STATE OF ALABAMA

COUNTY OF MADISON

ORDINANCE OF THE MADISON COUNTY COMMISSION

BE IT ORDAINED by the Madison County Commission as follows:

1. This ordinance is adopted pursuant to the provisions of The Alabama Limited Self-Governance Act, Code of Alabama, § 13-3A-1, et seq. All exceptions and limitations contained in The Alabama Limited Self-Governance Act shall apply to this ordinance.

2. This ordinance pertains to the control of litter or rubbish and the control of areas which create a public nuisance because of an accumulation of junk. This ordinance does not apply to duly licensed junkyards.

3. This ordinance applies within all of the unincorporated areas of Madison County, that is, in all areas of Madison County outside of the city limits of the incorporated municipalities of Madison County.

4. For the purposes of this ordinance, the following definitions shall apply:

(a) GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food, including wastes from markets, storage facilities, handling and sale of produce and other food products and excepting such materials that may be serviced by garbage grinders and handled as household sewage. (Code of Alabama, § 22-27-2(7)).

(b) HAZARDOUS WASTES. Those wastes defined in the Hazardous Waste Management Act of 1978, as amended (Code of Alabama, §22-30-21, et seq.).

(c) JUNK. Old or scrap copper, brass, rope, rages, batteries, paper trash, rubber debris, waste or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material. (Code of Alabama, § 23-1-241(1)).

(d) LITTER. Rubbish, refuse, waste material, garbage, dead animals or fowl, offal, paper, glass, cans, bottles, trash, scrap metal, debris, or any foreign substance of whatever kind and description, and whether or not it is of value. (Code of Alabama, § 13A-7-29).

(e) PERSON. A natural person or persons, partnerships, corporations, unincorporated associations, or any other legal entity of any kind whatsoever or any combination of any of the entities enumerated herein.

(f) RUBBISH. Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes. Combustible rubbish includes paper, rages, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves, and similar materials. Noncombustible rubbish includes glass, crockery, metal cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures, not less than 1600 degrees Fahrenheit. (Code of Alabama, § 22-27-2(16)).

5. It shall be unlawful and shall constitute a public nuisance for the owner, lessee, or person in possession or control of any parcel of land within the unincorporated area of Madison County to fail to keep the parcel free from garbage, hazardous wastes, junk, litter, rubbish, one or more inoperable motor vehicles or one or more motor vehicles which do not have a current license tag (unless such motor vehicles are within an enclosed garage or other enclosed building), inoperable or unused appliances, household furniture, used motor vehicle tires, any materials within which water may accumulate or which may shelter or encourage the growth of

insects, rodents, or snakes, or materials which generate obnoxious odors, or which offend the aesthetics of the community and, thereby, cause a substantial diminution in the value of other property or which threaten the health or safety of any citizen.

6. Any person violating this ordinance shall be fined an amount not to exceed One Hundred Fifty and No/100 Dollars ($150.00) for each calendar cyday the violation continues, however, the total fine shall not exceed Five Thousand and No/100 Dollars ($5,000.00), and, in addition thereto, shall be taxed with administrative fees which shall not exceed the actual cost of the implementation and enforcement of this ordinance.

7. The County Administrator, or his designee, is hereby authorized and empowered by the Madison County Commission to determine if a person is in violation of this ordinance. If the County Administrator, or his designee, shall determine a person to be in violation of this ordinance, the County Administrator shall issue a written citation to the person describing the basis for the determination that the ordinance has been violated, which notice shall be served upon the person by personal delivery to the person or by mailing the citation to the person by certified mail, return receipt requested, or by attaching a copy of the citation to the front door of a dwelling upon the parcel of land or by leaving a copy of the citation with a person who is nineteen (19) years or older at a dwelling upon the parcel of land. If the ordinance has been violated, the owner and the lessee, if any, and the person in possession or control of the parcel of land are all in violation of the ordinance and all shall be served with a citation.

8. The person to whom any such citation is directed shall have thirty (30) calendar days from service of the citation as described above to bring the parcel of land into compliance with the provisions of this ordinance. If the person fails or refuses to bring the parcel of land into compliance with the provision of this ordinance within the said thirty (30) days, the

County Administrator, or his designee, shall determine the amount of the fine for violation of this ordinance and the amount of the administrative fee, and shall notify the person of the amount of the fine and administrative fee by one of the methods of notification set out in paragraph 7 above.

9. Any person issued a citation for violation of this ordinance may appeal to the Madison County Commission to contest such citation for an alleged violation of this ordinance. Any person desiring to so appeal to the Madison County Commission must, within ten (10) calendar days of receipt of the citation file a written notice of appeal with the Madison County Commission at the offices of the Madison County Commission on the seventh floor of the Madison County Courthouse and pay a One Hundred and No/100 Dollar ($100.00) administrative fee. If a notice of appeal and the administrative fee is mailed to the Madison County Commission, the date the notice of appeal and payment of the fee are received by the Madison County Commission is the date of its filing in regard to whether or not such notice of appeal was filed within ten (10) calendar days. No notice of appeal shall be filed without the payment of the administrative fee.

10. In addition to all other remedies available pursuant to this ordinance, in the event that a person who has been assessed a fine and administrative fees for the violation of any provision of this ordinance fails to pay such fines and administrative fees within thirty (30) days of their assessment or fails to remove from the parcel of land those things constituting a violation of this ordinance, the Madison County Commission may file suit against the person to collect the unpaid fines and administrative fees and to abate the public nuisance.

11. This ordinance shall take effect on July 1, 2007.

DONE this the _____ day of _____, 2007.

MADISON COUNTY COMMISSION

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Mike Gillespie, Chairman

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Howard Baites, County Administrator