

#2079

AN ORDINANCE ESTABLISHING THE LITTER CONTROL ORDINANCE OF THE CITY OF PRICHARD

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

ARTICLE I – TITLES & DEFINITIONS

SECTION 1 – TITLE

This ordinance shall be known and may be cited as the "Litter Control Ordinance of the City of Prichard".

SECTION 2 – DEFINITIONS

- a. Litter means all uncontainerized man-made solid waste materials including, but not limited to, paper, plastic, garbage, bottles, cans, glass, crockery, scrap metal, construction materials, rubbish, disposable packages or containers which are discarded, thrown, or otherwise deposited as prohibited herein.
- b. Person means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency business, or any entity recognized by law.
- c. Private Property means property owned by any person as defined herein, including but not limited to yards, grounds, driveways, entrance or passageways, parking areas, any body of water, vacant land, and recreation facilities.
- d. Public Property means any area that is used or held for use by public, whether owned or operated by public or private interests, including but not limited to highways, streets, street medians, alleys, park recreation areas, sidewalks, right of way, lakes, rivers, streams, drainage ditches, or other bodies of water.
- e. Vehicle means every device capable of being moved upon a public highway, street or waterway and in upon or by which any person or party may be transported or drawn upon a public highway, street or waterway. This shall include any watercraft, boat, ship, vessel, barge, or other floating craft. This excludes devices moved by human power or used exclusively for agriculture purposes and not any public highway for purposes other than crossing such public highways or along such highways between two tracts of the owner's land.
- f. "Litter Receptacle" means a container constructed and placed for use as a depository for litter.
- g. "Garbage Can" means a receptacle or container for temporary storage of putrescible and non-putrescible waste; constructed of substantial metal, plastic, or rubber and having a capacity of not less than ten gallons no more than thirty gallons, with tight-fitting lid or cover and with a handle on the lid and two handles on the receptacle by which same may be conveniently lifted or moved.

- h. "Premises" means any dwelling, flat, rooming house, apartment house, hospital, school, hotel, club restaurant, boarding house, office, eating place, shop, church, place of business, manufacturing establishment, courthouse, jail, city hall, post office, or other public building.
- i. "Residence" means single or multiple family dwellings, townhouses, apartments, and condominiums, both privately and publicly owned.
- j. "Institution" means any public or private establishment which educates; instructs, treats for health purposes, or otherwise performs a service or meets a need for the community, city, state, region, or nation.
- k. "Household Solid Waste" means all domestic or residential solid waste that normally originates in a household environment.
- l. "Commercial Solid Waste" means man-made solid waste generated by stores, offices, restaurants, cafeterias, shopping centers, fast food establishments, convenience stores, and other non-industrial sources.
- m. "Institutional Solid Waste" means solid waste originating from educational, health care, religious, or research facilities.
- n. "Bulk Container" means any dumpster or stationary storage facility placed for the temporary containerization of solid waste at a place of business, multiple dwelling complex, industrial or construction site.
- o. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- p. "Trash" means non-putrescible solid wastes consisting of yard clippings, leaves, wood, wrappings, cans, and similar materials.
- q. "Junked Car or Other Vehicle" means one that does not bear a current Alabama license plate and is not capable of being driven.
- r. "Junk" means any vehicle or vehicle parts, rubber tires, appliances, dilapidated furniture, machinery, equipment, building material or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition.
- s. "Citation" means a notice charging the violation this Ordinance which directs anyone in violation to pay the prescribed fine or to appear in municipal court to answer the charge or charges of violation.
- t. "Corrective Notice" means a courtesy letter to advise anyone that there may be a violation of this Ordinance that may require corrective action on the part of the recipient of the notice.

ARTICLE II – Violations

SECTION I – Litter Prohibited

- A. It shall be unlawful for any person to drop, deposit, discard, or otherwise dispose of litter in or upon any public or private property within the City of Prichard, including but not restricted to, any street, median, right-of-way, sidewalk, park, vacant or occupied lot, body of water, except in public receptacles or in authorized private receptacles provided for public use, or in an area designated by the Alabama Department of Environmental Management as permitted disposal site.
- B. Criminal Littering

Section II - Escape of Load From Uncovered Vehicles

- A. It shall be unlawful for any person, hauler, firm, or business to haul garbage, paper, trash, sand, gravel, wet cement, construction materials, other loose materials or waste unless the truck or vehicle is covered, secured, or sealed to the extent that there will be no lose or spillage during haulage to cause littering of streets and highways or cause a nuisance or hazard to the public health.

Excepted: deposit of sand or other substance to increase traction, or water or other substance to increase traction, or water or other substance applied on a street or roadway in the cleaning or maintenance of such street or roadway by the government agency having such responsibilities.

- C. Any person operating a vehicle from which any glass, nails, or other sharp objects have fallen or escaped which could cause an obstruction or damage a vehicle or otherwise endanger travelers on such public property shall immediately cause the public property to be cleared of such objects and shall pay any costs thereof.

Section III - Areas Surrounding Commercial Establishments and Institutions

- A. It shall be the duty of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding area clear and free of litter. These areas include, but are not restricted to, public and private sidewalks, city rights-of-way, roads, alleys, grounds, parking lots, loading and unloading areas, and all vacant lots which are owned or leased by said establishment or institution.
- B. All construction and demolition contractors, owners, or agents shall provide on-site receptacles of loose debris, paper, building materials waste, scrap building materials, and other litter products to prevent scattering of such materials by wind or rain if such materials are not otherwise properly disposed of on a daily basis.

C. It is a violation of this Ordinance for any private property owner, tenant, occupant, lessee, or agent to grant permission to any person to dispose of litter on his property.

D. All commercial establishments shall store their litter in tightly covered containers so as to eliminate wind-driven debris and unsightly litter in and about their establishments. The number and size of containers necessary for each establishment shall be as required to maintain a clean, neat sanitary premise. Spillage and overflow around containers shall immediately be cleaned up as it occurs.

SECTION IV – Keeping Residential Property Clean

It shall be the duty of each residential property owner and tenant to keep all exterior private property free of litter. These areas shall include, but not be restricted to, sidewalks, alleys, driveways, yards, grounds, fences, walls, and property lines; public and privately owned storm drains, and vacant lots within the City.

SECTION V – Keeping Sidewalks and Rights-of-Way Clean

A. Each owner, agent, occupant, or lessee whose property abuts on City of Prichard streets shall be responsible for keeping sidewalks and City right-of-way strips between sidewalk and street mowed and free of litter.

SECTION VI – Sweeping Litter Into the Street

A. It shall be unlawful to sweep or push litter or leaves or grass from sidewalks onto streets where it will be washed into the City storm drains. Such litter and leaves or grass shall be deposited in a proper receptacle which shall be tightly covered or tied to prevent scattering before pick-up.

SECTION VII – Yard/Garage Sale & Other Unauthorized Temporary Signs

A. Yard/garage sale and other temporary signs are permissible only on private property on Fridays and Saturdays. They must be removed before Monday morning. Such signs are not permitted at any time on public property such as city street right-of-way and utility poles.

SECTION VIII – Disposal of Garbage by Single Family Dwellings, Duplexes, Townhouses and Condos All household garbage must be stored in tightly closed metal, rubber, or plastic garbage bags so as to prevent scattering of garbage by wind, water, traffic, or scavenging animals.

SECTION IX – Receptacle Violations

It shall be unlawful to deposit any item(s) except litter in any receptacle placed for public use as a depository for litter.

SECTION X – Providing and Placement of Adequate Litter Receptacles

Any person owning or operating any establishment or public place shall at his own expense be responsible for providing, placing, and the regular maintenance of litter receptacles adequate to contain the litter generated at said establishment.

SECTION XI – Standards for Litter Receptacles

Litter receptacles purchased and placed in compliance with these regulations shall meet the following standards:

- A. Construction: of such quality as to maintain original shape when placed at an outdoor location and reasonably resistant to rust and corrosion.
- B. Constructed and designed or covered in such a manner as to prevent or preclude blowing of litter from the receptacle.
- C. Be serviced frequently enough to prevent spillage from overflow and to prevent offensive odor.
- D. Be maintained sufficiently to present an acceptable appearance.

SECTION XII – Removal of Litter From Receptacles

- A. The removal of litter from receptacles placed at public parks, beaches, fishing areas, and other public recreation sites shall be the responsibility of those state and local agencies now performing litter removal services.
- B. The removal of litter from receptacles placed on private property which are used by public shall remain the duty of the owner or operator of such private property.

ARTICLE III – Litter Generated From Improper Handling of Solid Waste

SECTION I – Indiscriminate Dumping or Discarding of Litter, Junk and Solid Waste

- A. It shall be unlawful for any person to discard or dump along any street, street median, or road, on or off the right-of-way, any household or commercial solid waste or junk on any private or public property unless disposed of in receptacles provided for public use for the deposit of said material, or in an area designated by the Alabama Department of Environmental Management as a permitted disposal site. Any person charged with a violation of this section shall be required to appear in court to answer said charge or charges, and upon conviction shall

be penalized a combination of not more than \$3000.00, 100 hours of community service, or imprisonment in the City jail or hard labor for a period not to exceed 6 months in custody.

B. Cleaning Litter or Junk from Open Private Property: The Environmental Department is hereby authorized and empowered to notify the owner of any open or vacant private property within the City, or the agent of such owner, to properly dispose of litter or junk located on such owner's property. Such notice shall be by certified mail, with return receipt, addressed to said owner at his last known address as the same appears on the records in the office of the county tax assessor.

The failure, neglect or refusal of any of any owner so notified to properly dispose of litter or junk within 15 days after the mailing of the notice provided for in this section shall constitute a violation of this Ordinance. Such a failure shall result in a no-contest violation of this Ordinance subject to the listed fines and penalties.

In addition, the City of Prichard is specifically authorized to institute an action in the Circuit Court of Mobile County, Alabama, to abate any public nuisance created by litter junk located on any open or vacant property within the City of Prichard, and the costs of said proceeding and the removal of said litter or junk shall be assessed against the owners of such property.

Exception: This shall not apply to licensed junk dealers or establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment, provided that the work area is screened from public view by a fence, hedge, wall or similar device of sufficient height to provide a visual buffer, and is in compliance with the City's Junk and Zoning Ordinances.

SECTION II – Disposal of Garbage by Single Family Dwellings, Duplexes, Townhouses and Condos

All household garbage must be stored in tightly closed metal, rubber, or plastic garbage bags so as to prevent scattering of garbage by wind, water, traffic, or scavenging animals.

ARTICLE IV – Enforcement Procedures I

SECTION I – Procedure for Article II

A. When any police officer or other employee of the City designated by law or ordinance as an enforcement officer, finds any violation of any provision of this Ordinance which he is authorized and required to enforce, such person may issue on forms provided by the City, a citation and deliver it to the person in violation, directing said person to appear in the municipal court of the City at a time on a date stated therein to answer to the charge or charges for the violation, which shall be stated in the citation.

B. If the violation is the first violation of such provision of this code or such Ordinance by the person cited, such person, lieu of appearing in the municipal

court of City at a time and on a date stated in the citation, may pay a fine of \$500.00 plus the costs of court within ten (10) days from the date of such citation at the office of the municipal court clerk for the use of the city and other agencies designated by law.

C. The police officers and other employees of the city, designated by law or ordinance as enforcement officers and authorized to issue citations as above provided, are hereby further authorized to swear out warrants or execute affidavits or complaints charging persons with the violations of this code or Ordinance, without first having issued a citation for such violation.

D. Any employee of the city of Prichard designated by the Mayor may issue corrective notices to persons corporations, establishments, companies, owners, tenants, occupants, and agents found to be in violation of an of the provisions of this ordinance. The issuance of such corrective notice is not necessary for the prosecution of violations of this Ordinance.

Section II – Default Response

Any person, corporation, company, firm, business, institution, owner, lessee, agent, tenant, or occupant who has been served such notice in accordance with the provision of this Ordinance, and who shall neglect or shall refuse or shall fail to fully comply with the corrective notices so ordered and/or within the time frame so ordered therein, shall be in violation of this Ordinance.

Section III – Owners and Generators' Responsibility

A. Any person, corporation, establishment, firm, business, owner, agent, or occupant of property within the City of Prichard who generates litter shall be responsible for insuring such litter is managed, stored, and handled in accordance with the provisions of this Ordinance.

ARTICLE V – Enforcement Procedures II

Section I – Procedure for Article III

Any person found guilty violating any provision of this Ordinance shall be punished by a fine of any combination of penalties not to exceed \$3000.00, 100 hours of community service, or by imprisonment in the City jail or at hard labor for a period not to exceed six (6) months, or by both such fine and imprisonment, at the discretion of the judge trying the case.

Each day such violation is committed or permitted to continue shall constitute a separate offense shall be punishable as such thereunder. Any person found guilty of any provision of this ordinance in lieu of fine or imprisonment.

ARTICLE VI – Conflicting Ordinance Repealed

- A. Litter Ordinance Nos. 1712 hereby amended.
- B. All other ordinances/resolutions or parts of ordinances, including ordinances regulating the operation of landfills and solid waste containers in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

ARTICLE VII – Severability

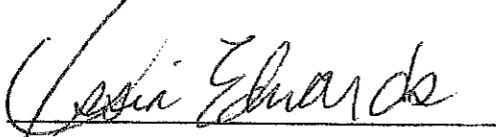
If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

ARTICLE VIII – Effective Date

This Ordinance shall be in force and effect from and after its adoption and publication.

Adopted this 21st day of January, 2021.

APPROVED:



Council President, Ossia Edwards



Mayor, Jimmie Gardner