

AN ORDINANCE
GARBAGE, TRASH, WEEDS, RUBBIS AND JUNK
IN THE CITY LIMITS OF THE CITY OF HAMILTON, ALABAMA

Section 1: Definitions.

For the purposes of this ordinance the following terms shall have the respective meanings ascribed to them:

Authorized private receptacle: A litter storage and collection receptacle as required and authorized in this article.

Garbage: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Handbill: Any printed or written matter, and sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definition of newspaper.

Litter: Garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Newspaper: Any newspaper of general circulation as defined by law of this state, including, but not limited to, any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

Park: A park, reservation, playground, recreation center, tennis center, field, or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Private premises: Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, entranceway, passageway, parking area, storage area, steps, vestibule, mailbox, or recreation facility belonging or appurtenant to such dwelling, house, building or other structure.

Public place: Any street, sidewalk, road, alley or other public way and any public square, park, space, ground or building.

Refuse: Putrescible and nonputrescible solid wastes (except body and animal wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

Rubbish: Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, shrub clippings, leaves, tree prunings, cut grass and weeds, pine straw, rocks, wood, glass, bed springs, mattresses, crockery, discarded appliances and similar materials.

Vehicle: Any device in, upon or by which any person or property is or may be transported or drawn upon a street, road, or alley, including any device used exclusively upon stationary rails or tracks.

Section 2: Enforcement.

(a) Only sworn police officers of the city have authority to enforce violations involving moving vehicles.

(b) Police officers, the county health officer, and street and sanitation superintendent in pursuance of their normal work are authorized and empowered to enforce all other aspects of this chapter.

(c) The fire chief is authorized and empowered to enforce violations of this chapter which constitute existing or potential fire hazards.

(d) The city council by resolution may designate additional city employees as persons responsible for the enforcement of this chapter.

(e) All of the persons designated in subsections (a) through (d) may enforce this chapter by citations issued to the violator. The person so named may plead guilty to said offense by signing the citation form and returning the maximum penalty to the municipal magistrate, without the necessity of appearing before the municipal judge.

Section 3: Penalties in summary disposition of litter offenses.

The schedule of maximum penalties for violation of litter provisions of this chapter is as follows:

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| (1) Littering by pedestrian or motorist... | \$ 100.00 |
| (2) Dumpouts..... | 500.00 |
| (3) Littering with handbills..... | 100.00 |
| (4) Placing handbills on public property.. | 100.00 |
| (5) Failure to provide litter receptacles. | 50.00 |
| (6) Transporting loose materials without adequate covering..... | 200.00 |
| (7) Failure to provide receptacle at loading/unloading area..... | 50.00 |
| (8) Failure to breakdown cardboard boxes, etc..... | 50.00 |
| (9) Failure to clean loading/unloading area..... | 50.00 |
| (10) Failure to contain loose materials in bags or tied bundles..... | 50.00 |
| (11) Accumulation of litter at construction/demolition site..... | 100.00 |

(12)	Failure to provide receptacles at construction/demolition site.....	100.00
(13)	Inability to show proof of proper disposition of construction/demolition litter.....	100.00
(14)	Improper household litter receptacle..	50.00
(15)	Improper disposal of household litter.....	100.00
(16)	Uncovered household receptacle.....	50.00
(17)	Failure to follow put out practices for city pick up.....	20.00
(18)	Depositing household litter in public receptacles.....	35.00
(19)	Improper commercial litter receptacle.	50.00
(20)	Uncovered commercial receptacle.....	50.00
(21)	Improper disposal of commercial litter.....	200.00
(22)	Depositing commercial litter in public receptacle.....	50.00
(23)	Litter on private premises.....	100.00
(24)	Litter on sidewalks or strips.....	20.00
(25)	Litter on alleys.....	20.00
(26)	Sweepouts.....	35.00
(27)	Placing burning materials in receptacle or setting fire to receptacle.....	200.00
(28)	Removing, displaying, injuring, defacing, destroying or uncovering receptacle or removing contents of container.....	100.00
(29)	Littering in public place other than sidewalk, strip, alley or park.....	100.00
(30)	Littering in parks.....	100.00
(31)	Littering in body of water.....	100.00
(32)	Posting notices in prohibited place...	35.00
(33)	Removing material disposed of at disposal location.....	50.00
(34)	Any violation not otherwise provided for.....	100.00

Section 4: Litter in public places generally.

It shall be unlawful for any person to throw or deposit litter in or upon any street, sidewalk, or other public place within the city except in public receptacles, in authorized private receptacles or in the official landfill.

Section 5: Sweeping litter into gutters generally; keeping sidewalks and alleys clean generally.

It shall be unlawful for any person to sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or

lot, from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises and the strip between the street and the sidewalk free of litter. Person whose property faces a city alley shall keep the alley free of litter.

Section 6: Litter in body of water generally.

No person shall throw or deposit litter in any pond, lake, stream, creek, branch, river, or any other body of water in a park or elsewhere within the city.

Section 7: Litter in open storm water drainage canal or ditch.

It shall be unlawful within the city or police jurisdiction thereof to throw any trash, garbage, foreign substance or refuse of any kind into any open storm water drainage canal or ditch operated, maintained or owned by the city.

Section 8: Depositing litter from commercial establishment on public or private property; keeping sidewalk clean.

No person owning, managing or employed by a commercial establishment or institution shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning, managing or employed by a commercial establishment or institution within the city shall keep the sidewalk in front of their premises free of litter. No person owning, managing or employed by a commercial establishment or institution shall deposit solid waste therefrom in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians.

Section 9: Litter thrown by person in vehicle.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private premises.

Section 10: Litter in parks.

No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this chapter.

Section 11: Throwing or distributing handbills in public places.

No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place within the city; provided that it shall not be unlawful on any sidewalk, street or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any handbill to any person willing to accept it.

Section 12: Placing handbills on vehicles.

No person shall throw or deposit any handbill in or upon any vehicle; provided that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a handbill to any occupant of a vehicle who is willing to accept it.

Section 13: Depositing handbills on uninhabited or vacant premises.

No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

Section 14: Prohibiting distribution of handbills where property posted.

No person shall throw, deposit or distribute any handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words "no trespassing", "no solicitors", "no advertisement", or any similar notice, indicating in any manner that the occupants of said premises do not desire to have their right to privacy disturbed or to have any such handbills left upon such premises.

Section 15: Distributing handbills at inhabited private premises.

No person shall throw, deposit or distribute any handbill in or upon private premises which is inhabited, except by handing or transmitting any such handbill directly to the owner, agent, occupant or lessee then present in or upon such private premises; provided that in case of inhabited private premises which are not posted as provided in section 14, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited so as to secure or prevent such handbill from being blown or drifting about such premises or sidewalks, streets or other public places. Mailboxes shall not be used for placement or deposit of handbills when prohibited by federal law or regulation. The provisions of this section shall not apply to the distribution of mail by the United States postal service, nor to newspapers except that newspapers shall be placed on private premises in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property of another.

Section 16: Posting notices, posters, etc.

No person shall post or affix any notice, poster, sign or other paper or device, calculated to attract the attention of the public, to any lamp post, light post, utility pole, tree, fence, temporary pole, stake or upon any public structure, building, park, right-of-way or other public place in the city, except as may be authorized or required by law.

Section 17: Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

Section 18: Vehicle loads causing litter.

No person shall drive or move any vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any public place or private property; nor shall any person drive or move any vehicle within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. The duty and responsibility imposed by this section shall be applicable severally to the owner of the vehicle, the operator of the vehicle, and the person from whose residence or establishment the load or contents originated. In a prosecution of a violation of this section lack of adequate

covering and securing of a load of loose cargo such as paper, cardboard boxes, leaves or other materials shall in itself constitute proof that a violation has been committed.

Section 19: Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

Section 20: Certain persons to maintain receptacles for public.

To facilitate proper disposal of litter by pedestrians and motorists, such publicly-patronized or used establishments and institutions as may be designated by the street and sanitation superintendent shall provide, regularly empty and maintain in good condition adequate receptacles that meet standards prescribed by the street and sanitation superintendent. This requirement shall be applicable to, but not limited to, fast-food outlets, shopping centers, convenience stores, supermarkets, service stations, car washes, motels, hospitals, schools and colleges.

Section 21: Owner to maintain premises free of litter.

The owner, agent, occupant or lessee of any private property shall at all times maintain the premises free of litter; provided that this shall not prohibit the storage of litter in authorized private receptacles for collection. This requirement applies not only to removal of loose litter, but materials that already are, or become, trapped at such locations as fence and wall bases, grassy and planted areas, borders, embankments and other lodging points. Owners, agents, occupants or lessees whose properties face on municipal sidewalks and strips between sidewalks and streets shall be responsible for keeping those sidewalks and strips free of litter. Owners, agents, occupants or lessees whose property faces on municipal alleys shall be responsible for keeping the alley free of litter. It shall be the duty of every nonresident owner of a vacant lot or other vacant property to appoint an agent residing in the city to be responsible for keeping that lot or other property free of litter.

Section 22: Accumulations of debris, rubbish, etc.

An accumulation of debris, rubbish, brush, used building materials, refuse, remains from building demolition, remains from a fire, parts of building or parts of untenable structures on any lot or tract of land in the city is hereby declared to be a nuisance. It shall be unlawful to permit any such accumulation to remain or continue in existence in any place after receiving an order from the enforcing official to remove the same.

Section 23: Machinery, vehicles, etc.

Storage of used building material, machinery, vehicles, parts of vehicles or any other materials which may provide a breeding place for mosquitoes, harmful insects or rodents, or is so unsightly as to be offensive to the surrounding area is hereby declared to be a nuisance. It shall be unlawful to permit such storage to continue after receiving an order from the enforcing official to remove the same.

Section 24: Vegetation, grass, plants and weeds.

(a) Any vegetation, weeds, grass or plants (other than trees, bushes, flowers or other ornamental plants under proper care and cultivation) which have grown to a height of

twelve (12) inches or more on any lot or tract of land in the city are hereby declared to be a nuisance. It shall be unlawful to permit any such weeds, grass or plants to grow or remain in any place after receiving an order from the enforcing official to remove the same.

(b) In the case of a large tract of land on which no structure is situated, the provisions of this section shall apply only to those portions of said tract which are within three hundred (300) feet of a structure or a public road, street, avenue, highway or other public right-of-way. The enforcing official may for good cause reduce the area subject to this section to a lesser distance. All portions of such tracts shall be subject to all other relevant provisions of this chapter.

Section 25: Notice to remove litter, etc.; removal by city.

If after due notice, an owner, agent, occupant or lessee fails to remove litter, vegetation or junk from any private property, the street and sanitation superintendent or any police officer of this municipality is authorized to serve written notice to the owner or the owner's appointed agent that if the condition is not corrected within seven (7) days, the property will be cleaned by the city or an approved contractor and the owner or the owner's appointed agent billed for the cost thereof. If the bill is not paid within twenty-eight (28) days, the street and sanitation superintendent or reporting police officer shall report to the city council, which may assess the cost as a lien against the property until satisfied.

Adopted by the City Council of the City of Hamilton, Alabama, on the 10th day of November, 1992.



MAYOR

ORDINANCE NUMBER 2010-7

AN ORDINANCE OF THE CITY OF HAMILTON TO AMEND ORDINANCE NUMBER 497 ENTITLED "GARBAGE, TRASH, WEEDS, RUBBUSH, AND JUNK IN THE CITY LIMITS OF THE CITY OF HAMILTON, ALABAMA" OF THE CITY OF HAMILTON TO PROVIDE ADDITIONAL PENALTIES FOR ITS VIOLATION

BE IT ORDAINED by the City Council of the City of Hamilton, Alabama, as follows:

SECTION I. AMENDMENT. That Section 25, entitled A Notice to remove litter, etc.; removal by city, of Ordinance 497 of the City of Hamilton be and hereby is amended to read as follows:

SECTION 25. Notice to remove litter, etc.; removal; by city.

If after due notice, which shall be 7 days written notice, an owner, agent, occupant or lessees fails to remove litter, vegetation or junk from any private property, the said owner, agent, occupant or lessees shall be in violation of this Ordinance. Said violation shall result in a punishment consisting of a fine of not less than \$100.00 and not more than \$500.00, or imprisonment of not more than 7 days in jail, or by both fine and imprisonment.

Additionally, if after due notice, an owner, agent, occupant or lessees fails to remove litter, vegetation or junk from any private property, the street and sanitation superintendent or any police officer of this municipality is authorized to serve written notice to the owner or the owner's appointed agent that, if the condition is not corrected within seven days, the property will be cleaned by the city or an approved contractor and the owner or the owner's appointed agent billed for the cost thereof. IF the bill is not paid within twenty-eight days, the street and sanitation superintendent or reporting police officer shall report to the city council, which may assess the cost as a lien against the property until satisfied.

SECTION II. INCLUSION. Other than as provided in Section 1 of this amendment, Ordinance 497 of the City of Hamilton is adopted, realleged and incorporated by reference as if fully set forth herein.

SECTION III. SEVERABILITY. Each and every provision of this ordinance is hereby declared to be an independent provision, and the holding of any provision hereof to be void or invalid, shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.

Adopted and approved this the 9th day of September, 2010.

Robert Holliday
Joseph Robert Holliday, Jr.
Mayor for the City of Hamilton

Authenticated:

Jan Williams
Jan Williams
Clerk for the City of Hamilton