COUNCIL OF THE CITY OF ABERDEEN Ordinance No. 23-O-13

Date Introduced:	September 11, 2023
Sponsored By:	Council President Adam Hiob and Councilwoman Tandra Ridgley
Public Hearing:	September 25, 2023
Amendments Adopted:	October 9, 2023
Date Adopted:	October 9, 2023
Date Effective:	October 30, 2023

AN ORDINANCE concerning:

1		CODE ENFORCEMENT	
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3	FOR the purpose of revising certain processes for providing notice and enforcing violations of		
4	4 regulations relating to certain conditions of properties; and generally related to enforcement of		
5	City of Aberdeen regulations relating to the conditions of properties in the City.		
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7	BY	repealing and reenacting, with amendments	
8		Chapter 250 ENVIRONMENTAL CONTROL	
9		Article III Property Maintenance and Control	
10		Section 250-8	
11		Code of the City of Aberdeen (2010 Edition as amended)	
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13	BY	repealing and reenacting, with amendments	
14		Chapter 250 ENVIRONMENTAL CONTROL	
15		Article V Vegetation	
16		Section 250-15.D.	
17		Code of the City of Aberdeen (2010 Edition as amended)	

EXPLANATION:

CAPS INDICATES MATTER ADDED TO EXISTING LAW ((Double Parenthesis)) indicate matter deleted from existing law. <u>Underlining</u> indicates amendments to bill. <u>Strike-Out</u> indicates matter stricken from bill by amendment or deleted from the law by amendment. * * * indicates existing unmodified text omitted from Ordinance

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF 1 2 ABERDEEN, that Section 250-8. of Chapter 250 ENVIRONMENTAL CONTROL, Article III 3 Property Maintenance and Control, of the Code of the City of Aberdeen (2010 Edition as amended), is repealed and reenacted, with amendments, to read as follows: 4 5 6 **CHAPTER 250 ENVIRONMENTAL CONTROL** 7 8 **Article III Property Maintenance and Control** 9 §250-8. Responsibility of owner and occupant. 10 11 * * * 12 13 14 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 15 from the date of notice, OR WITHIN TWO CALENDAR DAYS IN THE CASE OF 16 17 HABITUAL VIOLATORS. 18 D. (1) FOR ALL VIOLATION OF THIS SECTION IN A CALENDAR YEAR, SERVICE OF 19 THE NOTICE SHALL BE BY PERSONAL SERVICE OR BY POSTING A COPY OF THE 20 NOTICE ON THE FRONT DOOR OR IN SOME OTHER CONSPICUOUS LOCATION ON 21 THE PROPERTY. ((Service of the notice shall be by personal service or certified and regular 22 mail to the last known address of the person in whose name the property is assessed for tax 23 purposes and the tenant or occupant.)) 24 25 (2) THE WRITTEN NOTIFICATION SHALL CITE THE VIOLATION ALONG WITH 26 THE PROCESS AND TIME TO ABATE THE VIOLATION. THE TIME TO ABATE 27 SHALL BE 7 CALENDAR DAYS FROM THE DATE OF THE NOTICE OR POSTING 28 FOR FIRST OR SECOND TIME VIOLATIONS, OR WITHIN TWO CALENDAR DAYS 29 IN THE CASE OF HABITUAL VIOLATORS. THE CODE ENFORCEMENT OFFICER, 30 IN THE OFFICER'S DISCRETION AND ON A CASE-BY-CASE BASIS, MAY EXTEND 31 THE TIME TO ABATE UP TO 3 ADDITIONAL CALENDAR DAYS IF NOTICABLE 32 EFFORTS HAVE BEEN MADE TO RECTIFY THE CITED VIOLATION. THE CODE 33 ENFORCEMENT OFFICER SHALL MAKE EFFORTS TO ALSO COMMUNICATE 34 DIRECTLY WITH THE PROPERTY OWNER ON SITE, OR BY MAIL, BY TELEPHONE. 35 OR BY EMAIL IF THAT INFORMATION IS AVAILABLE FOLLOWING DELIVERY OF 36 A NOTICE OF VIOLATION. 37 38 E. If the property owner, tenant and/or occupant fails within seven calendar days of date of notice, 39 OR WITHIN TWO CALENDAR DAYS IN THE CASE OF HABITUAL VIOLATORS, to 40 remove or otherwise abate the nuisance or unsanitary condition specified in the notice, the Citv 41 shall abate the violation by use of City employees and equipment or by contract with private 42 contractors. to remove or otherwise abate the nuisance or unsanitary condition specified in the 43

notice, the City shall abate the violation by use of City employees and equipment or by contract 1 2 with private contractors. 3 4 F. NO PROPERTY SHALL BE TRANSFERRED UNLESS ALL OUTSTANDING FINES 5 HAVE BEEN PAID TO THE CITY. 6 G. AS USED IN THIS SECTION, A "HABITUAL VIOLATOR" IS A PROPERTY FOR 7 WHICH THE CITY HAS ISSUED IN THE SAME CALENDAR YEAR MORE THAN TWO 8 9 NOTICES OF ABATEMENT UNDER SUBSECTIONS C. AND D. OF THIS SECTION. 10 SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF 11 ABERDEEN, that Section 250-15.D., Article V Vegetation, of Chapter 250 ENVIRONMENTAL 12 CONTROL, of the Code of the City of Aberdeen (2010 Edition as amended), is repealed and 13 reenacted, with amendments, to read as follows: 14 15 **CHAPTER 250 ENVIRONMENTAL CONTROL** 16 17 Article III Property Maintenance and Control 18 19 § 250-15 Height Restriction. 20 21 D. (1) FOR ALL VIOLATION OF THIS SECTION IN A CALENDAR YEAR, SERVICE OF 22 THE NOTICE SHALL BE BY PERSONAL SERVICE OR BY POSTING A COPY OF THE 23 NOTICE ON THE FRONT DOOR OR IN SOME OTHER CONSPICUOUS LOCATION 24 ON THE PROPERTY. ((Service of notice shall be by personal service or certified and regular 25 mail to the last known address of the person in whose name the property is assessed for tax 26 purposes and the tenant or occupant, except that in the case of a habitual violator the notice 27 shall be served by personal service, first-class mail or posting on the property that is in 28 violation of this section.)) 29 30 (2) THE WRITTEN NOTIFICATION SHALL CITE THE VIOLATION ALONG WITH THE 31 PROCESS AND TIME TO ABATE THE VIOLATION. THE TIME TO ABATE SHALL BE 32 7 CALENDAR DAYS FROM THE DATE OF THE NOTICE OR POSTING FOR FIRST OR 33 SECOND TIME VIOLATIONS, OR WITHIN TWO CALENDAR DAYS IN THE CASE OF 34 HABITUAL VIOLATORS. THE CODE ENFORCEMENT OFFICER, IN THE OFFICER'S 35 DISCRETION AND ON A CASE-BY-CASE BASIS, MAY EXTEND THE TIME TO 36 ABATE UP TO 3 ADDITIONAL CALENDAR DAYS IF NOTICABLE EFFORTS HAVE 37 BEEN MADE TO RECTIFY THE CITED VIOLATION. THE CODE ENFORCEMENT 38 OFFICER SHALL MAKE EFFORTS TO ALSO COMMUNICATE DIRECTLY WITH THE 39 PROPERTY OWNER ON SITE, OR BY MAIL, BY TELEPHONE, OR BY EMAIL IF 40 THAT INFORMATION IS AVAILABLE FOLLOWING DELIVERY OF A NOTICE OF 41 VIOLATION. 42

1 SECTION 3. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF

ABERDEEN, that this Ordinance shall become effective at the expiration of twenty (20) calendar
days following adoption.

Patrick L. McGrady, Mayor Adam M. Hiob, Council President Sandra J. Landbeck, Councilwoman Timothy W. Lindecamp, Councilman

COUNCIL OF THE CITY OF ABERDEEN

Tandra A. Ridgley, Councilwoman

ATTEST: SEAL: Man U.

Monica A. Correll, City Clerk

Date October 9, 2023