



CITY OF OWENS CROSS ROADS

ORDINANCE NO. 24-008

Replaces Ordinances No. 22-002, 20-009, & 02-02A

Addendum to the City Zoning Ordinance

AN ORDINANCE TO ABATE AND CONTROL THE GROWTH OF GRASS, WEEDS, SHRUBBERY, AND ELIMINATE NUISANCES INCLUDING BUT NOT LIMITED TO JUNK, LITTER, AND INOPERABLE VEHICLES ON CITY RIGHTS-OF-WAY, STREETS, SIDEWALKS, OR UPON PRIVATE PROPERTY IN THE CITY OF OWENS CROSS ROADS AND TO PROVIDE PENALTIES FOR VIOLATIONS OF ITS PROVISIONS AND ALLOW FOR THE CITY TO ABATE SAID ISSUES IF RESPONSE IS NOT MADE BY VIOLATOR WITHIN SEVEN (7) DAYS.

WHEREAS, the City of Owens Cross Roads is empowered to enact ordinances to protect and to promote the general public health, safety, and welfare; so

NOW THEREFORE, BE IT ORDAINED by the City Council of Owens Cross Roads as follows:

Section 1. Purpose

The purpose of this ordinance is to protect the public health, safety, and welfare by controlling the growth of grass, weeds, and shrubbery, and by eliminating nuisances such as junk, litter, and inoperable vehicles on city rights-of-way, streets, sidewalks, or upon private property.

Section 2. Definitions

For the purposes of this ordinance, the following definitions shall apply:

- **Nuisance:** Any condition that is injurious to health, 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.
 - **Grass, Weeds, and Shrubby:** Vegetation that exceeds eight (8) inches in height and is not part of a maintained garden or landscape.
 - **Junk:** Discarded or unused objects, such as appliances, furniture, or scrap materials.
 - **Litter:** Waste material, including paper, cans, bottles, and other debris.
 - **Vehicle:** Shall mean any device in, upon, or by which any person or property may be transported, carried, or drawn from one place to another, and shall include but not be limited to motor vehicles, boat trailers, utility trailers, horse trailers, bicycles, vans, tractors, buses (school or church or any other), or other devices.
 - **Inoperable:** Shall mean incapable of being used for the manufactured designed or intended purpose.
 - **Inoperable Vehicle:** Shall mean any vehicle that is in a state of disrepair, disassembly, or damage that renders the vehicle inoperable or incapable of being used for its designed or intended purpose.
 - **Motor Vehicle:** Shall mean any vehicle which is self-propelled, and shall include, but not be limited to, automobiles, trucks, buses, vans, motorcycles, motorhomes, dune-buggies, tractors, and motorized recreational vehicles.
 - **Non-Motorized Vehicle:** Shall mean any vehicle that is not self-propelled, and shall include, but not be limited to, camping trailers, utility trailers, boat trailers, and horse trailers.
 - **Obstruction of Visibility:** any fence, wall, hedge, or other planting or structure that will obstruct visibility between a height zone of two and one-half (2 ½) and six (6) feet above ground level.
-

- **Private Property:** Any property not owned by the city, including residential, commercial, and industrial properties.
- **Rights-of-Way:** Public land designated for transportation use, including streets, sidewalks, and easements.

Section 3. Land Subject to Regulations

A. This ordinance applies to the following:

1. Lots in a platted subdivision with a structure.
2. Vacant lots within platted residential subdivisions in which buildings have been erected upon 60 percent or more of the lots.
3. All parcels of land considered as yards/lawns for homes or businesses within the township, to a depth of one hundred sixty-five (165) feet or the depth of the ownership, whichever is the lesser.

B. This ordinance does not apply to:

1. Land used for agricultural purposes including weeds in fields devoted to growing any small grain crops such as hay, wheat, oats, barley, or rye.
2. Portions of lots used for flower gardens, shrubbery or vegetable gardens.
3. Naturally wooded areas, regulated wetlands or meadows.
4. Areas designated as undeveloped open space.

Section 4. Prohibited Conduct

It shall be unlawful for any property owner or occupant (residential or commercial) to permit the growth of grass, weeds, or shrubbery in excess of eight (8) inches in height, including grass, weeds, and shrubbery in the right-of-way, or to allow junk, litter, or inoperable vehicles to remain on their property in a manner that constitutes a nuisance. It shall be the duty of all owners and/or occupants of land located in the City of Owens Cross Roads either to cut or otherwise destroy by lawful means all tall grass and weeds, as defined in this ordinance. On an undeveloped lot, tall grass and weeds must be cut back at a distance of at least thirty (30) feet from adjacent properties and from the roadway, to include ditches and ditch banks, so as to allow a clear line of site.

It shall be unlawful for the owner and/or occupant of any parcel of land to allow the deposit or accumulation of any brush, yard debris, dead vegetation, or cut grass or weeds so as to create a nuisance due to unsightliness, promotion of vermin habitat, an unhealthy or unsafe condition, or traffic hazard, or fire hazard. Grass or debris blown on the roadway (street, highway, road) is unlawful as it causes a hazard for traffic and water drainage. It also shall be unlawful for a vehicle to be parked on any roadway within thirty (30) feet of an intersection, in front of driveways not belonging to your residence, or in front of mailboxes or fire hydrants.

As stated in the City of Owens Cross Roads Zoning Ordinance, fences, walls, and hedges may be permitted in any side or rear yard, or along the edge of any front yard; provided that no solid fence, solid wall, or hedge along the side edge of any required front yard or along the front edge of any required side yard shall constitute any obstruction to visibility that is no higher than two and one-half (2 ½) feet and that the canopy of trees may not be below six (6) feet above ground level. Hedges shall be permitted in required front yards, provided they do not extend into the city right-of-way.

On a corner lot in all residential zoning districts, no fence, wall, hedge, or other planting or structure that will obstruct vision that is no higher than two and one-half (2 ½) feet and that the canopy of trees may not be below six (6) feet above the centerline grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the right-of-way lines at such corner lots and a straight line joining said right of

way lines at points which are thirty (30) feet distance from the intersection of the right-of-way lines and measured along said right-of-way lines.

RESIDENTIAL PROPERTY

It shall be unlawful and a violation of this ordinance for any person to store or keep upon the premise of any residential lot, apartment building or complex, or other track of land or lot used for residential purposes, any inoperable vehicle, scrap, or junk, as defined herein, unless the same is housed in and approved, enclosed, covered structure so as not to be viewable from any public way or any other private property and in such a manner as to prevent a health, fire, or safety hazard.

COMMERCIAL PROPERTY

It shall be unlawful and a violation of this ordinance for any person to store or keep upon commercial property within the City of Owens Ross Roads, Alabama, any inoperable vehicle, scrap, or junk, unless the same is housed in an approved, enclosed, and/or covered structure.

Every junk and salvage yard, scrap metal processing yard, or automobile junkyard shall be enclosed, except for entrances and exits, with a solid, or otherwise nontransparent vertical wall or fence of a minimum height of eight feet measured from ground level at any point. Entrances and exits shall not be wider or more numerous than is reasonably necessary for the conducting of business. This requirement may be waived and/or modified as to any side or portion of said premises which are adequately screened by natural objects, plantings, structure, or other appropriate means so as not to be visible from public ways or from adjacent property.

It shall be unlawful and a violation of this ordinance to keep or store upon the premises of any retail store or shop, secondhand store, thrift store or similar commercial property or establishment, any merchandise, goods, or wares, including but not limited to gas or electric appliances, parts thereof, plumbing fixtures, or parts thereof; lawn mowers or lawn mower parts; machinery, equipment, implements, utensils, or other items displayed for sale to the general public, unless the same is housed in an approved, enclosed covered structure, or, is enclosed by a solid, or otherwise non-transparent vertical wall or fence that is a minimum of six (6) feet in height measured from ground level so as not to be viewable from adjacent public ways or from adjacent residential property, and is stored in such a manner as to prevent any health, safety, or fire hazard.

Section 5. Exceptions

Excepted from the requirements are:

- 1) Materials stored or located on the premises of any junk and salvage yard, scrap metal processing yard or automobile junkyard that is duly licensed and operated in compliance with all applicable codes and ordinances of the City of Owens Cross Roads, Alabama.
- 2) Vehicles being repaired or awaiting repair that are located on the premises of any automobile repair shop, auto body repair shop, or other vehicle repair enterprise that this duly licensed and operated in compliance with all applicable codes and ordinances of the City of Owens Cross Roads, Alabama, provided said vehicles are so located or stored in a manner as to prevent any health, fire, or safety hazard.
- 3) Materials, goods, and/or supplies which are normally stored, displayed, or kept outside on the premises of building supply companies, lumber yards, plumbing supply companies, nurseries, and similar commercial establishments so long as the same are so stored in such a manner as to prevent overgrowth with grass and/or weeds, the harboring of rats, mice, insects, reptiles, and other vermin,

so as to prevent any health, fire, or safety hazard.

- 4) Merchandise, goods, or supplies that are displayed on the premises of duly licensed retail or commercial sales establishments for the purpose of temporary special promotional sales, so long as the same are displayed in a manner to prevent any health, fire, or safety hazard while so displayed. Displays under this section shall be permitted only one time per year, not to exceed sixty (60) days in any calendar year.
- 5) Automobiles, trucks, boats, tractors, agricultural or industrial equipment, lawn and garden equipment, and other vehicles that are displayed on the premises of establishments that are duly licensed for the sales of such items.
- 6) Building materials located on premises where a valid permit is in existence for construction or repair.
- 7) This ordinance does not apply to agriculture equipment, mechanic or auto body businesses, hobbyists, or vehicles pending litigation.

Section 6. Notice of Violation

Upon determination that a violation of this ordinance exists, the city shall issue a written violation notice to the property owner and/or occupant. The notice shall include:

- A description of the violation.
- The required corrective action.
- A deadline of seven (7) days from the date of the notice to abate the violation.

Section 7. Enforcement and Penalties

If the property owner or occupant fails to abate the violation within seven (7) days, the city may:

- Impose a fine of \$100 for the first offense, if the nuisance item fails to be removed after the initial seven-day abatement period and City Hall has not been contacted regarding the nuisance issue, then the City Council may also authorize private contractors, companies, enterprises, or individuals to abate and remove the nuisance. The City Council, by resolution, shall designate the contractors, companies, enterprises, or individuals who may perform the work. Those persons so designated may enter upon private property for purposes of abating or removing the nuisance. The City of Owens Cross Roads, its agents and representatives shall not be responsible for damage to buildings, vehicles, landscape, trees, shrubs, etc., during the mowing of property or removing of shrubbery, fencing, or other nuisance that is in violation of this ordinance. For purposes of this article, compliance with the competitive bid law is not required. The violation fine along with the cost of such abatement will be charged to the property owner. The city shall provide an itemized bill to the property owner, who shall have thirty (30) days to pay. If payment is not made, a lien may be placed on the property.

Section 8. Emergency Abatement

In cases where the violation poses an immediate threat to public health or safety, the city may abate the nuisance without prior notice. The property owner shall be responsible for the costs of emergency abatement.

Section 9. Appeals

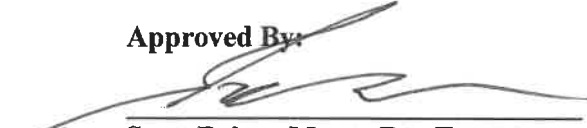
Property owners may appeal a notice of violation or the costs of abatement to the City Council within five (5) days of receipt of the notice or bill. The City Council shall hear the appeal at the next regularly scheduled council meeting and make a ruling within thirty (30) days.

Section 10. Effective Date

This ordinance shall take effect immediately upon its adoption and publication as required by law.

ADOPTED AND APPROVED this 23rd of July, 2024.

Approved By:



Scott Baker, Mayor Pro Tempore

Attest By:



Christie D. Eason, City Clerk



City of Owens Cross Roads, Alabama, certificate of publication: This is to certify that Ordinance No. 24-008 was published by posting on the City website, and on four (4) bulletin boards within the City.