

ORDINANCE OF THE CITY COUNCIL

OF THE

CITY OF CORDOVA, ALABAMA

Ordinance No. 2006-003

CONCERNING LITTERING, REFUSE.ACCUMULATION, JUNK

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

Section I. 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 ordinance which directs the violator to appear in Municipal Court to answer to the charge or, where appropriate, pay the fine or fines as specified in (follow procedure of pleading guilty and paying fine and court costs before the magistrate).

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, cardboard, and lumber.

Litter: Garbage, refuse waste, including but not limited to any paper, cartons, cans, metal, glass, plastics, foam, wrappings, boxes, lumber, brush, fallen trees, , whether or not it is of value and, further, whether or not the same is putrescible or non-petruscible. The term shall also include any abandoned unattended or discarded ice box, refrigerator, or other container which has an air tight 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.

Premises: Any building, dwelling house, structure, appurtenance, garage, carport, or real property, used as residential or commercial 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, concrete blocks, 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.

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

Section 2. Removal of litter and accumulation of trash required. It shall be unlawful for any occupant, person owning, residing on or having charge or control of any premises or vacant lot within the city to allow any litter, garbage, refuse, waste, or accumulation of trash (except for collection purposes on regularly scheduled collection days in a manner authorized) on said premises or vacant lot.

Section 3. House 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 Cordova 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. Household furniture and furnishings or any kind of trash or rubbish are not permitted on porches or carports or garages with no door that are visible to public view (For example, only clearly identifiable porch-style furniture is permitted on porches visible to the public.)
- (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 sale if each of the following conditions exist:
 - (a) The furniture is located in an outside location only during the hours of 8:00 a.m. and 6:00 p.m.
 - (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.

Section 4: 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 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.

State law references: Similar provisions, Code of Alabama 1975, 13A-11-220.

Section 5. Enforcement procedures.

- (a) Litter enforcement officers. The following are hereby designated as litter control officers:
- (1) All police officers of the city.
 - (2) Any employee of the city as the mayor may direct.
- (b) *Procedures:*
- (1) When any employee shall be 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, after signing a waiver and a guilty plea may pay a fine or fines in accordance with the minor violation settlement schedule established by the city council.

Section 6: Penalties for violations of Sec. 2-4

- (1) **First Offense.** The penalty for a conviction for a first offense shall be a fine of not less than \$250.00 up to \$500.00 plus court costs and/or a jail sentence up to but not more than six (6) months in the city jail.
- (2) **Second Offense.** The penalty for a conviction for a second offense shall be a fine of not less than \$250.00 up to \$500.00 plus court costs and a minimum mandatory jail sentence of (5) five days, but not more than (6) months in the city jail.
- (3) **Third and Subsequent Offenses.** The penalty for a third or subsequent offense shall be a fine of not less than \$500.00 plus court costs and a minimum mandatory jail sentence of (30) thirty days, but not more than (6) six months in the city jail.

Section 1.7. Sections 1 to 6, inclusive, cumulative in nature
Sections 1 to 6, inclusive, shall be cumulative in its nature, and in addition to any and all power and authority which the City of Cordova may have under any other law.

Section 1.8. Severability.

The provisions of this ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

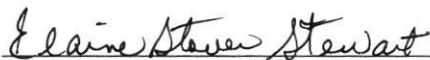
Section 1.9. Effective. This ordinance shall become effective immediately upon its passage and approval by the city governing body, or upon its becoming a law.

ADOPTED this the 14th of February, 2006.



Jack Scott, Mayor

ATTEST:



Elaine Stover Stewart

CITY CLERK/TREASURER