ORDINANCE NO. 282-18-19

AN ORDINANCE ENTITLED "GUIN CLEAN CITY ORDINANCE".

WHEREAS, the Mayor and City Council of the City of Guin wish to promote the growth of the City and recognize the importance of promoting environmental conditions which make the City safe, clean, and attractive for its businesses and citizens, and

WHEREAS, an abundance of overgrown grass or weeds and the accumulation of junk, trash, garbage, litter, and junked automobiles within the City of Guin is injurious to the general health, safety, and welfare of the public (1) by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, insects, and various other vermin and pests; (2) by creating conditions which constitute a serious fire hazard; (3) by creating conditions which cause irritation to the throat, lungs, and eyes of the public; and, (4) by hiding debris, such as broken glass or metal, which could inflict injury on a person going upon the property, and

WHEREAS, the City of Guin, Alabama (hereinafter referred to as "City"), is empowered under *Section 11-45-1, et seq., of Code of Alabama, 1975*, as amended, to enact ordinances to protect and promote the general health, safety, and welfare of its citizens, and the City does hereby ascertain and declare the following Ordinance is necessary and proper to provide for the health, safety, and welfare of the public.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL FOR GUIN, ALABAMA, A MUNICIPAL CORPORATION, AS FOLLOWS:

SECTION ONE. DECLARATION OF PUBLIC NUISANCE.

(A) Conditions which tend to attract children and endanger their lives and/or health, spread diseases, invite plundering, attract vagrants, create fire hazards and other safety and health hazards, interfere with the enjoyment of private property and reduce its value, and interfere with the comfort and well-being of the public in general are hereby declared by the Mayor and City Council to constitute a public nuisance.

(B) It shall be unlawful and a violation of this ordinance for any owner, tenant, or person in charge of any real property within the City of Guin to fail to maintain their property free from the nuisances herein defined. Anyone who violates any provision of this ordinance shall be guilty of a misdemeanor and subject to the punishment provided herein.

SECTION TWO. WEEDS AND BRUSH.

(A) ***Weeds and Brush.*** It shall be unlawful for the owner or owners, or any person in control of, or in charge of, any real property located within the City of Guin to allow: (1) an abundance of overgrown grass, weeds, brush, or undergrowth, which is injurious to the general public health, safety, and general welfare; (2) which could inflict injury on a person going upon the property; or (3) a growth of grass or weeds (other

than ornamental plant growth) which exceeds twelve (12) inches in height.

It shall be the duty of all persons and legal entities to maintain the property under their ownership or control in such a manner as not to constitute a nuisance or create the hazards defined herein.

This Section shall specifically apply to property which is situated within fifty (50) feet of any residential or commercial structure, school, nursing home, hospital, clinic, or church, or within twenty-five (25) feet of the yard or grounds of any such structures or of any public property, street, road, highway, public park, ball field, or playground.

(B) *Exceptions.* The provisions of this Section shall not apply to the following:

(a) Any property which is in its natural state and is not situated within fifty (50) feet of the structures specified above, or within twenty-five feet of their yard or grounds; and,

(b) cultivated row crops and garden plants in their respective growing seasons.

SECTION THREE. JUNK, TRASH, GARBAGE, AND LITTER.

(A). It shall be unlawful for the owner or owners, or any person in control of, or in charge of, any real property located within the City of Guin to allow to lie, be situated, or accumulate upon their property any of the following items or materials:

(1) *Scrap*. Materials or waste, including, but not limited to old cordage; ropes; rubber; bottles and other glass; tin or aluminum cans; buckets; tree branches, tree limbs, tree stumps; or other waste or refuse not otherwise classified herein as junk, litter, or garbage.

(2) *Litter*. All waste material which can be or is subject to being blown from place to place or scattered by the elements, including, but not limited to, paper, cardboard, cartons, boxes, plastics, rags, cloth, fibers and fabrics, leather, polyethelyne, and polystyrenes.

(3) *Garbage*. The animal and/or vegetable waste resulting from the handling, preparation, cooking, or consumption of food or food products, or any items which are required to be disposed of in City trash cans or bins.

(4) *Junk*. Any vehicle parts, rubber tires, appliances, dilapidated furniture, machinery, equipment, building materials, scrap metal, or other items which are in a wholly or partially rusted, wrecked, junked, dismantled, or unusable condition.

(5) *Junked Vehicles*. Any motor vehicle, or vehicle which is self-propelled, that (a) does not have lawfully attached to it a current license registration or license plate; (b) is wrecked, discarded, dismantled, or partially dismantled; or (c) has remained inoperable or unable to move under its own power; shall not remain upon the premises

of any property within the City of Guin for more than fourteen (14) consecutive days.

(B). Dumping. It shall be unlawful for any person to throw, dump, or discharge upon the public streets or public property of the City of Guin, or upon any premises or vacant lot within the City, any of the materials listed in Subsections (A) (1) through (5) above, as well as, any gravel, cement, paper, wood, cans, trash, or debris,.

(C). Exceptions. The provisions of this Section shall not apply to the following:

(1) Items stored or located on the premises any junkyard, salvage facility, or automobile graveyard which is duly licensed and operated within the applicable codes and regulations of the State of Alabama or the City of Guin.

(2) Vehicles being repaired or awaiting repair that are located on the premises of any automobile repair shop or auto body repair shop which is duly licensed and operated within the applicable codes and regulations of the State of Alabama or the City of Guin, however, any such vehicles may not remain on the outside of the premises for more than twenty-one (21) days.

(3) Materials, goods, supplies, motor vehicles, equipment, and other merchandise displayed by a commercial establishment which is duly licensed for sale of such items, so long as the same are stored in such a manner as to not permit overgrowth of weeds or grass, harbor insects or vermin, or pose a health, safety, or fire hazard.

(4) Building materials being used in an ongoing construction or repair site.

(5) Items which are compiled for removal to a licensed garbage dump or landfill, however, no such materials may remain upon the premises for over fourteen (14) days.

SECTION FOUR. NOTICE AND PROCEDURE.

(A). ***Notice of violation.*** Whenever conditions exist on any lot or parcel of real property within the City of Guin which are believed to violate the provisions of this Ordinance, the Clerk / Magistrate of the Guin Municipal Court may give notice in writing to the person owning, residing on, or having control thereof, that such nuisance must be remedied within ten (10) days from the date of delivery of such Notice. Upon service of the Notice, it shall be returned to the Clerk / Magistrate of the Guin Municipal Court.

This procedure may be initiated upon complaint by any citizen or official of the City of Guin. If the owner of the land is not a resident of the city and no person resides thereon, or has charge of the premises, and the address of the owner or person having control thereof is unknown and cannot by reasonable diligency be ascertained, the notice may be served by posting a copy thereof on the property.

Such notice may be served by any law enforcement officer of the City of Guin by

personal service upon the person to whom it is directed, or by registered or certified mail, return receipt requested.

(B). ***Issuance of a citation or complaint.*** If the owner or occupant of property has not remedied, or made substantial progress towards remedying, the violation cited in the Notice issued hereunder, then any law enforcement officer of the City of Guin may issue an Alabama Uniform Non-traffic Citation and Complaint, or the Clerk / Magistrate of the Guin Municipal Court may issue a Unified Judicial System Complaint verified by any citizen, City employee, or City official. Such Citation or Complaint shall name the party charged, the address of the property where the violation is located, and the nature of the offense or violation. It shall also apprise the person of the date, time, and place at which to appear before the Municipal Court for the City of Guin for hearing.

SECTION FIVE. PUNISHMENT

Any person found guilty of a violation of this Ordinance may be punished by a fine of not more than Five Hundred Dollars ($500.00) and / or by imprisonment in Jail at hard labor for a period not to exceed six (6) months, at the discretion of the judge trying the case.

SECTION SIX. STATE STATUTES

Nothing contained herein shall preclude the City of Guin from pursuing remedies under other applicable provisions of the *Code of Alabama*, 1975, as amended.

SECTION SEVEN. SEVERABILITY

If any section, sentence, clause, phrase, or part of this ordinance is for any reason declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such decision shall not affect any remaining sections, sentences, clauses, phrases, or parts of this ordinance.

ADOPTED AND APPROVED on this 1ST day of July, 2019.

ATTEST:

ITS MAYOR

ITS CITY CLERK

GUIN CLEAN CITY VIOLATION NOTICE

NOTICE TO: _____

YOU ARE HEREBY OFFICIALLY NOTIFIED that your property is reported to be in violation of the City of Guin's "Clean City Ordinance", which is codified as Ordinance No. _____, with regard to the following provisions:

(____) Section 2, (A) - Weeds and Brush.

(____) Section 3, (1) - Scrap, Materials, or Waste.

(____) Section 3, (2) - Litter.

(____) Section 3, (3) - Garbage.

(____) Section 3, (4) - Junk.

(____) Section 3, (5) - Junked Vehicles.

IT IS NECESSARY THAT YOU TAKE THE FOLLOWING IMMEDIATE ACTION:

(____) Cut any grass, weeds, or brush in excess of twelve (12) inches high.

(____) Remove trees and limbs which have been cut from your property.

(____) Take any necessary actions to remove the following items from your property within ten (10) days of the date of this notice:

_____

Failure to take the immediate action specified above within ten (10) days of the date of this notice may result in criminal liability, enforceable through Guin Municipal Court.

Notice issued on this _____ day of _____, 2019, by CITY OF GUIN, P.O. BOX 249, GUIN, AL 35563. (Telephone: 468-3363 or 468-2242)

_____
Clerk / Magistrate for Guin Municipal Court

Notice mailed (___) or personally delivered (___) on this _____ day of _____, 2019, by:

_____
Name and title of Official