

# PROCEDURE TO DEMOLISH OR REPAIR OF DILAPIDATED/UNSAFE STRUCTURES

As Last Revised 2005

*Section 11-53(B)-1 of the Code of Alabama, 1975 gives a municipality the right and authority to repair and/or demolish properties and structures determined to be hazardous and/or a public nuisance. State law further provides a method for the City to recover the costs for such demolition and repair, including an alternate to placing liens on properties.*

1. The Code Enforcement Officer identifies properties and/or structure(s) which are dilapidated and/or unsafe to the extent that it is deemed a public nuisance. Upon identifying such nuisances, the Code Enforcement Officer shall (a) take photograph pictures of the property to visually document its condition; and (b) Research the records of the Tax Assessor's Office to obtain: (i) the names and addresses of the current and rightful owner (s) of the property; and (ii) the legal description of the property, including its parcel number. A master file shall be created for each cited property, compiling the information set forth above.
2. The Code Enforcement Officer shall forward a copy each property/structure file to (a) the City Attorney and (b) the Office of Planning and Development. The Office of Planning and Development shall assess whether or not the property needs to be rehabilitated (repaired) or demolished. Upon the assessment, the City Attorney shall prepare a Resolution to be presented to the City Council requesting the Council declare the property as an unsafe structure and/or public nuisance.
3. Notifies the owner of the property via certified or registered mail to the last know address of the owner along with contacting anyone who has an interest in the property - mortgage holders, lien holders and etc. - mailing of the letter shall constitute notice to the property owners.
4. In the letter, dealing with repair, the City gives the owner 45 days to accomplish the repairs or provide a plan of how they intend to accomplish the repairs.
5. In the case of demolition, the city gives the owner 45 days to demolish the structure. Also in both letters, it shall also state that if repairs or demolition is not complete within the time specified, then the City will complete the repairs or demolition and assess the cost against the property.
6. Within 3 days after mailing the letter, the City shall post within 3 feet of the structure a copy of the letter.
7. If the owner fails to reply, City shall, in the instance where repair or demolition is required, continue with steps 9-20, which include: repair or demolition of the structure at the expense of the City and assess the expense on the property which the structure stands.
8. **\*\*If the owner does reply, he/she has 30 days from the date of notice to appeal in writing for a hearing before the Board of Adjustment Code of Appeals, along with objections to the finding of the code enforcement officer. The Board shall hold a hearing within 30 days after notice of appeal is received to determine whether the structure is unsafe and/or a public nuisance.**  
  
*Public nuisance is an unreasonable interference with a right common to the general public, such as a condition dangerous to health, offensive to community moral standards, or unlawfully obstructing the public in the free use of public property.*
9. **\*\*If the city rules against the owner's appeal and owner is aggrieved with the decision, then within 10 days of the hearing, the owner may appeal said decision of the Board to Circuit court.**
10. If the owner fails to reply to the Certified letter for notification or repair or demolition of the structure or the structure is not demolished or repaired by owner, then the Code Enforcement Officer shall proceed in retrieving estimates for the total cost of repair or demolition. The estimate shall be presented to the City Council for approval and the City Council shall adopt a resolution appropriating funds for the cost of demolition or repair .
11. Code Enforcement Officer shall proceed in the demolition or repair of the structure and after the demolition or repair, the City Council shall adopt a resolution assessing the cost of demolition or repair and a lien is placed on the property for the amount of the assessment.
12. The City shall at this time provide notice to the owner of the property that the lien be paid within 30 days. If the amount is over \$10,000, the property owner may elect to pay the lien in 10 equal installments with interest not exceeding 12%. If not over \$10,000, then the city may demand payment in full within 30 days.

13. If payment is made, then the City shall record a satisfaction of the lien in the Office of the Judge of Probate. If the owner fails to pay the lien within 30 days, the municipality shall proceed to sell the property to the highest bidder for cash, but in not event less than the amount of the lien plus interest.
14. **Prior to the selling of the property**, the City must give notice via publication once a week for three consecutive weeks in the newspaper setting forth the time and date of sale and the purpose for which the same is made together with a description of the property.
15. **Any property owner may pay the lien** with interest and all other cost prior to the sale. The highest bidder shall be given a deed from the City conveying all rights, title and interest to the property. Any surplus money shall be paid to the city and kept in a separate account for the owner. GOOD - The municipality may purchase real estate sold under this new law and the same shall be deeded to the City.
16. Any real property sold for the satisfaction of the lien may be redeemed by the former owner within two (2) years from the date of the sale. - shall include the amount it sold for, interest of 12%, insurance premiums paid toward property and value of improvements made on property.
17. If the owner fails to redeem the property, then upon the expiration of the two year redemption period, the new owner shall apply with the Judge of Probate for a certificate of warning to redeem.
18. At that time, **the owner shall give the Probate Judge three certified copies of the recorded deed** and shall pay a fee of \$1.00. The Judge shall mail to all previous owners certified copies of the deed - Giving them one more opportunity to redeem the property.
19. If the previous owners fail to contact the Judge and redeem the property within 60 days, then all rights to redeem the property from the sale shall cease and desist. The property is forever the new owner's.