

## CHAPTER 49

### REMOVAL OF GARBAGE, JUNK, RUBBISH OR TRASH

1. **NOTICE.** The Director of Economic and Community Development, or his or her designee be, and they are hereby, authorized and directed to cause written notice to be mailed to the record owner, occupant or person in charge of any property within a residential zoning district of the City of Decatur upon which there is an accumulation of garbage, junk, rubbish or trash, which appears to the Manager to constitute a danger to the health, safety and welfare of individuals living in the area or the public in general, directing the owner, occupant or person in charge of the property so notified to remove or cause the removal of the accumulated garbage, junk, rubbish or trash within ten days.

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2000-11, March 13, 2000)

2. **72 HOUR NOTICE.** Notwithstanding the provisions of Section 1 of this Chapter, if any accumulation of garbage or rubbish appears to the director to be foul or offensive, appears to serve as a breeding place for insects or a feeding place or harborage for rats or vermin, the director may give written notice to the owner, occupant or person in control of the property, directing said person to remove the accumulation within 72 hours.

3. **HEARING.** The notice shall inform the owner, occupant or person in control of the property that, upon written request filed with and received by the Economic and Community Development Department not later than 72 hours after the mailing of said notice, he may be

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given an opportunity to appear and be heard before the City Manager or his designee at a time and place established by the City Manager on the question of whether or not the accumulation of garbage, junk, rubbish or trash constitutes a danger to the health, safety or welfare of individuals in the area or the public at large.

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2000-11, March 13, 2000)

4. **REMOVAL OF GARBAGE.** If the accumulated garbage, junk, rubbish or trash has not been removed during the period established in the notice for removal or any written extension thereto granted by the director or the City Manager, the City may enter upon the property and cause the accumulation to be removed and collect from the owner, occupant or person in control of the property the reasonable costs of removal.

5. **LIEN.** The costs so incurred is a lien upon the real estate affected superior to all other liens and encumbrances except liens for general taxes; provided that within 90 days from the date on which the removal of the accumulated garbage, junk, rubbish or trash by the City or its contractor is completed the municipality files a notice of lien in the office of the Recorder of Deeds. The notice shall consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) a brief description of the work performed and the dates on which it was performed.

6. **RELEASE OF LIEN.** Upon payment of the cost and expense by the owner of or person interested in such property after notice of lien has been filed, the lien shall be released by the municipality and the release may be filed of record as in the case of filing notice of lien.

7. **PENALTY.** Any person, firm or corporation who shall violate any of the provisions of this Chapter shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2011-93, December 19, 2011)

(Amended, Ordinance No. 2011-70, October 31, 2011)

(Amended, Ordinance No. 2009-47, June 15, 2009)