

COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 16-O-08

Introduced By:	Mayor Patrick L. McGrady
Date Introduced:	April 11, 2016
Amendments Adopted:	May 23, 2016
Date Adopted:	May 23, 2016
Date Effective:	June 13, 2016

1 **AN ORDINANCE concerning**

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3 **LIEN FOR NUISANCE ABATEMENT**

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5 **FOR** the purpose of providing a process for the City to abate certain nuisances on private
6 property; providing that certain costs incurred by the City for the abatement of certain nuisance
7 violations are a lien on the landowner's property in the same manner as City real property taxes;
8 and generally relating to the City's recoupment of costs incurred to abate certain nuisance
9 violations on private property.

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11 **BY** repealing and reenacting, with amendments
12 Chapter 250. ENVIRONMENTAL CONTROL
13 Article III, Property Maintenance and Control
14 Section 250-8
15 Code of the City of Aberdeen (2010 Edition as amended)

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted
from the law by amendment.

* * * indicates existing unmodified text omitted from Ordinance

16 **SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF**
17 **ABERDEEN**, that Section 250-8 of the Code of the City of Aberdeen (2010 Edition as
18 amended), Chapter 250. ENVIRONMENTAL CONTROL, Article III, Property Maintenance
19 and Control, is repealed and reenacted, with amendments, to read as follows:

Chapter 250. ENVIRONMENTAL CONTROL

Article III. Property Maintenance and Control

§ 250-8. Responsibility of owner and occupant.

- A. The owner or occupant of any improved or unimproved lot or parcel of land shall be responsible for the removal of any nuisance arising from the accumulation of garbage, junk, trash or refuse or the presence of stagnant water, waste or any combustible material.
- B. The occupant or owner of any property shall at all times be responsible for the sanitary condition of such property occupied or owned by him. It shall be unlawful for any person to place, deposit or allow refuse to be placed or deposited on his property unless it is placed in containers in preparation for final disposal. It shall also be unlawful for any person to create a junkyard or salvage operation in any residentially zoned district.
- C. NOTICE OF ABATEMENT SHALL REQUIRE THAT THE OWNER AND/OR OCCUPANT REMOVE OR OTHERWISE ABATE A NUISANCE OR UNSANITARY CONDITION THAT IS IN VIOLATION OF THIS SECTION WITHIN SEVEN CALENDAR DAYS FROM THE DATE OF NOTICE.
- D. SERVICE OF THE NOTICE SHALL BE BY PERSONAL SERVICE OR CERTIFIED AND REGULAR MAIL TO THE LAST KNOWN ADDRESS OF THE PERSON IN WHOSE NAME THE PROPERTY IS ASSESSED FOR TAX PURPOSES AND THE TENANT OR OCCUPANT.
- E. IF THE PROPERTY OWNER, TENANT AND/OR OCCUPANT FAILS TO WITHIN SEVEN CALENDAR DAYS OF DATE OF NOTICE TO REMOVE OR OTHERWISE ABATE THE NUISANCE OR UNSANITARY CONDITION SPECIFIED IN THE NOTICE, THE CITY SHALL ABATE THE VIOLATION BY USE OF CITY EMPLOYEES AND EQUIPMENT OR BY CONTRACT WITH PRIVATE CONTRACTORS.
- F. A VIOLATION OF THIS SECTION IS A MUNICIPAL INFRACTION. A PROPERTY OWNER AND/OR TENANT OR OCCUPANT WHO FAILS TO ABATE A VIOLATION OF THIS SECTION SHALL BE FINED IN ACCORDANCE WITH THE PROVISIONS IN ARTICLE X (ENFORCEMENT) OF THIS CHAPTER AND ASSESSED ALL COSTS INCURRED BY THE CITY ASSOCIATED WITH THE ABATEMENT OF THE VIOLATION AND THE CITY'S ADMINISTRATIVE COSTS. ALL COSTS SHALL BE A LIEN ON THE OWNER'S LAND AND SHALL BE COLLECTED AND ENFORCED IN THE SAME MANNER AS CITY REAL PROPERTY TAXES, EXCEPT THE LAND MAY NOT BE SOLD AT TAX SALE TO SATISFY THE LIEN.

1 **SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY**
2 **OF ABERDEEN**, that this Ordinance shall become effective at the expiration of twenty (20)
3 calendar days following adoption.

COUNCIL OF THE CITY OF ABERDEEN



Patrick L. McGrady, Mayor

Steven E. Goodin, Councilman

Sandra J. Landbeck, Councilwoman

Timothy W. Lindecamp, Councilman

Melvin T. Taylor, Councilman

ATTEST:

SEAL:



Monica A. Correll, City Clerk

Date

June 9, 2016