

**Danger Equals Nuisances**

BE IT ORDAINED, BY THE CITY OF BRIGHTON, ALABAMA AS FOLLOWS:

Procedures for effectively correcting unsafe structures and dangerous buildings  
in accordance with City and State Laws

**Sec 1. Purpose and scope**

(a) The purpose of this article is to promote the health, safety, economic, aesthetic and general welfare of the citizens of the city, and to protect neighborhoods against nuisances, blight and deterioration by establishing requirements for maintenance of all building exteriors, whether residential or nonresidential, or structures of whatever kind, and establishing requirements for the maintenance of all land, whether improved or vacant.

(b) This Ordinance shall apply to all buildings, structures and lands within the city without regard to the use, the date of construction or alteration, except as specifically provided.

(c) Pursuant to the authority provided by **Amendment No. 497, Constitution of Alabama 1901, and Act No. 87-758 and Act No. 89-527, Section 11-40-10 Code of Alabama 1975, Sections 11-45-8 to Section 11-45-9 Code of Alabama 1975, Section 11-45-1 Code of Alabama 1975, Section 11-45-9 Code of Alabama 1975, Section 11-47-130 to 11-47-31 Code of Alabama 1975, Sections 130A-7-29 and 130A-7-29(c) & (d) Code of Alabama 1975, Section 13A-7-29 Code of Alabama 1975, Section 23-5-7 Code of Alabama 1975, Section 325A-60 Code of Alabama 1975**, of the Legislature of Alabama, the City of Brighton, AL hereby adopts the following as the City of Brighton unsafe structure and dangerous buildings ordinance:

**Sec. 2 Dangerous buildings constitute nuisances.**

All "dangerous buildings" are hereby declared to be public nuisances, and may be repaired, vacated, moved, or demolished as provided by this article.

## **Buildings Defined**

BE IT ORDAINED, BY THE CITY COUNCIL OF BRIGHTON, AL as follows:

Procedures for effectively correcting unsafe structures and dangerous buildings in accordance with City and State Laws

### **Sec 1. Purpose and scope**

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(c) Pursuant to the authority provided by **Amendment No. 497, Constitution of Alabama 1901, and Act No. 87-758 and Act No. 89-527**, Section 11-40-10 Code of Alabama 1975, Sections 11-45-8 to Section 11-45-9 Code of Alabama 1975, Section 11-45-1 Code of Alabama 1975, Section 11-45-9 Code of Alabama 1975, Section 11-47-130 to 11-47-131 Code of Alabama 1975, Sections 130A-7-29 and 130A-7-29(c) & (d) Code of Alabama 1975, Section 13A-7-29 Code of Alabama 1975, Section 23-5-7 Code of Alabama 1975, Section 325A-60 Code of Alabama 1975, of the Legislature of Alabama, the City of Brighton, AL hereby adopts the following as the City of Brighton unsafe structure and dangerous buildings ordinance:

### **Section 2 Buildings Defined**

For purposes of this article, the term "building" is deemed to include all structures, appurtenances, improvements, and items on the property, whether or not attached to or apart of the main structure, including, but not limited to, houses, mobile or manufactured homes, trailers, garages, sheds, carports, other accessory structures, pools, as well as any items located therein or on the subject property, including, junk, rubbish, trash, litter, grass and weeds as defined by the city's grass and weed

**Buildings Defined**

abatement ordinance, invasive species, junked motor vehicles, and/or any other matter declared a nuisance under existing law.

**Duties Municipal Official**

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Procedures for effectively correcting unsafe structures and dangerous buildings in accordance with City and State Laws

**Sec 1. Purpose and scope**

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(b) This Ordinance shall apply to all buildings, structures and lands within the city without regard to the use, the date of construction or alteration, except as specifically provided.

(c) Pursuant to the authority provided by Amendment No. 497, Constitution of Alabama 1901, and Act No. 87-758 and Act No. 89-527, Section 11-40-10 Code of Alabama 1975, Sections 11-45-8 to 11-45-9 Code of Alabama 1975, Section 11-45-1 Code of Alabama 1975, Section 11-45-9 Code of Alabama 1975, Section 11-47-130 to 11-47-131 Code of Alabama 1975, Sections 130A-7-29 and 130A-7-29(c) & (d) Code of Alabama 1975, Section 13A-7-29 Code of Alabama 1975, Section 23-5-7 Code of Alabama 1975, Section 325A-60 Code of Alabama 1975, of the Legislature of Alabama, the City of Brighton, AL hereby adopts the following as the City of Brighton unsafe structure and dangerous buildings ordinance:

**Section 2. Duties of Appropriate municipal Official**

(a) The term "appropriate municipal official" as used in this article shall mean the city building official, any city building inspections officer or deputy, fire marshal, and any other city official or city employee designated by the mayor and/or council as the person to exercise the authority and perform the duties delegated by this article.

(b) The appropriate municipal official may:

**Standards Of Repair**

and at a reasonable cost relative to the value of the structure so that it will no longer exist in violation of the terms of this article, it may be ordered to be repaired.

- (2) If any building, structure, part of building or structure, party wall, or foundation can reasonably be moved so that it will no longer exist in violation of the terms of this article, it may be ordered to be moved.
- (3) In any case where any building, structure, part of building or structure, party wall, or foundation is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land), it may be demolished, and in all cases where any building, structure, part of building or structure, party wall, or foundation cannot be reasonably repaired so that it will no longer exist in violation of the terms of this article, it may be demolished. In all cases where any building, structure, part of building or structure, party wall, or foundation is a fire hazard existing in violation of the terms of this article, it may be demolished.
- (4) If any building, structure, part of building or structure, party wall, or foundation is in such condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants, it and/or the entirety or other portion of the premises upon which it is located may be ordered to be vacated.

Where one or more of the standards above may apply, the appropriate municipal official may, in his sole discretion, choose to order any one, any combination, or all of the foregoing remedies.

**Standards Of Repair**

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Procedures for effectively correcting unsafe structures and dangerous buildings in accordance with City and State Laws

**Sec 1. Purpose and scope**

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(b) This Ordinance shall apply to all buildings, structures and lands within the city without regard to the use, the date of construction or alteration, except as specifically provided.

(c) Pursuant to the authority provided by **Amendment No. 497, Constitution of Alabama 1901, and Act No. 87-758 and Act No. 89-527**, General Police Powers Section 11-40-10 Code of Alabama 1975, Sections 11-45-8 to Section 11-45-9 Code of Alabama 1975, Section 11-45-1 Code of Alabama 1975, Section 11-45-9 Code of Alabama 1975, Section 41-9-166 Code of Alabama 1975 and Section 11-47-117, Code of Alabama 1975, Section 6-5-120 to Section 6-5-122 Code of Alabama 1975, Section 11-40-30 to 11-40-36 Code of Alabama 1975, Section 11-53A-1 to 11-53A-6 Code of Alabama 1975 and Sections 11-3B-1 to 11-53B-16 Code of Alabama 1975, Section 11-47-117 Code of Alabama 1975, Section 11-47-130 to 11-47-31 Code of Alabama 1975, Sections 130A-7-29 and 130A-7-29(c) & (d) Code of Alabama 1975, Section 13A-7-29 Code of Alabama 1975, Section 23-5-7 Code of Alabama 1975, Section 325A-60 Code of Alabama 1975, of the Legislature of Alabama, the City of Brighton, AL hereby adopts the following as the City of Brighton unsafe structure and dangerous buildings ordinance:

**Sec. 2 Standards for repair, move, vacation, or demolition.**

The following standards may be followed in substance by the appropriate municipal official in ordering a repair, move, demolition, and/or vacation:

- (1) If any building, structure, part of building or structure, party wall, or foundation can reasonably be repaired within a reasonable time

**Standards Of Repair**

and at a reasonable cost relative to the value of the structure so that it will no longer exist in violation of the terms of this article, it may be ordered to be repaired.

- (2) If any building, structure, part of building or structure, party wall, or foundation can reasonably be moved so that it will no longer exist in violation of the terms of this article, it may be ordered to be moved.
- (3) In any case where any building, structure, part of building or structure, party wall, or foundation is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land), it may be demolished, and in all cases where any building, structure, part of building or structure, party wall, or foundation cannot be reasonably repaired so that it will no longer exist in violation of the terms of this article, it may be demolished. In all cases where any building, structure, part of building or structure, party wall, or foundation is a fire hazard existing in violation of the terms of this article, it may be demolished.
- (4) If any building, structure, part of building or structure, party wall, or foundation is in such condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants, it and/or the entirety or other portion of the premises upon which it is located may be ordered to be vacated.

Where one or more of the standards above may apply, the appropriate municipal official may, in his sole discretion, choose to order any one, any combination, or all of the foregoing remedies.

Ordinance No. 110723-4E  
City of Brighton

**NOTICE**

BE IT ORDAINED, BY THE CITY OF BRIGHTON, ALABAMA AS FOLLOWS:

Procedures for effectively correcting unsafe structures and dangerous buildings in accordance with City and State Laws

**Sec 1. Purpose and scope**

- (a) The purpose of this article is to promote the health, safety, economic, aesthetic and general welfare of the citizens of the city, and to protect neighborhoods against nuisances, blight and deterioration by establishing requirements for maintenance of all building exteriors, whether residential or nonresidential, or structures of whatever kind, and establishing requirements for the maintenance of all land, whether improved or vacant.
- (b) This Ordinance shall apply to all buildings, structures and lands within the city without regard to the use, the date of construction or alteration, except as specifically provided.
- (c) Pursuant to the authority provided by **Amendment No. 497, Constitution of Alabama 1901, and Act No. 87-758 and Act No. 89-527**, Section 11-40-10 Code of Alabama 1975, Sections 11-45-8 to Section 11-45-9 Code of Alabama 1975, Section 11-45-1 Code of Alabama 1975, Section 11-45-9 of the Code of Alabama, Section 41-9-166 Code of Alabama 1975 and Section 11-47-117, Code of Alabama 1975, Section 6-5-120 to Section 6-5-122 Code of Alabama 1975, Section 11-40-30 to 11-40-36 Code of Alabama 1975, Section 11-53A-1 to 11-53A-6 Code of Alabama 1975 and Sections 11-3B-1 to 11-53B-16 Code of Alabama 1975, Section 11-47-117 Code of Alabama 1975, Section 11-47-130 to 11-47-31 Code of Alabama 1975, Sections 130A-7-29 and 130A-7-29(c) & (d) Code of Alabama 1975, Section 13A-7-29 Code of Alabama 1975, Section 23-5-7 Code of Alabama 1975, Section 325A-60 Code of Alabama 1975, of the Legislature of Alabama, the City of Brighton, AL hereby adopts the following as the City of Brighton unsafe structure and dangerous buildings ordinance:

**Sec. 2 Notice from appropriate municipal official of unsafe condition.**

- (a) Whenever the appropriate municipal official of the city finds that any building, structure, part of building or structure, party wall, or foundation situated in the city is unsafe to the extent that it is a public nuisance, the appropriate municipal official may, as set forth in this section, give notice to remedy the unsafe or dangerous



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condition of the building or structure. The notice shall identify the street address, the legal description, and the parcel identification number of the property where the building, structure, part of building or structure, party wall, or foundation is located. The notice shall set forth in detail the basis for the appropriate municipal official's finding and shall direct the owner or owners to take either of the following actions:

- (1) In the case where repair is required, accomplish the specified repairs or improvements within a reasonable time set out in the notice, which time shall not be less than 45 days of the date of the notice or if the same cannot be repaired within that time to provide the appropriate municipal official with a work plan to accomplish the repairs, which plan shall be submitted within 45 days of the making of the notice and shall be subject to the approval of the council.
- (2) In the case where a move or demolition is required, move or demolish the building, structure, part of building or structure, party wall, or foundation within a reasonable time set out in the notice, which time shall not be less than 45 days of the notice.

The notice shall state that, in the event the owner does not comply within the time specified therein, the repairs, the move, or the demolition shall be accomplished by the city and the cost thereof assessed against the property. The repair, move, or demolition must be completed to the appropriate municipal official's satisfaction, or the same may be completed and accomplished by the city and the cost thereof assessed against the property. The notice shall inform the recipients that a public hearing as provided for by an ordinance governing "Hearings and Appeals", shall be held on the finding of the appropriate municipal official at a date, time, and location specified in the notice.

The appropriate municipal official may also order that any building, structure, or part of building or structure ordered to be repaired, moved, or demolished be vacated along such terms as the appropriate municipal official deems appropriate.

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- (b) The appropriate municipal official shall give the notice required by subsection (a) of this section by all of the following means:
- (1) By certified or registered mail, properly addressed and postage prepaid, to all of the following persons or entities:
- i. The person or persons, firm, association, or corporation last assessing the property for state taxes to the address on file in the Madison County Tax Collector's Office or the Limestone County Revenue Commissioner's Office, as the case may be depending on where the subject property is located;
  - ii. The record property owner or owners (including any owner or owners of an interest in the property) as shown from a search of the records of the office of the Judge of Probate of Jefferson County,, at the owner or owners' last known address and at the address of the subject property;
  - iii. All mortgagees of record as shown from a search of the records of the office of the Judge of Probate of Jefferson County, to the address set forth in the mortgage or, if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the appropriate municipal official;
  - iv. All lien holders of record as shown from a search of the records of the office of the Judge of Probate of Jefferson County, to the address set forth in the statement of lien or, if no address for the lien holder is set forth in the statement of lien, to the address determined to be the correct address by the appropriate municipal official; and
  - v. Any person who is otherwise known to the clerk or to the appropriate municipal official to have an interest in the property;
- (2) By posting notice of the order, or a copy thereof, within three days of the date of mailing required by subsection (b)(1) of this section, at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location on the building or structure; and

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- (3) By recording notice of the order, or a copy thereof, in the office of the Judge of Probate of Jefferson County, on or before the date of mailing required by subsection (b)(1) of this section.
- (c) In addition to the required notice provisions in subsection (b) of this section, the appropriate municipal official may, in his sole discretion, publish a short form of the notice described in subsection (a) of this section:
- (i) in the Western Star or other publication of general circulation in Jefferson County;
  - (ii) on the City of Brighton's official municipal website.
- (d) In the event that the identity of the record property owner(s) cannot be ascertained after a reasonably diligent search, the appropriate municipal official, in addition to complying with the applicable notice provisions in subsection (b) of this section, shall issue notice to the unknown property owner(s) by publishing a short form of the notice described in subsection (a) of this section in the Western Star or other publication of general circulation in Jefferson County, or on the City of Brighton's official municipal website, once a week for four consecutive weeks.
- (e) A failure by the council to act on the findings of the appropriate municipal official within 120 days from the date of mailing required by subsection (b)(1) of this section shall constitute an abdication of the appropriate municipal official's findings. However, this shall in no way prevent the city from reinitiating the proceedings authorized by this article at any time so long as all the requirements of this article are satisfied anew. Furthermore, this does not require that the ordered demolition, move, or repairs take place within 120 days from the date of mailing required by subsection (b)(1) of this section.

**Hearings/Appeals**

BE IT ORDAINED, BY THE CITY OF BRIGHTON, ALABAMA AS FOLLOWS:

Procedures for effectively correcting unsafe structures and dangerous buildings in accordance with City and State Laws

**Sec 1. Purpose and scope**

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(b) This Ordinance shall apply to all buildings, structures and lands within the city without regard to the use, the date of construction or alteration, except as specifically provided.

(c) Pursuant to the authority provided by **Amendment No. 497, Constitution of Alabama 1901, and Act No. 87-758 and Act No. 89-527**, Section 11-40-10 Code of Alabama 1975, Sections 11-45-8 to Section 11-45-9 Code of Alabama 1975, Section 11-45-1 Code of Alabama 1975, Section 11-45-9 Code of Alabama Section 11-47-130 to 11-47-131 Code of Alabama 1975, Sections 130A-7-29 and 130A-7-29(c) & (d) Code of Alabama 1975, Section 13A-7-29 Code of Alabama 1975, Section 23-5-7 Code of Alabama 1975, Section 325A-60 Code of Alabama 1975, of the Legislature of Alabama, the City of Brighton, AL hereby adopts the following as the City of Brighton unsafe structure and dangerous buildings ordinance:

**Sec. 2 Hearings, appeals, and extensions.**

(a) After the time specified in the notice provided for as set out by the "Notice" ordinance, but no less than 50 days from the date the notice is given as provided for by the "Notice" ordinance, whichever is later, if the owner of any property cited hereunder fails to comply with the notice prescribed, the Environmental Court shall hold a public hearing to receive any objections to the finding by the appropriate municipal official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the council shall also receive any written objections to the finding by the appropriate municipal

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official. Any such written objection must be submitted to the Environmental Court prior to the start of the council meeting at which the public hearing is held. No action shall be taken on the finding of the appropriate municipal official until determination thereon is made by the Environmental Court.

(b) Upon holding the hearing, the Environmental Court may determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. Any hearing shall be held without jury upon the determination of the appropriate Municipal official that the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the Environmental Court that the building or structure is unsafe to the extent that it is a public nuisance, the Environmental Court may take either of the following actions:

(1) In the case where repair is required, order repair of the building at the expense of the city and assess the expenses of the repair on the land on which the building stands or to which it is attached.

(2) In the case where a move or demolition is required, order moving or demolition of the building at the expense of the city and assess the expenses of the move or demolition on the land on which the building stands or to which it is attached.

The Environmental Court may also order that any building, structure, or part of building or structure to be repaired, moved, or demolished be vacated along such terms as the Environmental Court deems appropriate.

(c) Any person aggrieved by the decision of the findings of the Environmental Court may, within ten days thereafter, appeal to the Circuit Court, upon filing with the Clerk of the City, notice of the appeal and bond for security of costs in the form and amount to be approved by the circuit clerk.

(d) After 20 days of the decision of the Environmental Court, if a repair, move, or demolition is ordered by the Environmental Court and if an appeal has not been taken to the circuit court as provided for by subsection (c) of this section, then the repair, move, or demolition may be accomplished by the city by the use of its own forces, or it may provide by contract for the repair or demolition. In the event

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that an appeal is taken to the circuit court as provided for by subsection (c), once a judgment authorizing a repair, move, or demolition becomes final as provided by law, then the repair, the move, or the demolition may be accomplished by the city by the use of its own forces, or it may provide by contract for the repair, the move, or the demolition, with assessment to the land on which the repair, move, or demolition was done.

- (e) A failure by the city to accomplish the repair, move, or demolition of a building, structure, part of building or structure, party wall, or foundation within 180 days of the passage of the resolution ordering the same shall constitute an abdication of the council's order unless one of the following conditions is satisfied:
- (1) An aggrieved party has filed an appeal pursuant to or allegedly pursuant to this article;
  - (2) A court of competent jurisdiction has enjoined or otherwise halted the repair, move, or demolition;
  - (3) All parties identified by the appropriate municipal official pursuant to ordinance related to "Notice" have entered into a written agreement allowing for an extended period of time within which the repair, move, or demolition may be accomplished;
  - (4) All parties identified by the appropriate municipal official pursuant to the "Notice" ordinance have noted at a meeting of the Environmental Court order or their agreement allowing for an extended period of time within which the repair, move, or demolition may be accomplished and the agreement is reflected in the minutes of the Environmental Court; or
  - (5) Further action is taken by the council as provided by subsection (f) of this section.
- (f) If for any reason an ordered repair, move, or demolition cannot be accomplished within 180 days of the Environmental Court's Order, ordering the same, the Municipal Attorney shall file a motion for an extension of time to comply with the order with the Environmental Court. The Municipal Attorney shall serve a copy of the motion to the all parties at the same time the motion is filed with Environmental Court. The motion will be set for a public hearing unless the Municipal Attorney certifies that all parties agree to the extension of

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time. Otherwise the Environmental Court shall give no less than ten days' notice of the hearing at which the proposed extension is to be considered by certified mail to all persons or entities listed in section the "Notice" ordinance. Service of the motion shall be deemed complete upon mailing. Any person, firm, or corporation having an interest in the property may be heard at the meeting as to any objection to the proposed extension or the length thereof. Following the hearing, the Environmental Court may enter an order extending the time for the repair, move, or demolition to be accomplished for such period of time as it deems necessary. If the Environmental Court finds sufficient time to extend the time to complete the repair, move, or demolition, then the Court must order the extension no more than 60 days after the expiration of the then existing deadline to complete the repair, move, or demolition. The Court may order repeated extensions if the process set forth in this subsection is followed for each extension.

- (g) Nothing in this article shall prevent the city from reinitiating the proceedings authorized by this article at any time so long as all the requirements of this article are satisfied anew.
- (h) The city may sell or otherwise dispose of salvaged materials resulting from any demolition pursuant to this article.

BE IT ORDAINED, BY THE CITY OF BRIGHTON, AL as follows:

*Penalties for violation(s) of unsafe structures and dangerous buildings in accordance with City and State Laws.*

**Sec 1. Purpose and scope**

(a) The purpose of this article is to promote the health, safety, economic, aesthetic and general welfare of the citizens of the city, and to protect neighborhoods against nuisances, blight and deterioration by establishing requirements for maintenance of all building exteriors, whether residential or nonresidential, or structures of whatever kind, and establishing requirements for the maintenance of all land, whether improved or vacant.

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(c) Pursuant to the authority provided by **Amendment No. 497, Constitution of Alabama 1901, and Act No. 87-758 and Act No. 89-527, Section 11-40-10 Code of Alabama 1975, Sections 11-45-8 to Section 11-45-9 Code of Alabama 1975, Section 11-45-1 Code of Alabama 1975, Section 11-45-9 Code of Alabama 1975, Section 11-47-130 to 11-47-31 Code of Alabama 1975, Sections 130A-7-29 and 130A-7-29(c) & (d) Code of Alabama 1975, Section 13A-7-29 Code of Alabama 1975, Section 23-5-7 Code of Alabama 1975, Section 325A-60 Code of Alabama 1975**, of the Legislature of Alabama, the City of Brighton, AL hereby adopts the following as the City of Brighton unsafe structure and dangerous buildings ordinance:

**Section 2. Penalties for Violations**

2.1 Any individual, partnership, corporation, or other legal entity (hereinafter referred to as the "Accused") that receives a citation for violating the Dangerous Building provision of this ordinance shall be subject to penalties of fines and/or Imprisonment.



Ordinance No. 110723-4G

City of Brighton

Penalties: Dangerous Buildings

2.2 The penalty for each offense shall be a fine of not less than Two Hundred Dollars (\$200.00) and not more than Five Hundred Dollars.

(\$500.00) per violation and any imprisonment shall be no more than Thirty (30) days.

2.3 At the time of the citation the Accused shall be assigned a date on which to appear before the Municipal/Environmental Court.

2.4 In the event the Accused fails to appear in Municipal/Environmental Court on the assigned date and the danger related to the structure has not been abated, a separate offense shall be considered to have occurred on each day thereafter and will continue until the Accused appears before the court or it proven to the court that the danger has been abated.

2.5 The Municipal /Environmental Court disposition of the matter referenced herein above may result in additional fines not to exceed or imprisonment for up to 30 days.

2.6 In the event the Accused fails to appear for three consecutive court dates, the Municipal/Environment Court may issue an order to bill the Accused for reasonable and necessary actions required to abate the violation.

Ordinance No. 110723-4

**ALL ORDINANCES AND RESOLUTIONS OR PARTS OF ORDINANCES OR RESOLUTIONS THAT SHALL BE IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT REQUIRED TO GIVE THIS ORDINANCE FULL FORCE AND EFFECT.**

After its adoption and publication as provided by law, this Ordinance shall become effective 01/02/24.

ADOPTED THIS THE 25<sup>th</sup> DAY OF April

  
\_\_\_\_\_  
MAYOR

CITY OF BRIGHTON

  
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ATTEST