

ORDINANCE NO. 05-05-17-270

**AN ORDINANCE TO PROHIBIT LITTERING WITHIN THE CITY LIMITS AND POLICE JURISDICTION OF THE CITY OF CHELSEA, AND TO AFFIX PENALTIES FOR VIOLATION OF THE SAME.**

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

**§1- Definitions:**

Whenever used in this Ordinance, unless otherwise clearly indicated, the following words or phrases shall have the following meaning:

**LITTER:** All solid waste material deposited on public or private property or water by any means.

**SOLID WASTE MATERIAL:** Any materials or objects, including, but not limited to, bottles, glass of any description, cloth, pottery, cans, scrap metal, paper, plastic, rubber, garbage, tobacco wastes, filthy or odoriferous objects, waste, building materials at construction sites, disposable packages as well as any solid object which is subject to being blown from place to place by the elements.

**§2 - Unlawful Littering:**

- (a) It shall be unlawful for any person to dispose of any litter or any foreign matter whatsoever from the interior of a building, from a vehicle, or any place so that the litter falls, drifts, or collects upon any street, roadside or other public property including public waters.
- (b) It shall be unlawful for any person to throw, place or dispose of any litter upon private property, private waters or the premises of another person.

**§3 - Maintenance of Property:**

It shall be unlawful for any owner, tenant or person in charge of any residential or commercial property to fail to maintain the property free from litter and garbage unless the litter and garbage is within a container and stored in such a manner as to prevent it from being scattered by any means.

**§4 - Damaged Vehicle:**

It shall be unlawful for any person to remove a wrecked or damaged vehicle from a street or highway without removing any glass or other injurious substances dropped upon the street or highway from such vehicle.

**§5 - Penalties:**

It shall be unlawful to violate any of the terms and provisions of this ordinance. Any person, firm or corporation violating any of the said terms and provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by fines as follows:

- (a) For the first offense, the fine shall be \$200.00 and 10 hours of community service.
- (b) For the second and any subsequent violation, the fine shall be \$500.00 and 40 hours of community service.
- (c) The community service hours must be served within one year of the date sentence is imposed by proper authority.

**§6 - Presumptions:**

- (a) When a violation of the ordinance has been observed by another person, and the litter was thrown or deposited from a vehicle onto a street, highway, right-of-way, or private property, the owner or driver of the motor vehicle shall be presumed to be the person who discarded the litter; provided however, that such presumption shall be rebutted by suitable evidence.
- (b) It shall be presumed that if any article of litter bears a person's name and address, it is the property of the person whose name appears thereon and that such person disposed of such litter in violation of this ordinance; provided, however, that such presumption shall be rebutted by suitable evidence.

**§7 - Authority of this Ordinance:**

This ordinance shall take precedence over any neighborhood covenants.

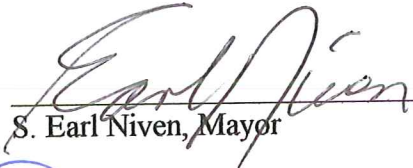
**§8 - Sections and Provisions Severable:**

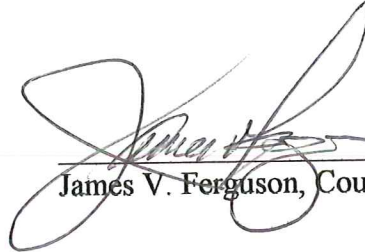
If any section or provision of this ordinance shall be held invalid, such holding shall not affect any other section or provision of this ordinance, each of said sections and provisions being hereby declared severable.

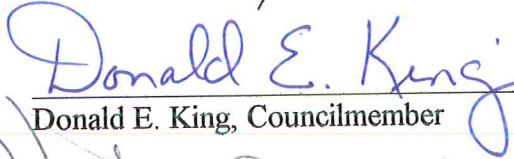
§9 - Effective date:


This ordinance shall become effective on and after JUNE 14, 2005

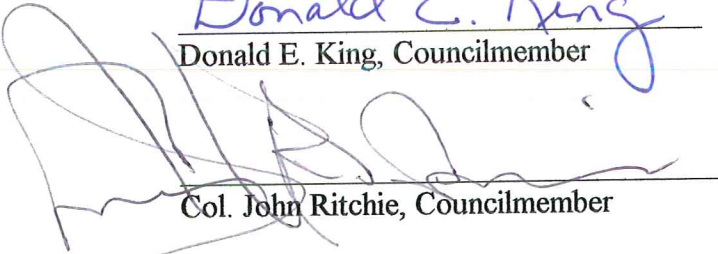
ADOPTED this 7 day of JUNE, 2005

  
S. Earl Niven, Mayor

  
James V. Ferguson, Councilmember

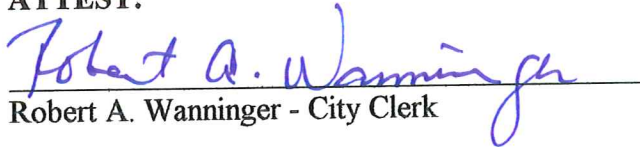
  
Donald E. King, Councilmember

  
Jeffrey M. Denton, Councilmember

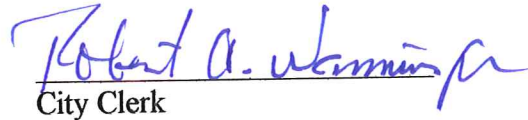
  
Col. John Ritchie, Councilmember

  
Juanita Champion, Councilmember

ATTEST:

  
Robert A. Wanninger - City Clerk

I, Robert A. Wanninger, Clerk of the City of Chelsea, Alabama, hereby certify that the above Ordinance was duly adopted by the Council of the City of Chelsea, Alabama at a regular meeting held on the 7 day of JUNE, 2005, and that same has been published in accordance with the law, on the 8 day of JUNE, 2005.

  
City Clerk

State Law Reference: Code of Alabama, 1975; §13A-7-29