

AMENDED  
TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NO. 20

AN ORDINANCE ESTABLISHING THE LITTER  
CONTROL ORDINANCE OF THE TOWN OF  
DAUPHIN ISLAND, ALABAMA.

BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama, as follows:

ARTICLE 1 - TITLES & DEFINITIONS

SECTION 1. TITLE

This ordinance shall be known and may be cited as the "Litter Control Ordinance of the Town of Dauphin Island".

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 area, anybody of water, vacant land, and recreation facilities.

d. "Public Property" means any area that is used or held for use by the public, whether owned or operated by public or private interests, including but not limited to highways, streets, street medians, alleys, park recreation areas, sidewalks, rights-of-way, drainage ditches or other bodies of water.

e. "Vehicle" means every devise capable of being moved upon a public highway, street or waterway and in, upon or by which any person or property 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 agricultural; [purposes and not licensed [pursuant State Law which is not operated on any public highway

for purposes other than crossing such public highway 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 watertight receptacle or container for temporary storage of putrescible and nonputrescible waste; constructed of substantial metal, plastic, or rubber and having a capacity of not less than ten gallons with a right-fitting lid or cover.

h. "Premises" means any dwelling, flat, rooming house, apartment house, school, hotel, club, restaurant, boarding house, office, eating place, shop, church, place of business, jail, town 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, town, state, region or nation.

k. "Household Solid Waste" means all domestic or residential solid waste that normally originates in 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 education, 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, tree limbs and trunks, furniture, bedding, appliances, paper and cardboard, plastics, wrappings, cans, and similar materials.

g. "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 of 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 - ENFORCEMENT PROCEDURES

### SECTION 1.

a. When any police officer or other employee of the Town designated by law or ordinances 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 Town, a citation and deliver it to the person in violation, directing said person to appear in the municipal court of the Town at a time and on a date stated therein to answer to the charge or charges for the violations, which shall be stated in said citation.

b. If the violation is the first violation of such provision of this Ordinance by the person cited, such person, in lieu of appearing in the municipal court at the time and on the date stated in the citation, may pay a fine of Thirty (\$30.00) Dollars 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 Town and other agencies designated by law.

c. The police officers and other employees of the Town, designated by law or ordinance 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 Ordinance, without first having issued a citation for such violation.

d. Any employee of the Town of Dauphin Island designated by the Mayor may issue corrective notices to persons, corporations, establishments, companies, owners, tenants, occupants, and agents found to be in violation of any of the provisions of this Ordinance. This issuance of such corrective notice is not necessary for the prosecution of violations of this Ordinance.

## SECTION 2. FAILURE TO COMPLY WITH A NOTICE

Any person, corporation, company, firm, business, institution, owner, lessee, agent, tenant or occupant who has been served such notice in accordance with the provisions 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 3. OWNERS' AND GENERATORS' RESPONSIBILITY

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

b. The owners or occupants or persons in possession of all residential units and commercial establishments shall be responsible for compliance with this Ordinance.

## SECTION 4. PENALTIES

Any person found guilty of violating any provision of this Ordinance shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the Town jail or at hard labor for a period not exceeding 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 and shall be punishable as such thereunder. Any person found guilty of any provision of this Ordinance may, in the discretion of the court, be punished by a fine, imprisonment, or in the alternative, may be sentenced to pick up litter or take other remedial action to comply with the terms of this Ordinance in lieu of fine or imprisonment.

## ARTICLE III - MOVING VIOLATIONS

## SECTION 1. LITTERING 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 Town of Dauphin Island, 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.

## SECTION 2. 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 loss 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 applied on a street or roadway in the cleaning or maintenance of such street or roadway by the by the government agency having such responsibilities.

b. 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.

## ARTICLE IV - STATIONARY VIOLATIONS

### SECTION 1. 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, town 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 for 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 2. 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 town.

#### SECTION 3. SWEEPING LITTER INTO THE STREET

It shall be unlawful to sweep or push litter or leaves or grass from sidewalks onto street where it will be washed into the Town 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 pickup.

#### SECTION 4. 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 a 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 fined a minimum of One Hundred Dollars (\$100.00) and shall be subject to any other penalties provided in this ordinance.

b. Cleaning litter or junk from open private property: The Inspection Services Department is hereby authorized and empowered to notify the owner of any open or vacant private property within the Town, 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 owner so notified to properly dispose of litter or junk within ten (10) days after the mailing of the notice provided for in this section shall constitute a violation of this Ordinance. In addition, the Town of Dauphin Island is specifically authorized to institute an action in the Circuit Court of Mobile County Alabama, to abate any public nuisance created by litter or junk located on any open or vacant property within the Town of Dauphin Island, 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 Town's Junk and Zoning Ordinance.

ARTICLE V - LITTER GENERATED FROM IMPROPER HANDLING OF SOLID WASTE

SECTION 1. DISPOSAL OF GARBAGE BY SINGLE FAMILY DWELLINGS, DUPLEXES, TOWNHOUSES AND CONDOS

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

SECTION 2. DISPOSAL OF TRASH IN RESIDENTIAL AREAS

a. All trash shall be placed for collection at curbside no sooner than 48 hours prior to the designated day for said collection.

b. (Deleted)

c. All trash must be placed at curbside in accordance with current town of Dauphin Island Public Works Department policy.

d. Scrap, lumber, plaster, roofing, concrete, brick and sanding dust resulting from the construction, repair, remodeling, removal or demolition of any building on private property will not be removed by the Solid Waste Division. All such materials shall be removed by the owner or the

contractor responsible for the accumulation of same before, during or after construction.

e. It shall be the responsibility of any individual or company doing work on private property to remove from premises all residue and rubbish resulting from such work.

## ARTICLE VI - LITTER RECEPTACLES

### SECTION 1.

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

### SECTION 2. 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 such establishment.

### SECTION 3. STANDARDS FOR LITTER RECEPTACLES

Litter receptacles purchase and placed in compliance with these regulations shall meet the following minimum 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 4. 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 the public shall remain the duty of the owner or operator of such private property.

ARTICLE VII - SEVERABILITY

If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by any 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.

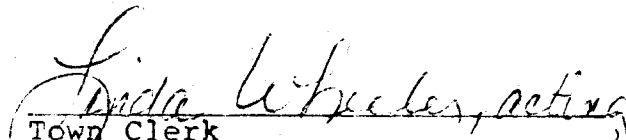
ARTICLE VIII - EFFECTIVE DATE

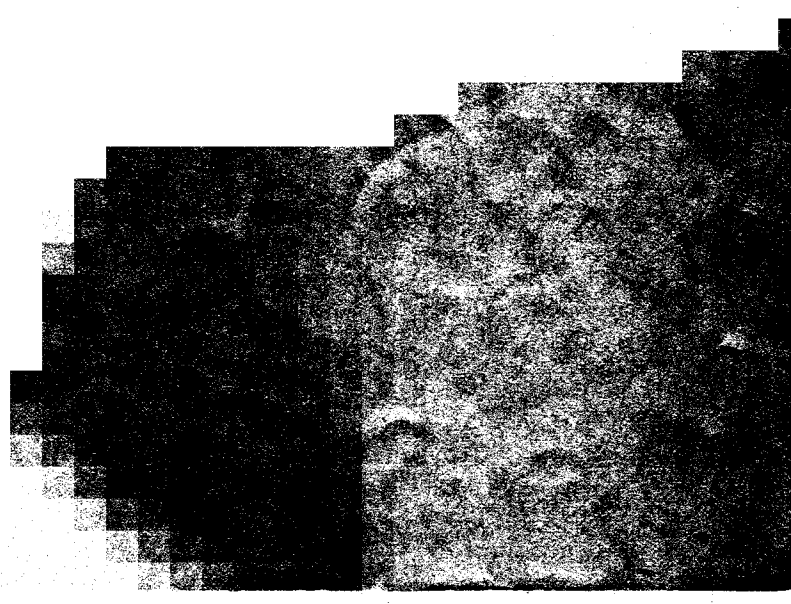
This Ordinance shall be in force and effect from and after its adoption and publication.

Adopted this 17<sup>th</sup> day of OCTOBER, 1989.

  
MAYOR

Attest:

  
Town Clerk



TOWN OF DAUPHIN ISLAND, ALABAMA

Certificate of Publication

This is to certify that Ordinance Number 20, Town of Dauphin Island, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from 1 Nov 89 to 8 Nov 89.



W. E. Yerkes  
Town Clerk

TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NUMBER 20 A

AN ORDINANCE TO AMEND ORDINANCE NUMBER 20  
RELATING TO DEFINITIONS

BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama as follows:

Ordinance No. 20, ARTICLE I., Section 2., Item (g) is amended by reading as follows:


g. "Garbage Can" means a watertight receptacle or container for temporary storage of putrescible and nonputrescible waste; constructed of substantial metal, plastic, or rubber and having a capacity of not less than ten gallons with a right-fitting lid or cover.

THIS paragraph shall be effective this 17th day of October, 1989.

ADOPTED this 17th day of October, 1989.

  
\_\_\_\_\_  
DORIS ANDERSON, MAYOR


ATTEST:

  
\_\_\_\_\_  
Linda S. Wheeler  
Assistant Town Clerk

TOWN OF DAUPHIN ISLAND, ALABAMA

Certificate of Publication

This is to certify that Ordinance Number 20 A, Town of Dauphin Island, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from 1 Nov 89 to 8 Nov 89

  
W. E. Yerkes  
Town Clerk

TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NUMBER 20 B

AN ORDINANCE TO AMEND ORDINANCE NUMBER 20  
RELATING DISPOSAL OF TRASH IN RESIDENTIAL AREAS.

BE IT ORDAINED by the Town Council of the Town of Dauphin  
Island, Alabama as follows:

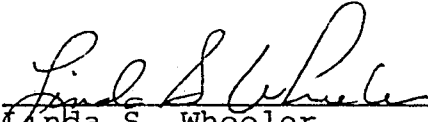
Ordinance No. 20, ARTICLE V., Section 2., Item (b)  
is amended by being deleted in its entirety.

THIS AMENDMENT shall be effective this 17th day of  
October, 1989.

ADOPTED this 17th day of October, 1989.

  
\_\_\_\_\_  
DORIS ANDERSON, MAYOR

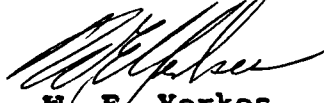
ATTEST:

  
\_\_\_\_\_  
Linda S. Wheeler  
Assistant Town Clerk

TOWN OF DAUPHIN ISLAND, ALABAMA

Certificate of Publication

This is to certify that Ordinance Number 20B, Town of Dauphin Island, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from 1 Nov 89 to 8 Nov 89.

  
W. E. Yerkes  
Town Clerk

TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NO. 20 C

AN ORDINANCE TO AMEND ORDINANCE NO. 20 KNOWN AS THE LITTER CONTROL ORDINANCE OF THE TOWN OF DAUPHIN ISLAND, ALABAMA.

BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama, as follows:

Ordinance No. 20, Article V, Section 2 is hereby amended by deleting therefrom Paragraphs a, b, and c thereof in their entirety and substituting therefor the following:

a. All trash and/or garbage shall not be placed at curbside sooner than 48 hours prior to the designated day for collection and shall not remain at curbside for a period in excess of 12 hours thereafter. The removal of such is the continued responsibility of the person, firm or corporation generating said trash and/or garbage; and further to see that said trash and/or garbage is properly removed from the premises on a timely basis.

Ordinance No. 20, Article V, Section 2 is further amended by re-lettering Paragraph d of said ordinance as Paragraph "b" and Paragraph e as Paragraph "c".

<sup>90</sup> This ordinance shall be effective as of JANUARY 9,  
1989 *ay.*

*Dennis Anderson*  
Mayor

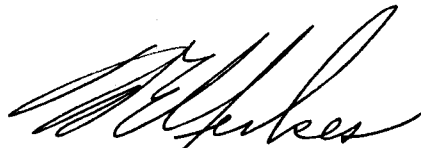
ATTEST:

*[Signature]*  
Town Clerk

TOWN OF DAUPHIN ISLAND, ALABAMA

Certificate of Publication

This is to certify that Ordinance Number 20C, Town of Dauphin Island, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from 17 JAN 90 to 26 JAN 90.



W. E. Yerkes  
Town Clerk