

TITLE XIII - OFFENSES - CONTINUEDCHAPTER 133: GARBAGE AND DEBRIS

**133-1: ACCUMULATION PROHIBITED.** No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

**133-2: NOTICE TO PERSON.** It shall be the duty of the Code Administrator to serve notice in writing upon the owner, occupant, agent, or person in possession or control of any lot, building, or premise in or upon which any unlawful garbage or trash may be found, or who may be the owner or the cause of any such unlawful garbage or trash, requiring him to abate the same within five (5) days in such a manner as the Code Administrator shall prescribe. It shall not be necessary in any case for the Code Administrator to specify in the notice the manner in which the garbage or trash shall be abated, unless he shall deem it advisable to do so.

**133-3: SERVICE OF NOTICE.** Service of the notice provided for herein may be effected according to all provisions of law or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

**133-4: ABATEMENT.** If the person so served does not abate the nuisance within five (5) days, the City may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

**133-5: LIEN.** Charges for such garbage or trash removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be personally served upon the owner or sent certified mail to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expense thereof incurred by the City shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the City and shall be filed within sixty (60) days after the cost and expense is incurred.

**133-6: PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

**133-7: FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien is in effect for sixty (60) days. Suit to foreclose this lien shall be commenced within two (2) years after the date of filing notice of lien.

**133-8 to 133-9: RESERVED.**