

## ORDINANCE 2014-2

TO FURTHER IMPLEMENT THE AUTHORITY AND DUTIES OF THE HEALTH OFFICER AND/OR POLICE DEPARTMENT WITH REFERENCE TO NUISANCES WITHIN THE TOWN OF GORDON, ALABAMA.

**BE IT ORDAINED BY THE TOWN OF GORDON, ALABAMA as follows:**

Section 1: The following things, conditions and acts, among others, are hereby declared to be public nuisances per se, menacing public health and unlawful:

- (1) Animals (including dogs, cats, fish, birds, fowls and insects), other than human beings, infected with or acting as or likely to act as, conveyors of disease or infection whereby they are likely to become menaces to public health;
- (2) Insanitary buildings, yards, premises, places, privies, ponds, marshes, swamps and dumps which are likely to become, menaces to public health;
- (3) Insanitary clothing, bedding, furniture, vehicles, containers, receptacles, appliances and equipment which are, or likely to become nuisances to public health;
- (4) Unwholesome, or decayed or infected meats, fish, fruits or other food or foodstuffs, medicines, drugs, beverages or drinking waters which are, or are likely to become, menaces to public health;
- (5) Such other acts, things or conditions as may, from time to time, be by the rules and regulations of the State Board of Health declared to be public nuisances per se, menacing public health;
- (6) The ownership, possession, management, control, maintenance, permitting or use of any of the things or conditions described or referred to in this section or in any rule or regulation adopted under subdivision (5) of this section;
- (7) The conducting of a business, trade, industry or occupation or the doing of a thing, not inherently insanitary or a menace to public health, in such manner as to make it a menace, or likely to become a menace, to public health; and
- (8) The conducting of a business, trade or industry or occupation or the doing of a thing lawful, but inherently insanitary or a menace to public health, without complying with safeguards for the protection of health as may, from time to time, be prescribed by the rules and regulations of the State Board of Health.

Section 2: It shall be unlawful for any person, firm, or corporation, to keep any domestic or farm animal or fowl, including cats and dogs, within the corporate limits of the Town of Gordon, Alabama, in any such manner as to constitute a public or private nuisance (as defined in section 1, above) due to obnoxious odors or noise.

Section 3: It shall be unlawful for any person, firm, or corporation to permit their premises, whether vacant or not, to accumulate a growth of weeds, bottles, tin cans, brush, trash, rubbish or anything that will, or is likely to, constitute a health hazard or nuisance by raising or harboring mosquitoes, flies, fats, fleas, snakes, or the decaying of such accumulations so as to create an obnoxious odor.

Section 4: It shall be unlawful for any persons to have on their property three or more cars or other vehicles which are not operational and do not have a current license plate. (Licensed car dealerships and licensed junk yards are exempt from this section).

Section 5: Anyone or all of the unlawful acts defined in Sections 1-3 are hereby declared to be public nuisance per se, and should the owner or person in charge of any of the fowls or animals or the premises upon which the same or kept, or the premises upon which other unsanitary conditions exist or premises where three or more vehicles without current license plates, fail to make said premises completely sanitary within ten days or remove vehicles mentioned in Section 4, above, after written notice to do so by the Chief of Police, then such person, firm, or corporation shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50) for the first offense, no less than two hundred (\$200) for the second offense and no more than five hundred (\$500) dollars for a third offense.

Section 6: Each day the owner or person in charge of any premises shall allow such unsanitary conditions or nuisances 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 fined as herein provided.

Section 7: Should the owner or person in charge fail to refuse to clean off vacant lots, or other premises, or to remove insanitary conditions after receiving notice as herein provided, then the Town, at the discretion of the governing body may have such premises cleaned off, or remove such insanitary conditions at the expense of the owner, and assess the cost of same as a lien against said property and proceed with the collection of such lien by due process of law.


Section 8: This ordinance shall be cumulative in effect with respect to the authority and duty of the County Health Officer now provided in Code of Alabama 1975, Title 22. All parts of other ordinances in conflict herewith are hereby repealed.


Section 9: This ordinance is severable and each part thereof is hereby adopted separately. If for any reason any part of it is declared invalid, then the remaining parts shall remain in full force and effect.

Effective date: This ordinance shall become effective immediately upon its adoption and publication as required by law.

Adopted and approved this 8<sup>th</sup> day of July, 2014

ATTEST:

  
Gwendolyn Howard, Town Clerk

  
Albert Lowe, Mayor