

Legal Notice
Town of Brookwood
Brookwood, Alabama

ORDINANCE NO. 85-124

An ordinance to control littering, refuse accumulation, junk, and weeds for the purpose of improving health and sanitation conditions; and fines and punishment for violation.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BROOKWOOD, ALABAMA:

SECTION 1. DEFINITIONS.

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

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.

Litter: Garbage, refuse, waste, trash, 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 nonputrescible.

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.

Refuse: All putrescible and non putrescible 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.

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

SECTION 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.

SECTION 3. LITTERING STREETS.

(a) Generally. It shall be unlawful for any person to throw, dump, or discharge any gravel, cement, paper, wood, garbage, cans, trash, debris, refuse, or litter of any kind upon the public streets or other ways located in the Town of Brookwood or its police jurisdiction.

(b) Littering from motor vehicle.

(1) It shall be unlawful for any person 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 ways located in the Town of Brookwood, or its police jurisdiction, unless said motor vehicle is being utilized for the carriage of passengers for hire.

(2) The dumping, depositing, or discharging of litter of any kind hereinabove prohibited from a motor vehicle upon the public streets or other ways located in the Town of Brookwood, or its police jurisdiction, 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.

SECTION 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 located in the Town of Brookwood or its police jurisdiction, 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.

SECTION 5. 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 Town of Brookwood or its police jurisdiction.

SECTION 6. SPILLING VEHICLE LOADS.

It shall be unlawful for any person to drive any vehicle upon the public streets or other public ways of the town, and it shall be unlawful for any person who is the owner or lessee of any vehicle to permit such vehicle to be driven upon the public streets or other public ways of the town, when such vehicle is so constructed, maintained, or loaded, that dirt, gravel, cement, sand, 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.

SECTION 7. CUTTING OF WEEDS AND REMOVAL OF ACCUMULATION OF TRASH-REQUIRED.

Every person owning, residing on or having charge or control of any premises or vacant lot within the Town of Brookwood or its police jurisdiction shall, at all times, keep the weeds, grass and vegetation cut to within twelve (12) inches of the ground and shall remove any accumulation of trash or debris therefrom.

SECTION 8. SAME-NOTICE TO OWNER OR TENANT OF PREMISES.

(a) Whenever weeds, grass or vegetation shall grow on any premises or vacant lot within the Town of Brookwood or its police jurisdiction to a height of twelve (12) inches or more, or whenever there is any accumulation of trash or debris on any such premises or vacant lot, the chief of police shall give notice in writing to the person owning, residing on or having charge or control thereof, that such weeds or vegetation must be cut or that such trash or other debris must be removed within ten (10) days from the date of delivery of such notice. Such notice may be served upon the person to whom it is directed by registered or certified mail, return receipt requested, or it may be served personally upon said person, said notice shall be in substantially the following form, viz:

"NOTICE"

To the owner or owners of (here described the property in the Town of Brookwood,):

You are hereby notified that there exists on the above mentioned property, a growth of weeds or grass, in violation of an ordinance adopted by the Town Council of the Town of Brookwood, on November 18, 1985, entitled, "Ordinance number 85-124".

You are hereby further notified that if said growth is not removed within ten (10) days after the undersigned date, the Chief of Police will enter upon said premises and will have the same cut

and removed at your cost and expense, and will certify the cost and expense, and will assess the said cost against you and the above described property, and that the said expense will constitute a lien on said property.

This the _____ day of _____, 1985.

Chief of Police of the Town of
Brookwood.

By: Police Officer

(If said premises are in charge of a person other than the owner, the notice aforesaid shall be addressed to such person.)

(b) If the owner of the land is not a resident of the Town of Brookwood or its police jurisdiction and no person resides thereof or has charge or control of the premises or vacant lot, and the address of the owner or person having control thereof is not known and cannot by reasonable diligence be ascertained, the notice shall be served by posting a copy thereof on the property, and any subsequent cleaning actions taken by the town shall be deemed rem.

SECTION 9. SAME-FAILURE OF OWNER OR TENANT TO COMPLY WITH NOTICE.

(a) Any person who owns or has charge or control of any premises or vacant lot in the town or its police jurisdiction, and who, after having received notice as provided in SECTION 8 to cut the weeds, grass or vegetation or to remove the trash or debris therefrom, fails so to do within ten (10) days after such notice, shall be guilty of a misdemeanor.

(b) If, after the expiration of such ten (10) days, the accumulation of trash or debris is not removed or the weeds, grass, or vegetation are not controlled or cut, the town may do such work at the expense of the owner or other person having charge or control thereof and make a reasonable charge

therefore, which charge shall be a lien on the lot or parcel of land, to be collected as other debts are collected, or liens enforced.

SECTION 10. ABANDONED ICEBOXES AND OTHER CONTAINERS; REMOVAL OF DOORS AND LOCKS REQUIRED.

(a) 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.

SECTION 11. DISMANTLED, WRECKED, DISCARDED VEHICLES ON PREMISES FOLLOWING NOTICE TO REMOVE; APPLICABILITY OF SECTION.

(a) It shall be unlawful for any person in charge or control of any real property within the town or in the police jurisdiction of the town, whether tenant, owner, occupant, lessee, or otherwise, to allow any vehicle which is partially dismantled, nonoperative, wrecked, junked, or discarded, to remain on said property longer than ten (10) days after notice has been served upon such person by the Chief of Police notifying such person to remove such vehicle or vehicles from the premises. Said notice shall be substantially in the form prescribed in this ordinance in SECTION 8, and notice may be given as prescribed in SECTION 8 of this ordinance.

(b) In lieu of the above procedure, the town may utilize the

provisions of the state abandoned vehicle law.

(c) This section shall not apply to any vehicle in an 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 town.

SECTION 12. VIOLATION A MISDEMEANOR.

(a) A violation of any section or provision of this ordinance shall be a misdemeanor and punishable by the imposition of a fine of not less than \$5.00, nor more than \$500.00. Said fine shall be in addition to any costs incurred by the Town of Brookwood in the removal, clearing, cutting, controlling or any work related to the violation, which costs shall be charged to the guilty party as restitution and shall constitute a lien against the property.

SECTION 13. SEVERABILITY.

If any section or provision of this ordinance shall be held invalid, such holding shall not affect the validity of any other section or provision thereof which is not of itself invalid.

Adopted this 18th day of November, 1985.

By: Spencer Holloway
Mayor

ATTEST:

Clara Pierce
Clerk