

**AN ORDINANCE TO REGULATE GRASS AND WEED NUISANCES, ABANDONED
AND INOPERABLE VEHICLES AND OTHER NUISANCES**

WHEREAS, an abundance abandoned or inoperable vehicles; overgrown grass and weeds; smoke and soot, and other nuisances described herein within the city limits of Hanceville, Alabama, could be injurious to the general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects and pests; or creating a fire threat or hazard; or bearing wingy or downy seeds, when mature that cause the spread of weeds and when breathed, irritation to the throat, lungs, and eyes of the public; or being unsightly and constituting a usual blight, and;

WHEREAS, the removal and clearance of such nuisances described herein must be accomplished for the overall good and protection of the public as a whole.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HANCEVILLE, ALABAMA, that the following ordinance is hereby adopted:

ARTICLE I. - IN GENERAL

Sec. 1-1. - Smoke and soot control.

Sec. 1-2. - Same—Use near residence or business of another.

Sec. 1-3. - Rat control—Rat harborage prohibited.

Sec. 1-4. - Same—Certain buildings to be rat free.

Sec. 1-5. - Same—Notice of rat infestation from health officer.

Sec. 1-6. - Same—Inspections for rat infestation and harborage.

Sec. 1-7. - Mosquito control—Treatment of water collections required.

Sec. 1-8. - Same—Methods.

Sec. 1-9. - Same—Evidence of mosquito breeding; failure to prevent breeding after notice.

Sec. 1-10. - Same—Right of entry to enforce.

Sec. 1-1. - smoke and soot

(a) It shall be unlawful for any person, whether knowingly or unknowingly and whether done personally or by a servant, agent or employee, to cause, permit, or allow the discharge or escape, into the open air, of any smoke or soot in such manner or in such quantities as to cause or have a natural tendency to cause injury, detriment or annoyance to any person or to the public, or in such manner or in such quantity as to cause or have

the natural tendency to cause injury or detriment to business or property.

(b) It shall be likewise be unlawful for any person to knowingly or unknowingly fail to prevent the escape into the open air from any premises of which such person is the operator or proprietor, or of which such person has the control or management, of any smoke or soot contrary to the provisions of this section. This section shall not apply to railroad locomotives.

Sec. 1-2. - Same—Use near residence or business of another

It shall be unlawful for any person, whether knowingly or unknowingly and whether done personally or by any servant, agent or employee, to cause, allow, permit or engage in the playing or operation of any radio, loudspeaker, phonograph, gramophone, talking machine, musical wind instrument or any other musical instrument of such character or volume and in such proximity to the residence or place of business of another as to cause, or have a reasonable tendency to cause, injury, detriment or unreasonable annoyance to the occupant of any such residence or place of business or so as to endanger or unreasonably interfere with the comfort, repose or health of any person or to cause injury or detriment to the business or property of another person.

Sec. 1-3. - Rat control—Rat harborage prohibited.

It shall be unlawful for any person to permit any storage of refuse or rubbish that may create a harborage for rats.

Sec. 1-4. - Same—Certain buildings to be rat free

It shall be unlawful for any person owning, controlling, managing, operating or occupying any building used for the purpose of selling, storing or manufacturing foods, foodstuffs, feeds or grain, or used for the purpose of housing poultry or animals, or used to conduct any other business the operation of which affords food for rats, to fail to maintain the interior of the building and adjacent premises reasonably free of rats at all times by effective methods of rat-control and rat proofing.

Sec. 1-5. - Same—Notice of rat infestation from health officer.

Upon notification by the county health officer or by any authorized assistant that a rat infestation exists in any building owned, controlled, managed, operated, used or occupied by the person notified, it shall be unlawful for any such person to fail to comply, within the time specified in such notice, with all measures of rat-control and rat proofing, and with all steps to eliminate rat harborage specified in such notice. Each day's failure to comply with the foregoing notice shall constitute a separate offense.

Sec. 1-6. - Same—Inspections for rat infestation and harborage.

The county health officer is hereby authorized to inspect, between the hours of 8:00 a.m. and 5:00 p.m., any store, shop, building, residence, vacant lot or other premises in the city or its police jurisdiction for the purpose of determining if any rat infestation or rat harborage exists, and it shall be unlawful for the owner, operator, person in charge, or any other person whatsoever to resist or in any manner interfere with the health officer or

authorized representative by word, deed or act, in the performance of such inspection.

Sec. 1-7. - Mosquito control—Treatment of water collections required.

(a) It shall be unlawful for any person to have, keep, maintain, cause or permit, within the city or its police jurisdiction, any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as to effectively prevent such breeding.

(b) This section shall apply to all collections of water, including those contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets or other similar water containers.

Sec. 1-8. - Same—Methods.

The method of treatment of any collection of water directed toward the prevention of breeding of mosquitoes shall be approved by the county health officer, and may be any one or more of the following:

(1) Screening with wire netting of at least sixteen (16) meshes to the inch each way, or with any other material which will effectively prevent the ingress or egress of mosquitoes.

(2) Complete emptying every seven (7) days of unscreened containers, together with their thorough drying or cleaning.

(3) Using a larvicide approved and applied under the direction of the county health officer.

(4) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish.

(5) Filling or draining to the satisfaction of the county health officer and in accordance with other applicable laws and regulations.

(6) Proper disposal, by removal or destruction of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.

Sec. 1-9. - Same—Evidence of mosquito breeding; failure to prevent breeding after notice.

(a) The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there, and failure to prevent such breeding within three (3) days after notice by the county health officer shall be deemed a misdemeanor.

(b) Should the person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the same, within three (3) days after due notice has been given, the county health officer is authorized to do so, and all necessary cost incurred for this purpose shall be a charge against the property owner or other person offending, as the case may be.

Sec. 1-10. - Same—Right of entry to enforce.

For the purpose of enforcing the mosquito prevention requirements, the county health officer, or duly accredited agent acting under such officer's authority, may at all reasonable times enter in and upon any premises within the city or its police jurisdiction.

ARTICLE II. - LITTERING; REFUSE ACCUMULATIONS; JUNK

Sec. 2-1. - Definitions.

Sec. 2-2. - Sweeping dirt, litter, etc., onto streets or sidewalks; duty to keep sidewalks clean.

Sec. 2-3. - Littering streets and premises.

Sec. 2-4. - Deposit of hazardous debris.

Sec. 2-5. - Same—Exemption.

Sec. 2-6. - Littering drainage ditches and easements.

Sec. 2-7. - Spilling vehicle loads.

Sec. 2-8. - Unlawful growth of vegetation.

Sec. 2-8.1. - Removal of litter and accumulation of trash required.

Sec. 2-8.2. - Household appliances and household furniture prohibited outside any dwelling.

Sec. 2-9. - Abatement.

Sec. 2-10. - City attorney authorized to file lien.

Sec. 2-11. - Abandoned iceboxes and other containers; removal of doors and locks required.

Sec. 2-12. - Dismantled, wrecked, discarded vehicles on premises.

Sec. 2-13. - Placement of trash, rubbish, etc., at stores, shops, etc.—Alleys to be kept free of trash, rubbish, etc.

Sec. 2-14. - Same—On street or sidewalk only where no alley.

Sec. 2-15. - Persons engaged in the business of cutting and pruning trees or landscaping—Required to remove debris.

Sec. 2-16. - Same—Debris not to be left on public street.

Sec. 2-17. - Debris from construction, demolition, alterations or repair—Required.

Sec. 2-18. - Defective garbage or trash cans.

Sec. 2-19. - Garbage, trash, etc., from businesses not to be placed in city receptacles.

Sec. 2-20. - Cleanliness and orderliness at container site.

Sec. 2-20.1. - Unlawful opening, searching, etc., of garbage and trash cans.

Sec. 2-20.2. - Advertisement, notices, etc., posting on streets, sidewalks, trees, fences, etc.

Sec. 2-20.4. - Enforcement procedures.

Sec. 2-1. - Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

Citation: A notice specifying a violation of the provisions of this article which directs the

violator to appear in the municipal court to answer to the charge or, where appropriate, pay the fine or fines as specified in the minor violations settlement sheet.

Commercial premises: Any lot or any building, or any part thereof, used in connection with or for the carrying on of any business, trade, occupation or profession a license is required by the city.

Corrective notice: A written notice informing the recipient of a violation of the provisions of this article, and specifying a period of time in which to correct said violation.

Garbage: Vegetable or animal matter and all refuse matter arising from or produced by, or that attends, the preparation, use, cooking, dealing in or storing of bread, meat, fish, fowl, fruit or vegetables, and, in general, from food for human consumption, and all other putrescible matter, including paper, cartons, boxes, and cardboard.

Garbage and/or rubbish can: A watertight receptacle or container of substantial construction made of reinforced or ribbed plastic, or of galvanized iron or rust proof metal of not less than twenty-eight (28) gauge thickness having a holding capacity of not less than ten (10) or not more than thirty (30) gallons and equipped with a tight-fitting lid or cover and with one (1) or more handles by which the same may be conveniently lifted or moved; provided, however, the holding capacity may be more than thirty (30) gallons when the container has been constructed, and approved by the superintendent of the garbage department as suitable for pick-up and dumping by hydraulic lift or hoist.

Litter: Garbage, refuse, waste, including but not limited to any paper, cartons, cans, metal, glass, plastics, wrappings, boxes or cardboard, whether or not it is of value and, further, whether or not the same is putrescible or non-putrescible. The term shall also include any abandoned unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snaplock or other device which might be removed from the inside, washer, dryer or any other appliance. This term shall expressly not include trash, as defined herein above.

Occupant: As applied to any house, building, store, shop, room, lot, or premises; the owner, tenant, or other person who, for the time being, is in possession or is in charge or control thereof, either for such person's self or for another, or as agent, officer, or employee of a corporation.

Parkway: That unpaved area located in the center of the street.

Plastic bag or plastic container: A plastic bag or holder of sufficient thickness and strength to be lifted and loaded without tearing or leaking and capable of being securely closed or tied shut.

Premises: Any building or real property.

Refuse: All putrescible and nonputrescible solid waste (except bodily waste) including garbage and rubbish.

Trash: All tree and lawn trimmings, leaves, pine straw, trash that has been burned, rocks, bricks, dirt, ashes, lumber, bushes, and demolition-type waste, except this term shall expressly not include any paper, cartons, cardboard, refuse, garbage, litter, rubbish, sludges, liquids, toxic waste or wastes.

Trash can: A watertight receptacle or container of substantial construction made of reinforced or ribbed plastic, and of galvanized iron or rust proof metal, of not less than twenty-eight (28)

gauge thickness having a holding capacity of not less than ten (10) or more than thirty (30) gallons, and equipped with a tight-fitting lid or cover and with one or more handles by which the same can be lifted or moved.

Waste: Any paper, cartons, cans, litter, or other materials which are thrown away or rejected for further use.

Sec. 2-2. - Sweeping dirt, litter, etc., onto streets or sidewalks; duty to keep sidewalks clean.

It shall be unlawful for any person to sweep, discharge, or otherwise place any dirt, garbage, litter, or trash of any kind whatsoever out of any building or private premises onto any sidewalk or into any public street or other public way. All sidewalks shall be kept clean from dirt, garbage, litter and trash by the occupants of the property fronting the same.

Sec. 2-3. - Littering streets and premises.

(a) *Generally.* It shall be unlawful for any person to throw, dump, or discharge or to cause, or to permit, the dumping, depositing or discharging of any gravel, cement, paper, wood, garbage, cans, trash, and debris, refuse or litter of any kind upon the public streets or other public ways of the city or its police jurisdiction or upon public or private premises or a vacant lot. It shall be a defense to a violation of this section, in cases involving private property, that such littering was done with the express consent of the person having charge or control of said premises. The burden of injecting this issue shall be on defendant, but this does not shift burden of proof.

(b) *Littering from motor vehicle:*

(1) It shall be unlawful for any person or persons to dump, deposit or discharge or to cause, or permit, the dumping, depositing, or discharging, of any gravel, cement, paper, wood, garbage, cans, trash, debris, refuse, or litter of any kind from a motor vehicle upon the public streets or other public property of the city, or its police jurisdiction or upon premises or vacant lot.

(2) The dumping, depositing, or discharging of litter of any kind hereinabove prohibited from a motor vehicle on the public streets or other ways of the city or its police jurisdiction or upon public or private premises or vacant lot in violation of this section shall raise a prima facie presumption that the driver or operator of said motor vehicle committed, authorized, or permitted the violation herein prohibited, unless said motor vehicle is being utilized for the carriage of passengers for hire.

Sec. 2-4. - Deposit of hazardous debris.

It shall be unlawful for any person to throw, deposit or leave in or upon any street or other public way in the city any tacks, nails, tin cans, old iron, brush, boxes, machinery, automobile parts, truck parts, brick, glass, glassware, glass bottles, glass jars, broken glass, broken glassware, cartons, crates, limbs, grass or debris of any kind or character whatsoever.

Sec. 2-5. - Same—Exemption.

Sections 2-3 and 2-4 shall not apply to the placing or temporary storing of trash or leaves along the public streets or other public ways for collection by the city or other authorized person in a manner approved for such storage and collection.

Sec. 2-6. - Littering drainage ditches and easements.

It shall be unlawful for any person to throw, dump, or discharge any wood, garbage, cans, trash, tires, or debris or litter of any kind in any drainage ditch or drainage easement in the city.

Sec. 2-7. - Spilling vehicle loads.

(a) It shall be unlawful for any person; firm or corporation to drive, operate, or permit to be operated, any vehicle upon the public streets or other public ways of the city or its police jurisdiction, when such vehicle is so constructed, maintained, or loaded, that gravel, cement, liquid, asphalt, petroleum products, tar, trash, paper, debris, or litter of any kind is permitted to blow, spill or waste from such vehicle upon the public streets or other public ways.

(b) It shall be unlawful for any person, firm or corporation to haul garbage, paper, or litter, as defined hereinabove, unless the truck or vehicle is covered, secured, or sealed to the extent that there will be no loss or spillage during haulage to cause littering of streets or highways or cause a nuisance or hazard to the public health.

(c) Neither subsection (a) or (b) of this section shall apply to the deposit of sand or other substances on the streets of the city for the purpose of increasing traction, street repair or maintenance of utilities or to the use of water or other substances in cleaning or maintaining public streets or public ways, when such acts are performed by the city or contractor or conducting such actions pursuant to a valid contract within the city.

(d) Any person, firm, or corporation operating, or permitting to be operated, a vehicle in violation of subsection (a) or (b) shall immediately cause the public street or way to be cleared of such objects and shall bear the costs thereof.

Sec. 2-8. - Unlawful growth of vegetation.

In order to keep premises and vacant lots within the city free of any growth of weeds or grass or downed trees and/or limbs favorable to the harboring of mosquitoes or other insects of like kind and/or rodents or reptiles, it shall be unlawful for any person owning, residing or having charge or control of any premises or vacant lot within the city to allow weeds, grass or kudzu to grow to a height in excess of twelve (12) inches or to allow any other vegetation, including, but not limited to, kudzu, vines, bamboo or underbrush to become overgrown or to allow downed trees and/or limbs to remain to such an extent that the same may create favorable conditions to the harboring of mosquitoes or other insects of like kind and/or rodents or reptiles or otherwise constitutes a public nuisance or a danger to the public health, safety and welfare.

No notice shall be required to constitute a violation of this section.

Sec. 2-8.1. - Removal of litter and accumulation of trash required.

It shall be unlawful for any person owning, residing on or having charge or control of any premises or vacant lot within the city to allow any litter or accumulation of trash (except for collection purposes on regularly scheduled collection days in a manner authorized) or storm debris or construction debris on said premises or vacant lot.

Sec. 2-8.2. - Household appliances and household furniture prohibited outside any dwelling.

(a) It shall be unlawful for any person residing in or having charge or control of any dwelling within the City of Hanceville to leave or permit to remain outside of any such dwelling any household appliances or household furniture in such a manner that the same are exposed to the elements.

(b) *Household appliances* and *household furniture* are defined as those items routinely used within a household that have no weatherproofing qualities.

(c) *Elements* is defined as those aspects of inclement weather conditions for which such items are not designed nor intended to function or exist for extended periods of time such as rain, wind and temperature extremes normally associated with outdoor conditions.

(d) *Exposed* is defined as circumstances under which such items will experience excessive wear and tear due to their location out of doors and/or the deleterious effects of the elements such that water may accumulate and/or which may shelter and/or encourage the harboring of rodents and/or mosquitoes, and/or materials which generate obnoxious odors and/or become an electrical shock or fire hazard. Exposed expressly does not include an operating appliance in working condition located in a partially covered area such as a garage or porch such that it is not susceptible to coming in contact with rain.

Provided, however, that exposed shall not include the interior of any fully enclosed porch (including, without limitation, a porch enclosed by screening material) that cannot be accessed from outside except through a closed door that can be locked, and shall not be considered outside for the purpose of this section.

(e) The following shall constitute specific defenses to any alleged violation of this provision:

(1) That such furniture was placed in an outside location in order to allow it to be moved during a move of a resident or residents or removed as part of a trash or recycling program on a day scheduled for such moving or removal.

(2) That such furniture was temporarily placed in an outside location in order that it be offered for sale at a yard or garage sale if each of the following conditions exists:

a. The furniture is located in an outside location only during the hours of 8:00 am and 6:00 pm.

b. The person attempting to sell the furniture, or that person's agent, is outside during the period of the yard or garage sale in order to monitor the sale.

c. A sign is placed on or near the furniture indicating that it is for sale.

d. This defense shall not apply if upholstered furniture is located in an outside location for more than two days in any six-month period.

Sec. 2-9. - Abatement.

(a) *[Deadline for removal.]* If after the expiration of seven (7) days from any notice to cut the weeds, grass or other vegetation or to remove downed trees and/or limbs in violation of section 2-8 or litter, trash, construction debris or storm debris in violation of section 2-8.1 or from the issuance of any citation or summons and complaint pursuant to section 2-8 or [section] 2-8.1, the weeds, grass or other vegetation are not cut, or the downed trees or limbs are not removed or the litter, trash, construction debris or storm debris is not removed the city may do such work at the expense of the owner or other person having charge or control thereof, which charge shall be a lien on the lot or parcel of land to be collected as all debts are collected, or liens enforced.

(b) *[Notice.]* Notice shall include either a citation or summons, written notice mailed to the property owner or oral notice to the property owner or written notice posted on the property if the address of the property owner is not known.

(c) *Appeal.* Any person receiving a notice or citation as referenced in subsection (a) who disagrees that there is a violation of [section] 2-8 or [section] 2-8.1 may appeal the requirement to cut weeds, grass or other vegetation, or to remove downed trees or limbs or to remove litter, trash, construction debris or storm debris to the city council within five (5) business days by filing written notice of appeal to the city clerk. Abatement of the property shall be stayed during an appeal pending final decision of the council.

Sec. 2-10. - City attorney authorized to file lien.

The city attorney or his designee is authorized to file a lien against the property on charges related to work performed by the city pursuant to section 2-8 after thirty (30) days written notice is mailed to the property owner of intent to file a lien. This lien shall be a certified copy of a resolution passed by the city council and shall state the purpose and the amount of the lien and shall be recorded in the Office of Probate for Cullman County.

Sec. 2.11. - Abandoned iceboxes and other containers; removal of doors and locks required.

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure or on any premises under such person's control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snaplock or other locking device which might not be released from the inside, without first removing the door or lid, snaplock or other locking device from such icebox, refrigerator or container.

Sec. 2.12. - Dismantled, wrecked, discarded vehicles on premises.

(a) It shall be unlawful for any person in charge or control of any real property within the city, whether tenant, owner, occupant, lessee or otherwise, to allow any vehicle which is partially dismantled, nonoperative, wrecked, junked, or discarded to be on said premises. A vehicle will be considered nonoperative for the purposes of this section if it cannot be safely operated or if it is incapable of being moved under its own power or if it may not be legally operated due to lack of any legal requirement including a current license tag.

(b) In lieu of the above procedure, the city may utilize the provisions of the state abandoned vehicle law

(c) This section shall not apply to any vehicle in a permanently enclosed building or shelter, or to any vehicle on the premises of a licensed business when the keeping of such vehicle is lawful and necessary to the operation of such licensed business, nor shall this section apply to any storage place or depository lawfully maintained by duly constituted law enforcement officers in the city.

Sec. 2-13. - Placement of trash, rubbish, etc., at stores, shops, etc.—Alleys to be kept free of trash, rubbish, etc.

It shall be unlawful for the occupant of any store, shop, or building or for any other person to place any trash, litter or other waste material on the premises outside of such building except it be in a suitable receptacle or plastic bag or container at a readily convenient place easily accessible to the trash collector. It shall be the duty of the occupant of any such store, shop, room, house or building to keep the alley adjacent thereto and the lot on which the same is located clean and free from all trash, litter, and waste material except that which is placed in proper receptacles on the premises. It shall be the duty of the occupant of any such store, shop, room, house, or building to store all such garbage, waste, and trash so that it cannot become scattered by wind, dogs or otherwise.

Sec. 2-14. - Same—On street or sidewalk only where no alley.

It shall be unlawful for the occupant of any store, house, shop, room, building or other premises or for any person to place, whether or not in a receptacle, any trash, litter, empty boxes, or parts thereof, or other waste material or to cause or permit the same to be placed on any street or sidewalk within the city, except for collection where no back alley is available.

Sec. 2-15. - Persons engaged in the business of cutting and pruning trees or landscaping—Required to remove debris.

It shall be the duty of every person who engages in the business of cutting, trimming, or pruning trees for hire in the city, and every such person engaging in the business of landscaping within the city, whether the same be done on a contract basis, hourly basis, or otherwise, to remove the limbs, trunks, cuttings, dirt, trash, litter, or other debris, from the premises and deposit the same in the place prescribed for the lawful disposal of such debris.

Sec. 2-16. - Same—Debris not to be left on public street.

(a) It shall be unlawful for any person engaging in the business of cutting, trimming or pruning trees in the city for hire, to leave the cutting or trimmings therefrom on any part of the public streets or other public ways.

(b) It shall be unlawful for any person engaging in the business of landscaping for hire in the city, to leave excess dirt, gravel, roots, debris, or other litter resulting from such landscaping, on any part of the public streets or other public ways.

(c) For the purpose of this section, "public street" and "public way" shall include all of the area

of a street or other public way right-of-way from property line to property line.

Sec. 2-17. - Debris from construction, demolition, alterations or repair—Required

(a) Every person engaging in the business of, or being hired for the purpose of, constructing, demolishing, remodeling, repairing, roofing, or altering, any building or other structure within the corporate limits of the city or within the police jurisdiction shall, upon completion of the job or construction project, remove any debris, concrete, lumber, roofing material, or any other waste material resulting from such activity, to the lawful disposal area; and,

(b) Shall provide on-site receptacles for litter as defined hereinabove, and ensure that litter is properly placed in such containers, to prevent scattering of such litter by wind or rain if such litter is not otherwise properly disposed of on a daily basis.

(c) It shall be unlawful for any person to deposit such waste material, or litter on the public streets or public areas of the city and leave the same for pick-up and removal by the city.

Sec. 2.18. - Defective garbage or trash cans.

Any garbage, waste or trash being stored in containers that do not meet the city garbage container requirements as defined herein will not be serviced by the city garbage department. Such containers shall be condemned, by the city, after notice to owner and opportunity to be heard pursuant to procedures to be adopted by the city council, and if not removed shall be picked up and destroyed by the garbage department.

Sec. 2-19. - Garbage, trash, etc., from businesses not to be placed in city receptacles.

It shall be unlawful for any person operating any place of business within the city or for any employee, servant, or agent of any such person to place or deposit garbage, trash, paper, rubbish, litter or other waste material on [in] any trash basket or waste receptacle maintained by the city upon a public street or sidewalk when such garbage, trash, paper, rubbish, litter or other waste material accumulated in or came from such place of business.

Sec. 2.20. - Cleanliness and orderliness at container site.

It shall be unlawful for any person in charge or control of any premises to allow or permit garbage or trash container to be open or uncovered, and it shall be unlawful for any such person to permit or allow an accumulation of garbage, trash, or litter in the vicinity of any garbage or trash container serving such premises.

Sec. 2-20.1. - Unlawful opening, searching, etc., of garbage and trash cans.

It shall be unlawful for any person to open any garbage or trash can or other container in which garbage or trash has been deposited for collection or to search in any such can or other container in which garbage or trash has been deposited for collection or to search in any such can or other container for garbage or trash, or to remove from any such can or other container any garbage, trash, or other things. This section shall not apply to the owner of such can or other container or such person's employee or to any person employed by the city for the purpose of collecting

garbage or trash.

Sec. 2-20.2. - Advertisement, notices, etc., posting on streets, sidewalks, trees, fences, etc.

(a) *Advertisement on streets, prohibited.* It shall be unlawful for any person whether or not a licensed bill poster, to paste, post, paint, deposit, print or in any way fasten or cause or allow the pasting, posting, painting, depositing, printing or in any way fastening of any handbill, sign, notice or advertisement of any kind or character, on any curb, sidewalk, street or right-of-way, or any part thereof, or upon any tree, post, pole, hydrant, bridge or any structure within the limits of any street in the city.

(b) *Advertisement on private structures, prohibited.* It shall be unlawful for any person to paste, post, paint, deposit, print or in any way fasten or cause or allow the pasting, posting, painting, depositing, printing or in any way fastening of any handbill, sign, notice or advertisement of any kind or character upon any private wall, window, door, gate, fence, advertising board, automobile or upon any other private structure, building or premises unless such person is the owner or otherwise legally in possession thereof, without the consent of the owner or the owner's authorized agent in writing.

(c) *Exception, legal notices.* Nothing herein contained shall be construed to apply to the posting of legal notices, required or authorized by law, regulation or ordinance, in a manner and/or placed therein prescribed.

Sec. 2-20.3. - Enforcement procedures.

(a) *Litter enforcement officers.* The following are hereby designated as litter control officers:

(1) All police officers of the city.

(2) All employees of the department of transportation charged with the duty of issuing parking tickets.

(3) Any employee of the city as the mayor may direct.

(4) No employee shall be designated as a litter control officer if such designation is not consistent with the job classification specifications.

(b) *Procedures:*

(1) When any employee of the city designated as a litter control officer, as hereinabove defined, observes any violation of the provisions of this chapter, such employee may go before a city magistrate and request a summons or warrant to be issued pursuant to Rule 3.1 of the Alabama Rules of Criminal Procedure.

(2) City police officers may choose to cite and release the defendant for a violation of this chapter. The Uniform Non-Traffic Citation and Complaint (UNTCC) shall serve as the charging instrument. The UNTCC shall be issued in accordance with Rule 20 of the Alabama Rules of Judicial Administration.

(3) In lieu of appearing in court to answer a citation, any person or corporation may after signing a waiver and guilty plea pay a fine or fines.

(4) Any litter control officer of the city may issue a corrective notice of violation

to persons, firms, or corporations found to be in violation of any of the city's littering ordinances. Said notice shall indicate the nature of the violation and specify a definite period of time in which to correct the violation. Failure to comply with such notice within the time specified therein shall constitute a separate offense.

ARTICLE III. - ABATEMENT OF NUISANCES

Sec. 3-1. - Penalty.

Sec. 3-2. - Continuing offense.

Sec. 3-3. - Abatement—Authority of city.

Sec. 3-4. - Same—Lien.

Sec. 3-5. - Same—Municipal court authority; summary abatement.

Sec. 3-1. - Penalty.

Each of the unlawful acts defined in this article is hereby declared to be a public nuisance and in the event the owner or person in charge of any premises upon which conditions or such other unsanitary conditions exist, fails to make such premises completely safe and sanitary or to remove the cause of such nuisances within ten days after written notice by the building inspector, fire chief, chief of police or their designee, or the health officer to do so, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided herein.

Any person, as defined herein, violating any of the provisions of this ordinance shall, upon conviction, be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) and may be sentenced up to Sixty (60) days in jail for each offence.

Sec. 3-2. - Continuing offense.

Each day the owner or person in charge of any premises shall allow such unsanitary condition or nuisance to continue, after having received ten days' written notice to abate same, shall constitute a separate offense and, upon conviction thereof, such owner or person in charge shall be punished as herein provided.

Sec. 3-3. - Abatement—Authority of city.

Should the owner or such person in charge of premises subject to conditions described in this article fail or refuse to abate such nuisance or to remove such weeds, brush, garbage and rubbish upon being notified to do so, then the city is authorized to do such work at the expense of the owner of such property, the cost thereof to be a lien upon the property and to be collected as any other debts are collected or liens enforced.

Sec. 3-4. - Same—Lien.

The amount of the cost of abatement of a nuisance by the city, including all court costs, appraisal

fees, administrative costs, attorneys' fees, and all other costs necessarily associated with the abatement action, shall constitute a lien against the real property upon which such costs were incurred. The lien provided for in this section shall be perfected and foreclosed as provided by state law.

Sec. 3-5. - Same—Municipal court authority; summary abatement.

(a) Any judge of the municipal court of the city shall have the power to order the removal, abatement, demolition, fine or other appropriate judicial remedy of those things which are declared either by this article, state law or federal law to be nuisances, or which are nuisances per se, and from their nature indisputably are so.

(b) Summary abatement, without notice to the owner thereof, shall only occur where the nuisance is of imminent and serious danger to the health, safety or general welfare of the citizens of the city and the owner or occupant cannot be notified.

ARTICLE IV. - GENERAL

Sec. 4-1. - Conflict and Repeal.

Sec. 4-2. - Severability.

Sec. 4-3. - Effective Date.

Sec. 4-1. Conflict and Repeal.

All ordinances of the City of Hanceville, Alabama in conflict with the provisions of this ordinance shall be, and the same are, hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect. Nothing contained herein shall be construed to conflict with the Alabama Controlled Substance laws, or any other state and/or federal law governing the same.

Sec. 4-2. Severability.

The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in full force and effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

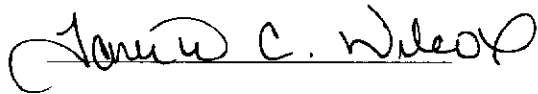
Sec. 4-3. Effective Date.

This Ordinance shall take effect immediately upon its adoption and enactment by the City Council and publication as required by the Alabama law.

ADOPTED AND APPROVED THE 27th DAY OF July, 2012


KENNETH NAIL, Mayor

Attest:



I certify this Ordinance has been posted in the following public places: Hanceville City Hall, Hanceville Public Library, Hanceville Post Office on 7/27/2012.

*Janice Wilcox
City Clerk*