

820.1-13.1. All Ordinances or parts of Ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 14: SEPARABILITY

820.1-14.1. Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 15: EFFECTIVE DATE

820.1-15.1. As replacement of Ordinances 700 and 810 and correcting of Ordinance 820 of the City of Roanoke, Alabama, Ordinance 820.1 shall become effective on April 25 of 2011, and shall continue in effect from year to year thereafter, except to the extent that the same may be hereafter amended or repealed.

Adopted and approved on this 25 day of April, 2011.

[Signature]
Mayor

ATTEST:
[Signature]
City Clerk