

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 2, 2014**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:30 p.m. on the 2nd day of September, 2014 being the scheduled time and approved place for said meeting. The meeting was called to order by James Holland, President of the Council. The invocation was given by Bill Howard. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, MIKE LOCKHART
 JAMES HOLLAND, ALLEN NOLES
ABSENT: NONE

James Holland, President of the Council, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of transaction of business. Mayor David Bradford was present. Elaine Coan, Assistant City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto seconded by Council Member Lockhart and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of August 18, 2014 and the Council Recreation Committee meeting minutes of August 18, 2014 and approved the minutes as written.

Mayor Bradford presented certificates of recognition to the Muscle Shoals High School Golf Team for winning the 5A state championship.

Mr. Lawrence Brown, 1200 Midland Avenue, Muscle Shoals appeared before the Council and was recognized. Mr. Brown spoke about a car wash on John R Avenue he is trying to open.

Mr. James Turbyfill appeared before the Council and was recognized. Mr. Turbyfill thanked the Council for the installation of guardrails at Southgate Mall.

President Holland announced that the next item of business was consideration of a resolution to make an appointment to the Shoals Economic Development Authority Board.

Council Member Pampinto introduced the following resolution and moved for its approval:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2703- 14

WHEREAS, a term on the Shoals Economic Development Authority Board has expired and the City Council being desirous of making the necessary appointment to said board;

WHEREAS, notice was given to the public of said pending vacancy and applications solicited for a member to said board;

WHEREAS, the following individual made proper application and met the requirements for appointment, is eligible for appointment to fill the pending vacancy:

Thomas G. Thornton Jr.

WHEREAS, Thomas G. Thornton Jr. was the sole applicant for appointment to the board and currently serves on the board, and

WHEREAS, a roll call vote was had by the City Council as follows:

Council Member Pampinto: Thomas G. Thornton, Jr.

Council Member Willis: Thomas G. Thornton, Jr.

Council Member Lockhart: Thomas G. Thornton, Jr.

Council Member Holland: Thomas G. Thornton, Jr.

Council Member Noles: Thomas G. Thornton, Jr.

WHEREAS, Council President Holland announced that Thomas G. Thornton, Jr. had received a majority of the votes cast, now

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following named person to serve as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Thomas G. Thornton, Jr.	SEDA Board	September, 2017

The Clerk is hereby directed to notify the above named person of their appointment and to further notify the respective board of said appointment.

Council Member Lockhart seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was consideration of a resolution to authorize the fire and public works departments to conduct a training exercise and controlled burn and removal of debris of a structure at 406 River Road.

Council Member Lockhart introduced the following resolution and moved for its approval:

STATE OF ALABAMA
COUNTY OF COLBERT

RESOLUTION NUMBER 2704 - 14

A RESOLUTION FINDING BUILDING IN AN UNSAFE CONDITION TO THE EXTENT IT IS A PUBLIC NUISANCE AND FURTHER ORDERING SAID BUILDING TO BE DEMOLISHED PURSUANT TO SECTION 11-40-31 OF THE CODE OF ALABAMA

WHEREAS, notice, dated July 24, 2014, was given pursuant to Section 11-40-31 of the Code of Alabama by the Building Official of the City to the owners of the property, namely CHARLES CLEVELAND JARMON, that the building and/or structure(s) situated within the corporate limits of the City of Muscle Shoals, Alabama and having an address of 406 River Road, Muscle Shoals, Alabama is unsafe to the extent it is a public nuisance; and

WHEREAS, the legal description of the property upon which the said building and/or structure is situated is as follows, to wit:

A tract or parcel of land lying and being in the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of Section 20, Township 3 South, Range 10 West, being more particularly described as beginning at a point on the West line of said Section 20, said point being 26.2 ft. South of the NW corner of the NW 1/4 of the SW 1/4; thence East 422 ft. along a fence; thence North 125 ft.; thence West 422 ft. to the center line of a road and the West line of said Section 20; thence along said line South 125 ft. to the point of beginning. Said tract containing 1.21 acres and being subject to a road right of way.

WHEREAS, the above described property is currently being assessed for ad valorem taxes by the said Charles Cleveland Jarmon, and

WHEREAS, the said Charles Cleveland Jarmon, the owner of the property, has failed to file a written request for a hearing before the City Council as provided by Section 11-40-32 of the Code of Alabama;

BE IT HEREBY RESOLVED by the City Council that, upon the evidence presented unto it by the City's Building Official, the City Council does find that the building and/or structure(s) located within the corporate limits of the City of Muscle Shoals, Alabama at 406 River Road, Muscle Shoals,, Alabama, is in an unsafe condition to the extent that it constitutes a public nuisance.

BE IT FURTHER RESOLVED that the City Council does hereby order the said building and/or structure(s) located within the corporate limits of the City of Muscle Shoals, Alabama at 406 River Road, Muscle Shoals, Alabama, be demolished and that said demolition

shall be accomplished by use of the City's own forces or, in the alternative, the City may contract for the demolition.

BE IT FURTHER RESOLVED that subsequent to the demolition of the said building and/or structure the City's Building Official shall make a report to the City Council of the costs thereof.

Council Member Noles seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was consideration of an ordinance to amend Ordinance #1452-13 relating to public nuisances.

Council Member Noles introduced the following ordinance and moved for its immediate consideration:

ORDINANCE NO. 1464 - 14

AN ORDINANCE AMENDING ORDINANCE NUMBER 1452-13 OF THE CITY OF MUSCLE SHOALS, ALABAMA AND PROVIDING FOR AND PERTAINING TO THE CLEARING OF TRASH AND DEBRIS AND CUTTING OF WEEDS, REMOVAL OF JUNK AND NONCONFORMING VEHICLES WITHIN THE CITY OF MUSCLE SHOALS, ALABAMA

BE IT ORDAINED by the Council of the City of Muscle Shoals, Alabama as follows: ORDINANCE NUMBER 1452-13 and the provisions thereof heretofore adopted by the Council of the City of Muscle Shoals, Alabama on August 19, 2013 are hereby amended to read in its entirety as follows:

BE IT FURTHER ORDAINED by the Council of the City of Muscle Shoals, Alabama as follows:

Section 1. DEFINITIONS:

The following words, terms and phrases, when used in this section, shall have the following meanings:

Junk means any metals, machinery, plumbing fixtures, vehicle part(s) (including, but not limited to, mechanical parts, auto body parts, engine parts, mufflers, bumpers, truck caps and shells, truck storage boxes, box truck cargo areas, and trailer boxes), boat part(s), trailer part(s), mechanical part(s), rubber tire(s), appliance(s), furniture, machinery, equipment, building material, wire, cable, bearings, valves, pipes, pipe fittings, wood, or other items which are either in a wholly or partially rusted, wrecked, disabled, discarded, dismantled, or inoperative condition.

Litter means rubbish, refuse, waste material, garbage, dead animals or fowl, offal, paper, glass, cans, bottles, trash, scrap metal, debris, or any foreign substance of whatever kind and description, and whether or not it is of value. As used herein, "litter" shall also include fallen or cut limbs, tree cuttings, fallen or cut trees, vegetation cuttings, and yard waste. Any

agricultural product in its natural state that is unintentionally deposited on a public highway, road, street, or public right-of-way shall not be deemed litter.

Nonconforming vehicle means any vehicle or trailer (including, but not limited to, cars, trucks, boats, motorcycles, and recreational vehicles) that is inoperable in that one or more of its major mechanical components including, but not limited to, engine, transmission, drive train, or wheels is or are missing or not functional. A nonconforming vehicle shall also include an automobile or motorcycle that may not be legally operated on a public street due to the absence of a current license tag, unless such vehicle:

(a) Is on real property owned or leased by and in the control of an automobile dealer who is properly licensed to sell new or used vehicles at said property, and

(b) Said vehicle is held and offered for sale as shown by a sign or other physical indication on the vehicle.

Overgrown grasses and weeds means any growth of grasses or weeds favorable to the harboring of mosquitoes or other insects, rats, snakes, or rodents or reptiles of like kind, and every such growth of grasses or weeds more than 12" inches in height shall be deemed favorable to the harboring of mosquitoes or other insects, rats, snakes, or rodents or reptiles of like kind, within the meaning of this ordinance.

Section 2. DUTY TO KEEP PROPERTY CLEAR AND FREE FROM LITTER AND JUNK.

(a) Residential and other noncommercial properties. Any owner, lessee, or person in control of any property used for residential or noncommercial purposes shall keep any and all portions of the property that are not located inside a fully enclosed structure clear and free from litter and junk. This duty shall extend to all porches, patios, decks, sidewalks, driveways, alleyways, and rights-of-way (other than public roadways) lying adjacent to said residential property.

(b) Commercial properties. Any owner, proprietor, or person in control of any property used for commercial purposes shall keep and maintain any and all portions of the property that are not located inside a fully enclosed structure clear and free from litter and junk. As used herein, the phrase "the property on which the business is conducted" shall include, but is not limited to, all premises, parking lots, and loading/unloading areas that are owned, leased or utilized by the business. This duty shall also extend to all porches, patios, decks sidewalks, parking lots, driveways, alleyways, and rights-of-way (other than public roadways) lying adjacent to said property.

(c) [Exceptions.] There is no violation of this section where:

(1) The condition relates to the placement of litter or junk (that would otherwise constitute a violation of this section) on the property for collection in a manner that adheres to all applicable requirements of Chapter 94 (Solid Waste and Garbage) of the Code of Ordinances of the City of Muscle Shoals, Alabama; or

(2) With respect to property used for commercial purposes, the condition relates to materials, goods, and/or supplies (not including vehicle(s), trailer(s), or vehicle and/or trailer part(s)) that are normally stored, displayed, or kept outside on the premises of duly licensed building supply companies, lumberyards, plumbing supply companies, nurseries, and similar commercial establishments, so long as the materials, goods and/or supplies (i) are not wholly or partially rusted, wrecked, ruined for their intended purpose or dismantled, disabled, or inoperative, and (ii) are stored in such a manner so as to prevent overgrowth with grass and/or weeds or the harboring of rats, mice, insects, reptiles, or other vermin; or so located as to prevent any health, fire or safety

hazard;

(3) With respect to property used for commercial purposes, agricultural equipment, industrial equipment, and/or lawn and garden equipment that are displayed for sale on the premises of establishments that are duly licensed for the sales of such items, so long as they are stored in such a manner so as to prevent overgrowth with grass and/or weeds or the harboring of rats, mice, insects, reptiles, or other vermin; or so stored as to prevent any health, fire or safety hazard;

(4) The condition relates to fallen or cut limbs, tree cuttings, fallen or cut trees, and/or vegetation cuttings (other than grass cuttings) that are:

- i. On any property or part thereof which remains in its natural condition. For purposes of this subsection, once property has been cleared, plowed, or developed in any manner, the property or part thereof is no longer in its natural condition;
- ii. On any property that is used for agricultural purposes excluding those parts of said property that are within 50 feet from the abutting property lines of any and all abutting property used for residential or commercial purposes;
- iii. Not visible from public rights of way or adjacent properties owned by a person or entity different from the owner of the property with the condition;
- iv. The result of timber or logging operations, and are removed from the property within 30 days after the condition is created;
- v. The result of activities to remove or alter vegetation in connection with the improvement or development of the property for business, governmental, residential use, and are removed from the property within 30 days after the condition is created; or
- vi. On the premises as the result of storm or wind, and are removed from the property within 30 days after the condition is created.

(5) The condition relates to building materials located on a premises where a valid permit is in existence for construction or repairs;

(6) The condition relates to the operations of a public utility. Any property or part thereof which remains in its natural condition.

(d) Violations; Penalties.

Any person found guilty of violating this section shall:

(1) Upon that person's first violation be punished by a fine of \$100.00; provided that, upon such person's first violation and no later than 72 hours before the person's court date, the person may elect to plead guilty before the magistrate and pay pursuant to the city's schedule of fines if the magistrate has received certification from a code enforcement officer of the city that the property conditions supporting the violation no longer exist or have been cured; and

(2) Upon that person's second violation within twelve (12) months, be punished by a fine not less than \$300.00 nor shall it exceed \$500.00 and/or imprisonment or confinement at hard labor for a period of time up to six (6) months. Upon being charged with a second violation within the time period prescribed herein, it is mandatory that the person or entity charged shall appear before the municipal court judge.

(3) Upon that person's third or subsequent violation within twenty-four (24) months, be punished by a fine of \$500.00 and/or imprisonment or confinement at hard labor for a period of time up to six (6) months. Upon being charged with a second violation within the time period prescribed herein, it is mandatory that the person or entity charged shall appear before the municipal court judge.

(e) A corrective notice shall be issued to any person who is allegedly in violation of this section, and who has not previously been issued a corrective notice in connection with a violation of this section concerning the property that is the site of the violating condition. The corrective notice may be issued by any code enforcement officer of the city or any city employee or agent that is authorized to do so by the Mayor. The corrective notice may be either hand-delivered to the person, or mailed to the person by First Class Mail with postage prepaid through the United States Postal Service. The corrective notice shall (i) describe the nature of the violating condition, and (ii) identify this section. The corrective notice shall also provide that the violating condition must be remedied within fourteen (14) calendar days from its issuance, and no action shall be instituted hereunder until the said fourteen (14) day period has expired.

Section 3. DUTY TO KEEP PROPERTY CLEAR AND FREE FROM NONCONFORMING VEHICLES.

(a) *Residential and other noncommercial properties.*

Any owner, lessee, or person in control of any property used for residential or noncommercial purposes shall keep any and all portions of such property that are not located inside a fully enclosed and roofed structure clear and free from nonconforming vehicles. This duty shall extend to all sidewalks, driveways, alleyways, and rights-of-way lying adjacent to said property.

(b) *Commercial properties.*

Any owner, proprietor, or person in control of any property used for commercial purposes shall keep and maintain any and all non-screened portions of the property on which the business is conducted clear and free from nonconforming vehicles.

(c) *[Nonscreened portions.]*

As used in subsection (b), the phrase "non-screened portions" shall refer to those portions of the property that are not located inside (i) a fully enclosed structure, (ii) a nontransparent vertical wall or fence, and/or (iii) natural objects/plantings, any and all of which are of a minimum height of eight feet and in good, neat, and orderly condition and repair, such that the interior contents are completely shielded from the ground level view of adjacent public or private property, including any public right of way.

(d) *[Property on which the business is conducted.]*

As used in subsection (b), the phrase "the property on which the business is conducted" shall include, but is not limited to, all parking lots, and loading/unloading areas that are owned, leased or utilized by the business. This duty shall also extend to all porches, patios decks, sidewalks, parking lots, driveways, alleyways, and rights-of-way lying adjacent to said property.

(e) *[Exceptions.]* There is no violation of this section where:

(1) The condition relates to the placement of junk and litter (that would otherwise constitute a violation of this section) on the property for collection in a manner that adheres to all applicable requirements of Chapter 94 (Solid Waste and Garbage) of the Code of Ordinances of the City of Muscle Shoals, Alabama;

(2) With respect to any property on which a properly lawfully licensed vehicle repair or towing business is operating, the condition relates to a particular vehicle(s), trailer(s), vehicle part(s), and/or trailer part(s) that is in violation of subsection (b);

(3) The condition relates to a storage place or depository lawfully maintained by duly constituted law-enforcement officers or under the control of the municipality or its agencies; or

(f) Any person found guilty of violating this section shall:

(1) Upon that person's first violation be punished by a fine of \$100.00 provided that, upon such person's first violation and no later than 72 hours before the person's court date, the person may elect to plead guilty before the magistrate and pay pursuant to the city's schedule of fines if the magistrate has received certification from a code enforcement officer of the city that the property conditions supporting the violation no longer exist or have been cured; and

(2) Upon that person's second violation within twelve (12) months, be punished by a fine not less than \$300.00 nor shall it exceed \$500.00 and/or imprisonment or confinement at hard labor for a period of time up to six (6) months. Upon being charged with a second violation within the time period prescribed herein, it is mandatory that the person or entity charged shall appear before the municipal court judge.

(3) Upon that person's third or subsequent violation within twenty-four (24) months, be punished by a fine of \$500.00 and/or imprisonment or confinement at hard labor for a period of time up to six (6) months. Upon being charged with a second violation within the time period prescribed herein, it is mandatory that the person or entity charged shall appear before the municipal court judge.

(g) A corrective notice shall be issued to any person who is allegedly in violation of this section, and who has not previously been issued a corrective notice in connection with a violation of this section concerning the property that is the site of the violating condition. The corrective notice may be issued by any code enforcement officer of the city or any city employee or agent that is authorized to do so by the mayor. The corrective notice may be either hand-delivered to the person or mailed to the person by First Class Mail with postage prepaid through the United States Postal Service. The corrective notice shall (i) describe the nature of the violating condition, and (ii) identify this section. The corrective notice shall also provide that the violating condition must be remedied within fourteen (14) calendar days from its issuance, and no action shall be instituted hereunder until the said fourteen (14) period has expired.

Section 4.- DEBRIS FROM CONSTRUCTION, DEMOLITION, ALTERATIONS OR REPAIR.

(a) Any person engaging in the business of, or being hired for the purpose of, constructing, demolishing, remodeling, repairing, roofing, or altering, any building or other structure within the city shall:

(1) Within ten (10) days after completion of the job or construction project, remove any debris, concrete, lumber, roofing material, dirt, sand, gravel, concrete blocks, bricks or any other building material resulting or relating to such job and/or project; and,

(2) Provide on-site receptacles for litter, and ensure that litter is properly placed in such containers, to prevent scattering of such litter by wind or rain if such litter is not otherwise properly disposed of on a daily basis.

(b) Where the job or construction project referenced in subsection (a)(1) is such that a certificate of occupancy would be issued by the city upon the completion thereof, the reference herein to the time of "completion" shall mean the time of issuance of a certificate of occupancy by the city.

(c) Any person found guilty of violating subsection (a) shall:

(1) Upon that person's first violation be punished by a fine of \$100.00; provided that, upon such person's first violation and no later than 72 hours before the person's court date, the person may elect to plead guilty before the magistrate and pay pursuant to the city's schedule of fines if the magistrate has received certification from a code enforcement officer of the city that the property conditions supporting the violation no longer exist or have been cured; and

(2) Upon that person's second violation within twelve (12) months, be punished by a fine not less than \$300.00 nor shall it exceed \$500.00 and/or imprisonment or confinement at hard labor for a period of time up to six (6) months. Upon being charged with a second violation within the time period prescribed herein, it is mandatory that the person or entity charged shall appear before the municipal court judge.

(3) Upon that person's third or subsequent violation within twenty-four (24) months, be punished by a fine of \$500.00 and/or imprisonment or confinement at hard labor for a period of time up to six (6) months. Upon being charged with a second violation within the time period prescribed herein, it is mandatory that the person or entity charged shall appear before the municipal court judge.

(d) A corrective notice shall be issued to any person who is allegedly in violation of this section, and who has not previously been issued a corrective notice in connection with a violation of this section concerning the property that is the site of the violating condition. The corrective notice may be issued by any code enforcement officer of the city or any city employee or agent that is authorized to do so by the mayor. The corrective notice may be either hand-delivered to the person or mailed to the person by First Class Mail with postage prepaid through the United States Postal Service. The corrective notice shall (i) describe the nature of the violating condition, and (ii) identify this section. The corrective notice shall also provide that the violating condition must be remedied within fourteen (14) calendar days from its issuance, and no action shall be instituted hereunder until the said fourteen (14) period has expired..

Section 5. OVERGROWN GRASSES AND WEEDS.

(a) Any person, owner, tenant, occupant or person having charge of any residential, commercial or industrial premises in the City of Muscle Shoals, Alabama shall keep the same free of any growth of grasses or weeds favorable to the harboring of mosquitoes or other insects, rats, snakes, or rodents or reptiles of like kind, and every such growth is hereby declared to be a nuisance, and every such person who shall allow any such growth of grasses and weeds, on the premises which such person owns or of which he is in charge, shall be in violation of this section of the ordinance.

(b) Any growth of grass or weeds or other vegetation more than 12" inches in height shall be deemed favorable to the harboring of mosquitoes or other insects, rats, snakes, or rodents or reptiles of like kind, within the meaning of this ordinance.

(c) It shall be unlawful for any person owning, possessing, residing, or having charge or control of any real property within the city to allow any other vegetation, including but not limited to jimson, ragweed, cocklebur, kudzu, vines, or underbrush to become overgrown to such an extent that the same may create favorable conditions to the harboring of mosquitoes or other insects of like kind and/or rodents or reptiles or otherwise constitutes a public nuisance or a danger to the public health, safety and welfare.

(d) The owner or person having charge of any such premises within the City of Muscle Shoals, who having been served with the corrective notice provided in Section (g) hereof, and not having previously been issued a corrective notice, and who shall fail to comply with the corrective notice to remedy the violation by the cutting and/or removal of such grasses and weeds, shall be guilty of violation of this section, and on conviction shall be punished as provided in this ordinance.

(e) Any property within the City of Muscle Shoals, Alabama which has as its purpose the planting and harvesting of crops, with the exception of hay; farm land; timber land; and pasture land; hedgerows; fencerows; and buffers and cove shall be exempted from the provisions of this ordinance. The planting and harvesting of hay shall be limited to areas of a minimum of three (3) acres, which shall be contiguous, in size and the planting, cultivating and harvesting of hay shall be no closer than fifty (50) feet from a residential, commercial or industrial building or structure, other than said structures which are owned or leased by the person or entity planting and harvesting the hay in said area, unless the person or entity planting or harvesting the hay has the written permission of the owners of said buildings or structure to do so.

The hay crop shall be cut at such time as it reaches 36" in height and once cut, whether baled or not, shall be removed from the premises with fourteen (14) calendar days from the date of the commencement of the cutting of the hay

(f) Violations; Penalties.

Any person found guilty of violating this section shall:

(1) Upon that person's first violation be punished by a fine of \$100.00; provided that, upon such person's first violation and no later than 72 hours before the person's court date, the person may elect to plead guilty before the magistrate and pay pursuant to the city's schedule of fines if the magistrate has received certification from a code enforcement officer of the city that the property conditions supporting the violation no longer exist or have been cured; and

(2) Upon that person's second violation within twelve (12) months, be punished by a fine not less than \$300.00 nor shall it exceed \$500.00 and/or imprisonment or confinement at hard labor for a period of time up to six (6) months. Upon being charged with a second violation within the time period prescribed herein, it is mandatory that the person or entity charged shall appear before the municipal court judge.

(3) Upon that person's third or subsequent violation within twenty-four (24) months, be punished by a fine of \$500.00 and/or imprisonment or confinement at hard labor for a period of time up to six (6) months. Upon being charged with a second violation within the time period prescribed herein, it is mandatory that the person or entity charged shall appear before the municipal court judge.

(g) A corrective notice shall be issued to any person who is allegedly in violation of this section, and who has not previously been issued a corrective notice in connection with a violation of this

section concerning the property that is the site of the violating condition. The corrective notice may be issued by any code enforcement officer of the city or any city employee or agent that is authorized to do so by the Mayor. The corrective notice may be either hand-delivered to the person or mailed to the person by First Class Mail with postage prepaid through the United States Postal Service. The corrective notice shall (i) describe the nature of the violating condition, and (ii) identify this section. The corrective notice shall also provide that the violating condition must be remedied within ten (10) calendar days from its issuance, and no action shall be instituted hereunder until the said ten (10) day period has expired.

Section 6. Procedure.

(a) Except as otherwise set forth herein, the city's code enforcement officers or municipal employees may enforce this division without first having issued any warning notice. The magistrate shall issue a summons and complaint to any person charged with violating any part of this ordinance, in lieu of placing such persons under custodial arrest.

(b) The summons and complaint must contain:

- (i) The name of the court;
- (i) The name of the defendant;
- (iii) A description of the offense, including the municipal ordinance number;
- (iv) The date and time of the offense;
- (v) The place of the offense;
- (vi) Signature of the magistrate issuing the citation;
- (vii) The scheduled court date and time;
- (viii) A signature block for the magistrate to sign upon the code enforcement officer's oath and affirmation given prior to trial.

Section 7. Miscellaneous Provisions.

(a) In addition to any fines and penalties contained herein for violation of any provision of this Ordinance, if the owner or person having in charge any premises whereof there exists any growth of grasses and weeds and/or hay shall fail to cut and remove the grasses and weeds and hay within the time provided for in the corrective notice described in Section 5 (g), upon a finding of a violation of Section 5, the municipal court shall enter an Order authorizing the City of Muscle Shoals, Alabama, acting through an agent, servant or employee, to enter upon said premises, and at the expense of such person shall proceed to cut and/or remove said grasses and weeds and/or hay, and the City Clerk shall thereafter submit a statement to the owners at their last known address or to the person in charge of the property, showing the charge for the cutting and/or removal of weeds which shall be One Hundred Twenty-five (\$125.00) per hour with a minimum charge of One Hundred Twenty-five (\$125.00) per lot or accumulation.

(b) In addition to any fines and penalties contained herein for violation of any provision of this Ordinance, if the owner or person having in charge any premises whereof there exists any junk, litter and/or non-conforming vehicles shall fail to remove or remedy the offending items or otherwise comply with the provisions of said Ordinance pertaining to same, within the time period provided for in the corrective notice described in Section 2 (e), Section 3 (g) and/or Section 4 (d) upon a finding of a violation of Section 2, Section 3 and/or Section 4 of this Ordinance, the

municipal court shall enter an Order authorizing the City of Muscle Shoals, Alabama, acting through an agent, servant or employee, to enter upon said premises, and at the expense of such person, remove the junk, litter or non-conforming vehicle and the City Clerk shall thereafter submit a statement to the owners at their last known address or to the person in charge of the property, showing the charge for the removal of junk, litter and/or non-conforming vehicles which shall be calculated at the sum of One Hundred Fifty Dollars (\$150.00) per hour plus the costs of disposal at a sanitary landfill or otherwise and or any storage fees incurred, with a minimum charge of One Hundred Fifty Dollars (\$150.00).

(c) The charges for cutting and/or removal, and removal of junk, litter and/or non-conforming vehicles, if incurred by the City, shall be a claim, judgment and/or lien against the owner or person in charge of the property found in violation of any provision of this Ordinance and a lien on the property so assessed for the cutting and/or removal of weeds, junk, litter and non-conforming vehicles, which lien may be enforced and collected as any other debt or lien or assessed as restitution to the City or taxed as costs of court.

Section 8. Severability.

If any section or provision of this ordinance shall be held invalid, such holding shall not affect the validity of any other section or provision thereof which is not of itself invalid.

Section 9. Effective Date.

The Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Willis seconded the motion and upon said motion being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart,
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration was unanimously adopted. Council Member Noles moved that the ordinance be adopted as presented. Council Member Willis seconded the motion and upon said motion being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart,
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the ordinance was approved.

President Holland announced that the next item of business was consideration of a resolution to authorize the Mayor to execute an agreement with American Municipal Services for collection of outstanding citations and fines in the court system.

Council Member Pampinto introduced the following resolution and moved for its immediate consideration:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2705-14

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received an instrument styled COLLECTION AGREEMENT between the City of Muscle Shoals and the American Municipal Services (hereafter referred to as AMS) pertaining to the collection of citations, fees, fines and/or warrants owed to the City through its municipal court system; and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received an instrument styled INDEMNIFICATION AGREEMENT to be executed by AMS and delivered to the City as consideration for the execution of the COLLECTION AGREEMENT by and between the City and AMS, both pertaining to the collection of citations, fees, fines and/or warrants owed to the City through its municipal court system; and

WHEREAS, the City Council has reviewed the contents of the instruments and finds that said instruments are in due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute and deliver said the COLLECTION AGREEMENT to AMS upon receipt of the executed INDEMNIFICATION AGREEMENT executed by AMS and delivered to the City; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said matter and issue presented in the above described instrument and is desirous of authorizing the execution and delivery of other instruments and related documents in connection therewith;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize and direct the Mayor of the City, David H. Bradford, for and on behalf of the City to execute the instrument styled COLLECTION AGREEMENT with the AMS pertaining to the collection of citations, fees, fines and/or warrants owed to the City through its municipal court system.

BE IT FURTHER RESOLVED that the Mayor of the City, David H. Bradford, be, and hereby is, authorized to execute and deliver any instruments and related documents in connection with the matters and issues presented in the above described instrument.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto AMS along with the executed instrument styled COLLECTION AGREEMENT with the AMS pertaining to the collection of citations, fees, fines and/or warrants owed to the City through its municipal court system upon receipt of the executed INDEMNIFICATION AGREEMENT and furthermore shall retain a copy of each to be kept on file by the said Clerk.

Council Member Willis seconded the motion and upon said motion being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart,
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration was unanimously adopted. Council Member Pampinto moved that the resolution be adopted as presented. Council Member Willis seconded the motion and upon said motion being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart,
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the resolution was approved.

Council Member Pampinto announced that the Recreation Committee of the Council will reschedule their meeting set for September 15, 2014 at 4:30 pm in the City Hall conference room to the same time and place on October 6, 2014.

There being no further business to come before the meeting, upon the motion duly made, seconded and unanimously carried, the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA
a Municipal Corporation

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

ASSISTANT CITY CLERK