

Troy, Alabama
Code of Ordinances

CHAPTER 11. HEALTH & SANITATION

ARTICLE IV. LITTERING

Sec. 11-47. Unlawful posting of handbills, signs, notices, and advertisements.

No person whether or not a licensed bill poster, shall paste, post, paint, print or in any way fasten any handbill, sign, notice, advertisement of any kind or character, (to include political posters) on any curb, sidewalk, street, or any bridge or any structure within the limits of any street in the city and no person shall paste, post, paint, print or in any way fasten any handbill, sign, notice or advertisement of any kind or character upon any private wall, window, door, gate, fence, advertising board or upon any other private structure or building unless such person is the owner or otherwise legally in possession thereof, without the consent of the owner or the owner's authorized agent in writing. Nothing herein contained shall be construed to apply to the posting of legal notices by public officers and attorneys in the manner and places prescribed by law, not to the circulation and distribution by any merchant or advertisement of such merchant's own private business or of articles for sale exclusively by such merchant.

(Ord. No. 84, § 7, 8-27-91)

Cross references: Posting handbills, placards, and advertisements, § 14-5.

ORDINANCE NO. 84
AN ORDINANCE RELATING
TO LITTERING IN THE CITY OF TROY

WHEREAS, The City Council of the City of Troy recognizes the existence of a serious litter problem in the City of Troy; and,

WHEREAS, as a result of this problem, there are areas of the City which are unsightly and unattractive, thereby adversely affecting the health and well-being of the citizens of this community; and,

WHEREAS, the City of Troy is desirous of enacting a comprehensive ordinance regulating and controlling litter in the City of Troy.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TROY AS FOLLOWS:

Section 1. Definitions.

"Litter: Garbage, refuse, waste, 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 perishable or non-perishable. The term shall also include any abandoned unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snaplock or other device which might be removed from the inside, washer, dryer, or any other appliance."

"Commercial premises: Any lot or any building, or any part thereof, used in connection with or for the carrying on of any business, trade, occupation or profession for which a license is required by the City."

"Citation: A notice specifying a violation of the provisions of this ordinance which directs the violator to appear in the Municipal Court to answer to the charge or charges."

"Corrective Notice: A written Notice informing the recipient thereof of a violation of the provisions of this ordinance, and specifying a period of time in which to correct said violation."

"Garbage and/or rubbish can: A watertight receptacle or container of substantial construction made of reinforced or ribbed plastic, or of galvanized iron or rust proof metal, having a capacity of not less than ten nor more than ninety gallons, with tight fitting lid or cover, with not less than one handle on the lid or cover, and two handles on the receptacle or container by which same may be conveniently lifted or moved."

"Person: Any person, firm, partnership, corporation,

association, company, business, or organization, of any kind."

"Plastic Bag: A plastic bag or holder of sufficient thickness and strength to be lifted and loaded without tearing or leaking and capable of being securely closed or tied shut."

"Premises: Any building or real property and shall include public or private property, city streets and public highways."

"Public Property: Shall include property owned by the city, county or state and all streets and highways within the city whether or not they are public highways."

"Dismantled, Junked or Abandoned Vehicles: Shall include major parts thereof including bodies, engines, transmissions, rear ends, etc."

"Vehicle Legally or Physically Incapable Of Being Operated: Shall include a vehicle which does not have attached a current license tag, according to law or which lacks the equipment in good operating condition as required by law."

Section 2. Spilling Vehicle Loads; Litter Thrown From Vehicles.

- (a) It shall be unlawful for any person; to drive, operate, or permit to be operated, any vehicle upon the public streets or other public ways of the City or its Police Jurisdiction, when such vehicle is so constructed, maintained, or loaded, that gravel, cement, liquid, asphalt, petroleum products, tar, trash, paper, debris, or litter of any kind is permitted to be thrown from, blow, spill or waste from such vehicle upon the public streets or other public ways.
- (b) It shall be unlawful for any person, firm, or corporation to haul garbage, paper, or litter, as defined hereinabove, 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 highways or cause a nuisance or hazard to the public health.
- (c) It shall be unlawful for any person to throw, drop, or allow to fall any type of litter whatsoever from any type of vehicle upon the public streets, alleys, thoroughfares, or other public ways of the City.
- (d) Neither sub-section 2(a), 2(b), or 2(c) of this ordinance shall apply to the deposit of sand or other substances on the streets of the City for the purpose of increasing traction, street repair or maintenance of utilities or the use of water or other substances in cleaning or maintaining public streets or public ways, when such acts are performed by the City or contractor conducting such actions pursuant to a valid contract with the City.
- (e) Any person operating, or permitting to be operated, a vehicle in violation of sub-section 2(a), 2(b), or 2(c), shall immediately cause the public street or way to be cleared of such objects and shall bear the costs thereof.

- Section 3. It shall be unlawful for any person owning, residing on or having charge or control of any premises or vacant lot within the City to allow any accumulation of litter or trash (except for collection purposes on regularly scheduled collection days and in a manner as authorized) on said premises or vacant lot.
- Section 4. Whenever there is any accumulation of trash, debris, or litter on any such premises or vacant lot, (except for collection purposes on regularly scheduled collection days and in a manner as authorized) the Litter Control Officer shall give notice in writing to the person owning, residing on, or having charge or control thereof, that such trash or debris must be removed within fourteen (14) days for 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. If the owner of the land is not a resident of the City and no person resided thereon, or has charge or control of the premises or vacant lot, and the address of the owner or person having control thereof is unknown and cannot by reasonable diligence be ascertained, the notice shall be served by posting a copy thereof on the property. Any person who owns or has charge or control of any of any premises or vacant lot and who, after having received notice as provided for in this section, and fails to remove the trash, debris, or litter therefrom, shall be guilty of a misdemeanor.
- Section 5. It shall be unlawful for the occupant of any store, shop, or building or for any other person to place any trash, litter or other waste material on the premises outside of such building except it be in a suitable receptacle or plastic bag or container at the readily convenient place easily accessible to the trash collector. It shall be the duty of the occupant of any such store, shop, room house or building to keep any walkway, sidewalk, thruway, alley, or other public way adjacent thereto and the lot on which the same is located, clean and free from all trash, litter, and waste material except that which is placed in proper receptacles on the premises. It shall be the duty of the occupant of any such store, shop, room house, or building to store all such garbage, waste, and trash so that it cannot become scattered by wind, dogs, or otherwise.
- Section 6. It shall be unlawful for any person in charge or control of any premises to allow or permit garbage or trash containers to be open or uncovered, and it shall be unlawful for any such person to permit or allow an accumulation of garbage, trash, or litter in the vicinity of any garbage or trash container serving such premises.
- Section 7. No person whether or not a licensed bill poster, shall paste, post, paint, print or in any way fasten any handbill, sign, notice, advertisement of any kind or character, (to include political posters) on any curb, sidewalk, street, or any bridge or any structure within the limits of any street in the City and no person shall paste, post, paint, print or in any way fasten any handbill, sign notice or advertisement of any

kind or character upon any private wall, window, door, gate, fence, advertising board or upon any other private structure or building unless such person is the owner or otherwise legally in possession thereof, without the consent of the owner or the owner's authorized agent in writing. Nothing herein contained shall be construed to apply to the posting of legal notices by public officers and attorneys in the manner and places prescribed by law, not to the circulation and distribution by any merchant or advertisement of such merchant's own private business or of articles for sale exclusively by such merchant.

Section 8. Wrecked, Abandoned, Nonoperating Vehicle:

- (a) It shall be unlawful for any person to leave any partially dismantled, abandoned, nonoperating wrecked, or junked vehicle on any street, highway alley, thoroughfare, public right-of way, or any other public way within the city of its police jurisdiction.
- (b) It shall be unlawful for any person in charge or control of any real property within the city, whether as owner, tenant, occupant, lessee, or otherwise, to allow any partially dismantled, nonoperating, abandoned, wrecked, junked, or discarded vehicle to remain on such real property longer than forty-eight (48) hours; except that section shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

Section 9. Removal Required:

- (a) The owner or any vehicle described in Section 8 of this ordinance shall remove the same within seven (7) days after being ordered to do so in writing by the owner, lessee or occupant of the premises where the vehicle shall be found. If the owner of such vehicle is not known or cannot readily be ascertained, notice to remove may be given by attaching such notice to the vehicle.
- (b) If the owner of such vehicle is also the owner, or occupant of the premises, notice to remove shall be given by the litter control officer.
- (c) If such vehicle is on a city street, highway, alley, thoroughfare, public right-of-way, or other public way, forty-eight (48) hour notice to remove the same shall be given by the litter control officer, and the owner thereof shall remove the same immediately.
- (d) If such vehicle constitutes a present hazard, or is obstructing traffic, or is obstructing ingress to or egress from public or private property, the litter control officer shall have said vehicle removed immediately therefrom and the owner thereof shall be responsible for and shall pay to the city all costs for such removal.
- (e) Any vehicle on premises not owned or occupied by the owner of the vehicle, which is present without the owner or occupants consent, may be

deemed to be abandoned.

Section 10. Enforcement

- (a) The following are hereby designated as litter control officers:
- (1) All Police Officers of the City of Troy.
 - (2) All employees of the License and Inspection Department of the City of Troy.
 - (3) The Public Works Director and the Operations Director of the City of Troy.
 - (4) Any employee of the City as the Mayor may direct.
- (b) Procedures:
- (1) Corrective Notice of Violation: Any litter control officer of the City of Troy may issue a corrective notice of violation to any person found to be in violation of any of the city's littering ordinances. Said notice shall indicate the nature of the violation and specify a definite period of time in which to correct the violation. Said period of time so specified shall not be less than five (5) days nor more than (30) thirty days, provided however that under special circumstances, to be determined in the sole discretion of the litter control officer, an enlarged period of time may be allowed up to a maximum of three (3) months. Failure to comply with such notice shall constitute a separate offense.
 - (2) Issuance of citation: In addition to the corrective notice of violation provided for hereinabove, when any employee of the city designated as a litter control officer, as hereinabove defined, observes any violation of the provision of this ordinance, such employee may issue, on forms provided by the city, a citation and deliver it to the person claimed to be in violation of the city's ordinance. Said citation shall specify the violation or violations observed by the litter control officer, and shall further direct the person to whom the citation is issued to appear in the Municipal Court of the City of Troy at a time and on a date specified in the citation, to answer the charge or charges specified in the citation. Said citation is not an arrest, and the recipient of the citation shall not be detained except pursuant to a lawful arrest made by a police officer. In the event the person so cited fails to appear in the Municipal Court on the date and time specified in the notice, then the litter control officer shall obtain a warrant for the arrest of the person so cited, and the warrant will be processed through the Municipal Court in the same manner as any other warrant returnable to the Municipal Court.
 - (3) The police officers and other employees of the City, designated as litter control officers, and authorized to issue citations as above provided, are hereby further authorized to obtain arrest warrants charging persons or corporations with violations of the littering ordinance of the City, whether or not a citation for such violation has been issued.
 - (4) In lieu of appearing in court to answer to the citation, any person may, after signing a waiver of trial and guilty plea, pay a fine or fines in accordance with the Code of the

City of Troy and the orders and rules of the
Municipal Court.

Section 11. Any person who shall fail to comply with any of the provisions of this ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

- (a) First offense: Not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00).
- (b) Second offense: Not less than Two Hundred Dollars (\$200.00) nor more than Four Hundred Dollars (\$400.00).
- (c) Third or subsequent offense: Not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00). Each days violation of the provisions of this ordinance shall constitute a separate offense, punishable as herein provided.

Section 12. This ordinance expressly does not repeal any other provision of the City Code, including those relating generally or specifically to the subject of trash, garbage or litter.

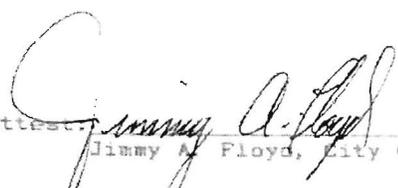
Section 13. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein and it is further the intention of the Council that if any provision of this ordinance be declared invalid or unconstitutional, all other provisions thereof shall remain valid and enforceable.

Section 14. All ordinances and parts of ordinances in conflict herewith, are to the extent of such conflict hereby repealed.

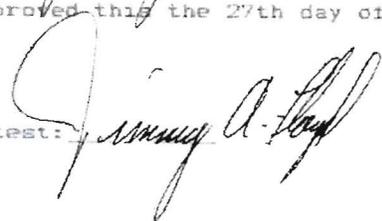
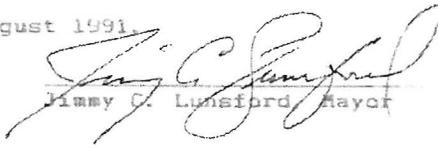
Section 15. This ordinance shall become effective January 1, 1992, and publication as provided by law.

Adopted this the 27th day of August 1991


John H. Witherington
Council President

Attest: 
Jimmy A. Floyd, City Clerk

Approved this the 27th day of August 1991.

Attest: 

Jimmy C. Lunsford, Mayor