

**CITY OF ADAMSVILLE, ALABAMA**  
**ORDINANCE 2011- 03**

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**LITTER AND SOLID WASTE ORDINANCE**

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**LITTER-SECTION 1**

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**Sec. 1-1. - Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

Authorized private receptacle: A litter storage and collection receptacle.

Garbage: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food; refuse such as tin cans, bottles, paper, cardboard; kitchen and household waste and other trash.

Limbs and Brush: leaves, limbs, weeds, tree trimmings, brush and hedge trimmings.

Park: A park, reservation, playground, beach, recreation center or any other public area in or outside of the city owned or used by the city and devoted to active or passive recreation.

Private premises: Any dwelling, house, building or other structure designed or used either wholly or in part for private purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and such words shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place: Any street, sidewalk, boulevard, alley or other public way and any public park, square, space, ground, school or building.

Refuse: All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

Rubbish: Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle: Any device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, including devices used exclusively upon stationary rails or tracks.

**Sec. 1-2. - Manner of placing receptacles.**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

**Sec. 1-3. - Depositing, etc., litter in public places generally.**

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in official city sanitary landfills.

**Sec. 1-4. - Depositing, etc., refuse in sewers, drains, or gutters.**

It shall be unlawful for any person to cast, throw, drop or otherwise deposit in any manhole or other opening into a sanitary sewer or storm sewer or into a drain or gutter connected with a sanitary or storm sewer in the city any trash, leaves, earth, rock, brick, garbage, rubbish or manure, or any mineral, metallic, wooden or other solid substance whatsoever, or to damage or obstruct or cause the damaging or obstruction of any such sewer, drain or gutter.

**Sec. 1-5. - Sweeping, etc., litter into gutters, etc.; duty of property owners, merchants, etc., to keep abutting sidewalks free of litter.**

No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

**Sec. 1-6. - Placing refuse on sidewalk, street, on city right-of-way or on private property.**

It shall be unlawful for any person to throw, cause or allow to be thrown, or placed on any sidewalk, street, alley, driveway, public right-of-way, on any public property, or on any private property, any paper, litter, rubbish, debris, filthy or odoriferous objects, substance, or other trash or rubbish of any kind or nature, including but not limited to any bottle, glassware, or glass of any description, whether broken or not, any barrels, hoops or staves, or any barbed wire or any other wire, sheets of bar iron of any kind or description, any tacks, metal, stones, trash, rubbish, paper, cinders, planks, shingles, and any hazardous obstructions, EXCEPT that the occupants of property located in the city may place the matter described herein above, on the occupants property and on the city right-of-way or a public property adjacent to the owner's property, for the sole purpose that the city street and sanitation department is to pick up such matter. It is the intent of this section that occupants of property shall not dispose of any of the matters defined herein above on any other property other than public property or right-of-way which is adjacent to the occupants property and shall be guilty of a violation of this section if they place the matter described herein above on any property not adjacent to their property.

**Sec. 1-7. - Dropping, etc., of refuse in street, alley, etc.**

It shall be unlawful for any person to cast, throw, drop or otherwise deposit any refuse in or upon any street, alley, roadway, sidewalk, park, common or other place in the city.

**Sec. 1-8. - Abutting property owners not to permit, etc., mud, refuse, filth to remain on sidewalk or street.**

It shall be unlawful for the person in charge or control of any lot or parcel of land in the city, which abuts any paved public sidewalk of the city, to cause or permit or suffer any mud, refuse or filth from such premises to gather, collect or remain upon such sidewalk, so that such sidewalk becomes unclean, offensive, obstructed or obscured, either in whole or in part.

**Sec. 1-9. - Depositing, etc., litter in parks.**

No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this Code.

**Sec. 1-10. - Throwing, etc., litter in lakes, fountains, streams, etc.**

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the city.

**Sec. 1-11. - Depositing, etc., litter on occupied private property.**

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not; except, that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

**Sec. 1-12. - Depositing, etc., litter on vacant private property.**

No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not.

**Sec. 1-13. - Throwing, etc., litter from vehicles.**

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property.

**Sec. 1-14. - Litter blown, etc., from trucks, etc.**

(a) No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

(b) No person shall drive or move any truck or other vehicle within the city, the wheels or tires of which carry onto or deposit on any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

**Sec. 1-15. - Dropping, etc., litter or handbills from aircraft.**

No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object.

**Sec. 1-16. - Handbills--Throwing, distributing, etc., in public places.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city; nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

**Sec. 1-17. - Same--Distributing, etc., on inhabited premises generally.**

(a) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places; and, except, that mailboxes may not be so used when so prohibited by federal postal laws or regulations.

(b) The provisions of this section shall not apply to the distribution of mail by the United States Postal Service, nor to newspapers (as defined in this article); except, that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

**Sec. 1-18. - Same--Distributing, etc., on posted property.**

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or where there is placed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisements," or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbill left upon such premises.

**Sec. 1-19. - Placing in vehicles.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle in a public place; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

**Sec. 1-20. - Same--Depositing, etc., on vacant premises.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which is temporarily or continuously uninhabited or vacant.

**Sec. 1-21. – Political Ads**

Any political ad that has been posted or affixed to any lamppost, public utility post, shade tree, fence, or placed on any public right-o-way, street or highway must be removed within 96 hours of the election or run-off. Sign removal shall be the responsibility of the candidate.

**Sec. 1-22. - Duty to maintain property free of litter.**

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

**Sec. 1-23. - Open storage of certain items.**

(a) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the unenclosed storage or keeping of any of the following types of personal property:

- (1) Abandoned, and or dilapidated appliances.
- (2) Rubbish, litter and refuse.
- (3) Broken glass or dilapidated or abandoned building materials and household furniture or fixtures.

(b) It shall be the duty and responsibility of each such owner or occupant to keep the premises of such residential property clean and to remove from such premises all such items as set forth and described herein.

**Sec. 1-24. - Clearing of litter from open private property by city.**

(a) Notice to remove: The building regulations superintendent 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 located on such owner's property which is either dangerous to public health, safety or welfare and/or which presents itself as unsightly, filthy, odoriferous or otherwise unpleasant to the sight . Such notice shall be by certified or registered mail, addressed to such owner at such owner's last known address.

(b) Action upon noncompliance: Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of such litter fourteen (14) days after receipt of written notice provided for in subsection (a) above, or within fourteen (14) days after the date of such notice in the event the same is returned to the city post office department because of its inability to make delivery thereof, provided, that the same was properly addressed to the last known address of such owner, or agent, the building regulations superintendent is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the city.

(c) Charge included in tax bill: When the city has affected the removal of such litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six (6) percent per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular city tax bill forwarded to such owner, and such charge shall be due and payable by such owner at the time of payment of such bill.

(d) Recorded statement constitutes lien: Where the full amount due the city is not paid by such owner within thirty (30) days after the disposal of such litter, as provided for in subsections (a) and (b) above, the building regulations superintendent shall cause to be recorded in the clerk's office of

the city a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which such work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further, shall be subject to a delinquent penalty of twenty (20) percent in the event same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest and penalties, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

## **SOLID WASTE DISPOSAL-SECTION 2**

Sec. 2-1. - Definitions.

Sec. 2-2. - Specifications for containers.

Sec. 2-3. - Accumulation of trash and garbage other than in containers.

Sec. 2-4. - Duties of originators of garbage; depositing rubbish, ashes, etc. in garbage containers, prohibited deposits.

Sec. 2-5. - Duties of originators of rubbish; depositing garbage in trash containers; prohibited deposits.

Sec. 2-6. - Collection and removal from unauthorized containers, etc.

Sec. 2-7. - Boxes, crates and cartons from businesses.

Sec. 2-8. - Denial of service to violators.

Sec. 2-9. - Same-Persons with fenced yards harboring dogs.

Sec. 2-10. - Tampering with containers or contents.

Sec. 2-11. - Condemnation of defective containers.

Sec. 2-12. - Storage, etc., of decomposable, etc., material; fly control.

Sec. 2-13. - Placing leaves, rubbish, etc., in drain or gutter for collection.

Sec. 2-14. - Animal excreta to be wrapped.

Sec. 2-15. - Unauthorized disposal of garbage or refuse.

Sec. 2-16. - Unauthorized placement of garbage.

Sec. 2-17. – Repeal of Ordinance 2009 –18 and Ordinance 96-30.

Sec. 2-18. - Collection of Garbage.

Sec. 2-19. – Collection of Limbs and Brush.

Sec. 2-20. - Fee for Collection of Brush.

Sec. 2-21. – Hardships.

Sec. 2-22. – Severability.

Sec. 2-23. – Repealer.

Sec. 2-24. – Effective Date.

### **Sec. 2-1. - Definitions.**

The definitions contained in section 1 shall also apply to this article.

### **Sec. 2-2. - Specifications for containers.**

**Sec. 2-3. - Accumulation of trash and garbage other than in containers.**

It shall be unlawful for any person to cause or permit trash or garbage to accumulate in, on or about such person's premises or the premises occupied by such person unless such trash or garbage is kept separately in standard trash or garbage containers or special garbage and rubbish containers as provided by this article.

**Sec. 2-4. - Duties of originators of garbage; depositing rubbish, ashes, etc., in garbage containers; prohibited deposits.**

(a) It shall be the duty of the person in charge or control of a dwelling, hotel, restaurant, delicatessen, store or other building, structure or place where food for human consumption is prepared or kept for sale, and every other place where garbage originates, to keep and maintain, at or on such premises, sufficient number of standard garbage containers, or special garbage and rubbish containers, as defined in this article, to receive the garbage originating upon such premises, and it shall be unlawful for any person to cause or permit the disposal of garbage originating upon such premises otherwise than by depositing the same in such garbage containers or special garbage and rubbish containers. The lids or covers of all garbage containers or special garbage and rubbish containers shall be kept tightly fitted thereon at all times, other than when garbage is being deposited therein, and all garbage containers or special garbage and rubbish containers shall be so kept and maintained as to prevent the access of flies therein and the soiling of the ground, floor or structure upon which they stand.

(b) It shall be unlawful for any person to deposit or permit to be deposited in any garbage container provided and intended for garbage any ashes, cinders, gravel, rock, sand, earth, minerals or rubbish.

**Sec. 2-5. - Duties of originators of rubbish; depositing garbage in trash containers; prohibited deposits.**

(a) It shall be the duty of the person in charge or control of a dwelling, hotel, restaurant, delicatessen, store or other place where rubbish originates or is created to keep and maintain in or upon such premises a sufficient number of standard trash containers, as defined in this article, for the reception of rubbish and other solid waste substance originating or created upon such premises.

(b) It shall be unlawful for any person to deposit or permit to be deposited any garbage in a trash container or any gravel, rock, sand, earth, mineral, rubbish or other trash substances.

**Sec. 2-6. - Collection and removal from unauthorized containers, etc.**

It shall be unlawful for any employee of the city to collect or remove on behalf of the city any trash, rubbish or garbage from the premises of any person unless such premises are provided with substantial trash and garbage containers meeting the specifications of this article and unless such trash, rubbish and garbage is kept stored in such standard containers as in this article provided.



**Sec. 2-7. - Denial of service to violators.**

The violation of any provision of this article shall revoke the right of the person so violating the same to have such violator's trash or garbage removed by the city sanitary department so long as such violation exists.

**Sec. 2- 8. - Same-Persons with fenced yards harboring dogs.**

It shall be the duty of any person with a fenced-in yard harboring a dog to place the garbage and trash containers outside the fenced yard for the collection of such garbage and trash by the city.

**Sec. 2-9. - Tampering with containers or contents.**

It shall be unlawful for any person to open any garbage container or other container provided for in this article in which garbage or trash has been deposited for collection, or to search in any such can or container for garbage or trash, or to remove from any such container any garbage, trash or other thing; provided, that the foregoing prohibitions shall not apply to the owner of such container or to any person employed by the city for the purpose of collecting garbage or trash.

**Sec. 2-10. - Condemnation of defective containers.**

Should a trash or garbage container or a special garbage and rubbish container become defective, it will be tagged by the sanitation department of the city or the county health department as condemned and as not meeting specifications of this article, and the resident or tenant involved will be given seven (7) days to replace such container.

**Sec. 2-11. - Storage, etc., of decomposable, etc., material; fly control.**

(a) It shall be unlawful for any person to keep, maintain, store or deposit on or about any place or premises in the city any decomposable, decaying or putrefactive material, either animal or vegetable in nature or origin, except in a substantial watertight and fly-proof metal container, either made for or appropriate to be used for such purposes, and so as to prevent access of flies to the same or the reproduction or propagation of flies on or about the same.

(b) It shall be unlawful for any person to deposit, store, maintain or harbor on or about any place or premises in the city any decomposable, decaying or putrefactive material or to cause or permit the soiling of the ground by such material on or about such place or premises so as to cause, permit or favor the propagation or reproduction of flies, and the presence or existence of such material on or about such place or premises of live fly larvae shall be prima facie evidence of the propagation or reproduction of flies and of a violation hereof, and each day such violation exists shall constitute a separate offense.

**Sec. 2-12. - Placing leaves, rubbish, etc., in drain or gutter for collection.**

It shall be unlawful for any owner or tenant of any dwelling to place any leaves, trash, rubbish, mud, earth, limbs and any other debris into a drain or gutter for the purpose of collection.

**Sec. 2-13. - Animal excreta to be wrapped.**

It shall be the duty of the owner of any pet, fowl or animal to wrap separately any excreta from such pets, fowl or animals prior to disposal in a standard garbage container for collection by the city.

**Sec. 2-14. - Unauthorized disposal of garbage or refuse.**

It shall be unlawful for any person to dispose of garbage or refuse anywhere other than in an authorized disposal area.

**Sec. 2-15. - Unauthorized placement of garbage.**

It shall be unlawful for any business or residential persons to deposit or cause to be deposited any garbage, litter, rubbish or any other garbage on the property of others or in and around containers on the property of others.

**Sec. 2-16. - Repeal of Ordinance 2009 –18 and Ordinance 96-30.**

The City of Adamsville Ordinance 2009-18 and Ordinance 96-30 are hereby repealed.

**Sec. 2-17. - Collection and fees for Garbage Service.**

The Public Works Director of the Public Works Department (or other designated person) shall have charge of the collection of garbage and trash. The collection shall be made from all residences and businesses at least once each week, provided that the material is properly stored for collection in a container or containers complying with the provisions of this ordinance. There shall be no fee associated with garbage service as it applies to residences. The fee for businesses shall be \$100 per year, due and payable on May 1<sup>st</sup> of each year beginning in 2011. The fee is considered delinquent on July 1<sup>st</sup> of each year.

**Sec. 2-18. – Collection of Limbs and Brush.**

The Public Works Director of the Public Works Department (or other designated person) shall have charge of the collection of Limbs and Brush. Collection times are periodically at the discretion of the Public Works Department and on call from the households and businesses whose annual fees are current.

**Sec. 2-19. – Fee for Collection of Brush.**

The fee for the collection of Limbs and Brush shall be mandatory and due beginning in May 2011 and every year in May at a charge of \$20 per household or business. Each payment not received by May 31 of each year shall be assessed a delinquent fee of \$10.00 per month for each month not paid and services will be discontinued.

**Sec. 2-20. – Enforcement.**

Fees unpaid by August 1 each year and/or violation of any other term or condition of this ordinance shall be punishable by a fine not to exceed \$500.00 and/or imprisonment not to exceed six months or both. Each day shall constitute a separate offense. Said penalties shall be in addition to any and all other actions, remedies or means of enforcing compliance with municipal ordinances provided by law.

**Sec. 2-21. – Hardships**

The occupant of a residential location whose only income is social security and over the age of 65, shall be exempt from the limb and brush fee provided sufficient evidence is furnished to the Revenue Officer, City Clerk or designated official to substantiate these facts. The Mayor shall have the authority to exempt other hardship cases not meeting initial criteria as described. Hardship requests must be submitted to the city clerk no later than April 1 of each year.

**Sec. 2-22. – Severability.**

Any Ordinance heretofore adopted by the City Council of the City of Adamsville, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

If any part, section, or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

**Sec. 2-23. – Repealer.**

All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Adamsville, Alabama, which are inconsistent with the provisions of this ordinance are hereby expressly repealed.

**Sec. 2-24. – Effective Date.**

This ordinance shall become effective upon its adoption, approval and publication as provided by law. Fees established herein shall be collected starting immediately upon the adoption and passage of this ordinance.

ADOPTED AND APPROVED THIS 11<sup>th</sup> Day of April, 2011.

\_\_\_\_\_  
Pam Palmer  
Mayor

Attest:

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Susan Gilmore  
City Clerk/ HR Director