

## ORDINANCE NO. 2232-21

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO.s. 1859, 1916 AND 2230-20 AND REPLACE WITH THE INCLUSIVE LANGUAGE OF THIS ORDINANCE TO ALLOW FOR THE REINSTATEMENT OF A MUNICIPAL HOUSING CODE ABATEMENT BOARD AND THE ABATEMENT OF NUISANCES AS DEFINED BY THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SYLACAUGA, ALABAMA, as follows:

### SECTION 1. Creation of Nuisance Code Abatement Board.

A municipal nuisance code abatement board is hereby established. Each member serving on the City Council of the City of Sylacauga, Alabama, shall appoint two members from his or her district to serve on the board for a term which runs concurrently with that of the Council, for a maximum of three consecutive terms in office. This board is herein referred to as the Nuisance Abatement Board. The board shall perform the duties of observing and reporting nuisances located within their respective district to the Ordinance Enforcement Officer.

### SECTION 2. Method of Enforcement and Designation of Enforcement Authority.

1. The Ordinance Enforcement Officer(s) of the city (herein referred to as "enforcement officer(s)") is hereby designated as the appropriate investigating and enforcing authority pursuant to the provisions of this article.
2. The enforcement officer(s) and any employees of the Planning and Code Department authorized by the Mayor are hereby authorized and directed to receive all complaints of violation(s) of this article, make inspections to determine if a violation(s) of this article exists, gather all relevant information concerning such complaint(s), conduct field investigation(s) and inspection(s) of property, and enter upon public or private property in the conduct of its official business pursuant to this article. The enforcement officer(s) will work in conjunction with the Nuisance Abatement Board and City departments as required to fulfill authorized duties.
3. The enforcement officer(s) shall be responsible for the mailing of required notices.
4. The enforcement officer(s) shall post required notices at the subject property, according to this article, and take such other action as is reasonably necessary to accomplish the purpose of this article.

### SECTION 3. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

*City* means the City of Sylacauga, Alabama, as it presently exists or as hereinafter modified.

*Excessive plant growth* means an abundance of overgrown grass, weeds, or invasive plant species on developed property within a municipality that is injurious to the general public health, safety, and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, and pests; or attaining heights and dryness that constitute a serious fire threat or hazard; or bearing wingy or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation to the throat, lungs, and eyes of the public; or hiding debris, such as broken glass or metal, that could inflict injury on a person **entering** the property; or being unsightly; or a growth of grass, weeds, invasive plant species, other than ornamental plant growth, that exceeds 12 inches in height. **Nuisance shall be abated within seven (7) days of verbal notice. Nuisance shall be abated within seven (7) to fourteen (14) days of written notice.**

*Inoperable motor vehicle* shall mean any motor vehicle, trailer, semi-trailer, or motorized water craft that has remained on any public property, street, alley or right-of-way, or on any private property for a period of time in excess of ten (10) days, and is either not properly licensed and insured, or is inoperable in that one or more of its major mechanical components, including, but

not limited to, engine, transmission, drive train, or wheels are missing or are not functional, or the vehicle, trailer, semi-trailer, or motorized water craft otherwise constitutes a nuisance. An inoperable motor vehicle shall not be deemed a nuisance if such motor vehicle has been rendered temporarily incapable of being driven and/or operated for a period not to exceed thirty (30) days under its own motor power in order to perform minor repair, or if the motor vehicle is on the premises of a place of business engaged in the repairing, wrecking or junking of inoperable motor vehicles, or primarily engaged in the storage and sale of damaged or theft-recovered vehicles for insurers, or if the subject motor vehicle is kept in an enclosed building completely shielded from the view of individuals on the adjoining properties, or if the motor vehicle is properly licensed by the Alabama Department of Motor Vehicles. **Nuisance shall be abated within seven (7) days of verbal notice. Nuisance shall be abated within seven (7) to fourteen (14) days of written notice.**

*Litter* means rubbish, refuse, waste material, garbage, dead animals or fowl, offal, paper, glass, cans, bottles, trash, scrap metal, debris, household furniture, used motor vehicle tires, inoperable and unlicensed vehicles or water craft, kitchen or other household appliances, or any foreign substance of whatever kind and description, whether or not it is of value including any materials within which water may accumulate or which may shield or encourage the growth of insects or rodents, or materials which generate obnoxious odors, or which offend the aesthetics of the community and are thereby likely to cause a substantial diminution in the value of other property nearby. **Nuisance shall be abated within seven (7) days of verbal notice. Nuisance shall be abated within seven (7) to fourteen (14) days of written notice.**

*Owner* means the person, corporation, partnership, company, trust, estate or any combination of other business or legal entities, singular or plural, as the owner or owners as recorded on the current tax rolls of the respective county. For property owned and operated as a condominium or other multifamily housing building, the owner means the condominium association or management entity, as applicable, and not the individual unit owner.

*Person* means any individual, firm, corporation, partnership, trust, company, estate or combination of any other legal entities or individuals which have any possessory interest, leasehold, legal control or otherwise, to any property located within the city.

*Property* means any single platted parcel of real property or any portion thereof, as it is recorded in the public records of Talladega County, whether or not such parcel is contiguous to any other platted parcel, or any single parcel of real property described by metes and bounds in the public records of Talladega County, located within the corporate limits of the City of Sylacauga.

*Nuisance* means and includes, in addition to any condition or act specified herein as such, the following:

1. Anything that works to hurt, inconvenience or damage, or that tends or threatens to hurt, inconvenience, or damage, the person, property or health of the citizens in the City of Sylacauga.
2. That class of wrongs arising from the unreasonable, unwarrantable or unlawful use by a person(s) own property, either real or personal, or from such person's own improper, indecent, unsightly or unlawful personal conduct, and producing material annoyance, inconvenience, discomfort or hurt to another person or to the general public.
3. All buildings, structures or conditions not meeting minimum property maintenance standards as defined by the current adopted International Property Maintenance Code such as, but not limited to the following:
  1. Unsafe, unsanitary or unfit for human habitation.
  2. Not provided with adequate egress.
  3. Constituting a fire hazard.
  4. Are otherwise dangerous to human life.

5. Which, in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, abandonment, or accumulation of rubbish and debris.
4. Any attractive nuisance that may prove detrimental to children, whether in an open or unsecured building or structure, on the premises of a building and not protected by adequate fencing, or upon an unoccupied lot not protected by adequate fencing. This includes but is not limited to abandoned or inoperable swimming pools; abandoned wells, shafts, basements or excavations; abandoned refrigerators or iceboxes; abandoned or inoperable motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris, litter or vegetation which may prove hazardous for inquisitive minors.
5. Whatever is dangerous to human life or is detrimental to health or safety, as determined by the housing, building, fire or health official.
6. Inadequate sewer or plumbing facilities.
7. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the housing, building, fire or health official.
8. Waste accumulations and litter means garbage, refuse, junk, debris, salvaged materials, household furniture, trash, used motor vehicle tires, inoperable motor vehicles, kitchen or other household appliances, rags, paper, cardboard, and other non-decorative matter, including any materials within which water may accumulate in such a manner shield or encourage the growth of insects or rodents, 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 nearby.

*Unsafe Structure*, as defined by current adopted property maintenance codes, means a building or structure which is structurally unsafe, is insanitary, is not provided with adequate mean of egress, constitutes a fire hazard, is dangerous to human life, in relation to its existing use constitutes a hazard to safety or health or public welfare by reasons of inadequate maintenance, dilapidation or abandonment. **Nuisance shall be abated or progress made on abatement within fourteen (14) days of verbal notice. Nuisance shall be abated within forty-five (45) days of written notice.**

#### SECTION 4. Declaration of Excessive Accumulation Of Litter, Inoperable Vehicles, And Excessive Plant Growth As Nuisance

It is hereby declared due to, among other things the population density of the city, that the excessive waste accumulation and litter, excessive plant growth, inoperable motor vehicles or water craft, or the accumulation of weeds, undergrowth and similar living or dead plant material upon any street, sidewalk, or private property situated in the incorporated limits of the city is contrary to the public health, safety and general welfare of the residents of the city in that such excessive waste accumulation and litter, excessive plant growth, inoperable motor vehicles or the accumulation of weeds, undergrowth and similar living or dead plant material creates a haven or breeding place for insects, snakes, rats, rodents and other vermin of like or similar character, or creates a breeding place for mosquitoes, creates a fire hazard to adjacent properties or adversely affects and impairs the economic welfare and value of adjacent property, and by reason of such factors is hereby declared to be a public nuisance. It is, therefore, deemed to be in the best interest of the health, safety and general welfare of the citizens of the city that such excessive waste accumulation and litter, excessive plant growth, inoperable motor vehicles or the accumulation of weeds, undergrowth and similar living or dead plant material, the accumulations of such be removed pursuant to and in accordance with, without limitation, this article, Code of Alabama, 1975, §§ 11-67-80 and 11-47-117, and that the violator of this article shall be otherwise punished as provided for herein.

#### SECTION 5. Prohibitions.

1. It shall be unlawful for any owner, tenant, proprietor or any person otherwise in control or in charge of any public or private property or premises that lies within the city to fail to keep and maintain the same free from excessive plant growth or the accumulation of weeds

or other similar plant materials on any such public or private property, whether such property is attended or unattended.

2. It shall be unlawful for any owner, tenant, proprietor or any person otherwise in control or in charge of any public or private property or premises that lies within the city to fail to keep and maintain the same free from waste accumulation and litter on any such public or private property, whether such property is attended or unattended.
3. It shall be unlawful for any person to park, leave or store upon any lot, place, property, or premises situated within the city an inoperable motor vehicle. However, this subsection shall not apply to a properly zoned and licensed business if such parking, leaving or storing of such motor vehicle(s) is a reasonably necessary incident in the operation of said business or any vehicle stored within an enclosed structure completely shielded from public view.
4. It is unlawful for any person in possession, charge or control of any premises in the city to keep, cause to be kept, or allow the keeping of any refuse thereon in such manner that it may become offensive to the safety, health or comfort of the inhabitants of the city or so as to detract from the aesthetic beauty of the city or any neighborhood therein or so as to unduly depreciate the value of property of other landowners in such neighborhood or that would tend to attract children and endanger their lives and health, or that it invites plundering or vagrants or otherwise creates a fire hazard, and the same is hereby declared to be a public nuisance; provided that the part of this section concerned with the detraction of aesthetic beauty and depreciation of any other property shall have no force or effect as to the use of the premises in the operation of any business duly licensed by the city.

#### SECTION 6. Exemptions.

The prohibitions contained in this article shall not apply to:

1. Excessive plant growth on any lands within the incorporated area of the city which are over three (3) acres in area and in an undeveloped state. As used in this subsection, the term "undeveloped state" shall mean land which is in a natural state and land which has never been cut or mowed.
2. Excessive plant growth in any wetlands and environmentally sensitive area(s) as designated by any governmental agency as presently existing or hereinafter amended.
3. Excessive plant growth on any parcel or part of land within the city which is undeveloped and which is primarily in a natural state of vegetation.
4. Litter consisting of any agricultural product in its natural state that is unintentionally deposited on a public highway, road, street, or public right-of-way.
5. Any properly zoned and licensed business if the subject accumulation of materials and items is a reasonably necessary incident in the operation of the business and is done in a manner which does not shield or encourage the growth of insects or rodents, or does not accumulate in a manner which generates obnoxious odors, or which offends the aesthetics of the community and is thereby likely to cause a substantial diminution in the value of other property nearby.
6. Enforcement efforts against the city, state or federal governments.
7. The provisions of this article shall not be interpreted to apply to, or in any manner affect, the disposal of any industrial wastes or refuse resulting from any operation or process of manufacturing, compounding or processing, where the disposal of such industrial wastes or refuse is regulated or controlled by rules and regulations promulgated by the health departments of the state, the counties in which the city is located, or state and federal agencies, and such industrial operation is being operated in compliance with and under sanction of such rules and regulations.

SECTION 7. Notice of Public Nuisance.

1. Upon receipt of a complaint or other discovery that a public nuisance defined by this article exists on any property located in the city, and upon completion of the field investigation by the enforcement officer(s) and such officer's confirmation that a public nuisance exists, the following notice procedures will apply:

- a. Contact owner/tenant with verbal request to abate determined nuisance within time stated for each nuisance in Section 3 of this Ordinance.
- b. After required notice is given, if the owner or occupant fails to remove the nuisance, the enforcement officer(s) shall report such nuisance to the City Council for the scheduling of a public hearing.
- c. Upon conclusion of the hearing, the City Council, by resolution, shall confirm whether or not a public nuisance exists.
- d. In the event that the City Council confirms the existence of a public nuisance, the City shall order its removal or abatement with respect to any of the property or part thereof described.

2. The following procedures shall apply for nuisances involving unsafe structures, swimming pools, weeds, litter and other similar nuisances:

a. Notice of nuisance shall be mailed via certified, return receipt mail to owner of record listed with the Talladega County Revenue Department. Notice shall contain:

1. The nature of the public nuisance;
2. Remedy options and/or list of licensed contractors;
3. The demand that the public nuisance be abated within the specified time from the actual posting of the notice;
4. That a citation or complaint may be issued or made by the enforcement officer(s) in the event the owner, tenant, proprietor or any person otherwise in control or in charge of any public or private property or premises fails to abate the nuisance.
5. That the matter be heard at a hearing before the City Council on a date as scheduled;
6. That the decision of the City Council on the matter shall be deemed final and conclusive;
7. That in the event the City Council determines that a nuisance exists, the City may abate the nuisance and assess the property with actual costs and any associated fees;

b. Two (2) signs shall be placed on the property with wording not less than one (1) inch in height and be in substantially the following form:

Notice is hereby given that on the \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ A.M./P.M. in the Faye Hosey Chamber, the City Council of the City of Sylacauga will consider a resolution regarding the conditions on the property located at \_\_\_\_\_, in the City of Sylacauga and more particularly described in the resolution, a copy of which is on file in the office of the City Clerk/Treasurer; and at said time and place the City Council will determine whether the conditions constitute a public

nuisance which shall be abated by removal of the noxious or dangerous weeds, unsafe structure, litter or other debris. If abatement and removal are ordered, the cost of abatement and removal shall be assessed upon the lots and lands from which or in front of which the nuisance is removed, and the cost shall be added to the next regular ad valorem tax notice levied against the respective lots and lands for municipal purposes. The costs shall be collected at the same time and in the same manner as ordinary ad valorem taxes are collected. The costs shall be subject to the same commissions and fees and the same procedure for foreclosure and sale in case of delinquency as provided for ordinary ad valorem taxes.

If no objections are filed with the City Clerk at least five (5) days prior to the meeting of the City Council, and unless the person appears before the council in person or through his or her representative to show cause, if any, why his or her objection should be sustained, it shall be presumed that the person accepts the notice as fact and waives any rights he or she may have to contest the removal of the nuisance and the action of the City Council shall be final unless good and sufficient cause can be otherwise shown.

Reference is hereby made to the resolution, on file in the office of the City Clerk, for further particulars.

Dated this \_\_\_ day of \_\_\_, 20\_\_.

\_\_\_\_\_  
City of Sylacauga

\_\_\_\_\_  
City Clerk

3. For nuisances involving inoperable vehicles the procedure shall be:

A. For purposes of this section, an abandoned motor vehicle shall mean a motor vehicle as defined in Section 32-8-2:

(1) Which has been left by the owner, or some person acting for the owner, with an automobile dealer, repairman, or wrecker service for repair or for some other reason and has not been called for by the owner or other person within a period of sixty (60) days after the time agreed upon and within 60 days after the vehicle is turned over to a dealer, repairman, or wrecker service when no time is agreed upon, or within sixty (60) days after the completion of necessary repairs.

(2) Which is left unattended on a public street, road, or highway or other public property for a period of at least seven (7) days: or which is unattended because the driver of the vehicle has been arrested or is impaired by an accident which causes the need for the vehicle to be immediately removed as determined necessary by the law enforcement officer, or which is subject to an impoundment order for outstanding traffic or parking violations; or left unattended continuously for at least seven (7) days in a business district or a residence district the length of time a motor vehicle may remain parked in the district and the motor vehicle remains unattended for a period of time in excess of that posted on the notice; or left unattended in a business district or residence district that at least one posted notice indicating that only authorized motor vehicles may park in that district and the owner of the motor vehicle or his or her agent has not received the required authority prior to leaving the motor vehicle unattended; or left unattended on a private road or driveway without the express or implied permission of the owner or lessee of the driveway or their agent. A posted notice when required by this chapter shall meet the following specifications:

- a. The enforcement officer(s) shall give notice to the owner or occupant of the private property and/or motor vehicle or boat, where it is located, notice to remove said nuisance at least seven (7) days before the time of compliance and removal of the vehicle or boat. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle or boat is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address pursuant to the Tax

Assessor's/Revenue Commissioner's record of Talladega County, Alabama, and to the owner of the motor vehicle or boat based on motor vehicle license records of the State of Alabama or other licensing agencies of the state.

- b. The notice shall have letters not less than two-inches high with high light-reflective letters on a contrasting background containing the request for removal within the time specified in said notice, and the notice shall advise that upon failure to comply with said notice, the City shall undertake such removal with cost of removal to be levied against the owner or occupant of the property and the owner of the motor vehicle or boat, and that such vehicle or boat may be disposed of pursuant to the requirements of this division. The words "tow away zone" shall be included on the sign in not less than four-inch high letters.
- c. The persons to whom the notices are directed, or their duly authorized agents, pursuant to subsection 6. A. above, may file a written request for hearing before the City Council prior to the compliance date prescribed in notice to remove for the purpose of contesting the existence of the nuisance as prescribed by this division. The request for a hearing shall be filed with the City Clerk.
- d. The hearing, as provided in subsection 6-c above, shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised in writing of the time and place of said hearing at least seven (7) days in advance thereof. At any such hearing, the City and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.
- e. If the nuisance described in the notice to remove has not been remedied or abated within the time period set out in the notice to remove, or in the event that a notice requesting a hearing is timely filed, a hearing is held, and the existence of the nuisance is affirmed by the City Council, the enforcement officer(s) shall have the right to take possession of the motor vehicle or boat and any accumulated rubbish trash, refuse, junk and other material and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle or boat under the provisions of this division. The Enforcement officer(s) shall use the wrecker rotation list as developed by the City of Sylacauga Police Department for the purpose of removing inoperable vehicles.
  1. Towing services shall have a City of Sylacauga business license.
  2. Towing services shall have required liability insurance.
  3. Towing services shall maintain a storage yard within ten (10) miles of the city limits of the City of Sylacauga.
- f. Within forty-eight (48) hours of the removal of such vehicle or boat, the enforcement officer(s) shall give notice to the registered owner of the vehicle or boat and any lien holder, if known, and also the owner or occupant of the private property from which the vehicle or boat was removed, by registered mail at the last known address and notice posted in a conspicuous place on the property from which the vehicle or boat was removed stating that said vehicle or boat has been impounded and stored for violation of this division. The notice shall give the location of where the vehicle or boat is stored and contact information for towing service.
- g. Owner shall be responsible for paying all towing and storage fees to towing service.
- h. Inoperable vehicles removed under this ordinance shall fall under Section 32-13-1 through 32-13-11 of the Code of Alabama, 1975, as amended and shall become the real property of the towing service after not less than thirty (30) days from the notice of removal.

4. The decision of the City Council on matters relating to the termination of public nuisance shall be deemed final and conclusive.
5. Upon approval of the resolution finding the condition of the property to be a public nuisance and ordering its abatement, all authorized agents of the city are hereby expressly authorized to enter upon public and private property for the purpose of abatement and removal of such violation as set out in the resolution.

#### SECTION 8. City Abatement of Nuisance and Costs.

1. The enforcement officer(s) shall keep an account of the cost of abating or removing such nuisance of each separate lot or parcel of land where the work is being done by city employees or by a duly authorized private contractor, company, enterprise or individual, and shall provide a copy of an itemized report in writing to the City Clerk showing the costs of removing said nuisance on each separate lot, provided that before said report is submitted to said City Clerk, a copy of the same shall be posted for at least five (5) days prior thereto at City Hall.
2. The enforcement officer(s), upon compiling the cost abatement form and after posting of the same, shall request the City Council to adopt a resolution assessing such costs.
3. The City Council is hereby authorized to assess against the property made the basis of the subject notice of public nuisance and abatement work pursuant to this article.
4. The actual cost to the city of such abatement plus the sum of fifty percent (50%) of such costs to reimburse the city for administrative costs resulting from the enforcement shall constitute a lien against the property.
5. Notice of lien in such form as the City Council shall determine will be filed in the Office of the Judge of Probate and recorded as other liens.
6. Upon receipt of the resolution setting out the cost of abatement and administrative costs resulting from the abatement of the public nuisance as provided for herein, the enforcement officer shall also file with the tax collector of the appropriate county a copy of such resolution, and the Tax Assessor/Revenue Commissioner will collect said nuisance abatement costs and lien under the optional method of taxation pursuant to Code of Ala. 1975, §§ 11-51-40 through 11-51-74, as it presently exists or as hereinafter amended.
7. The lien shall be added to the next regular bill of taxes levied against such property and shall be collected in the same manner as ordinary municipal ad valorem taxes and shall be subject to the same penalties and procedures under foreclosure and sale in the case of delinquency as provided by law.

#### SECTION 9. Limited Right of Entry Upon Public or Private Property.

Any enforcement officer(s) and other code officials shall have limited right to enter upon public or private property to reasonably ascertain the violation of any provisions, terms and conditions of this article, which right of entry shall include the right to gather information to properly identify the owner of the property alleged to be in violation of this article and/or occupant of the property upon which the violation is occurring.

#### SECTION 10. Other Available Remedies and Penalties.

1. In addition to the rights of notice of public nuisance and abatement as provided for herein and the reimbursement of costs and liens associated therewith, as an additional remedy and penalty, the enforcement officer, or other person who is hereby authorized by the Mayor, may cause a notice to be issued or may cause a complaint to be filed in the municipal court, in regards to the owner, proprietor, tenant or other person in charge or control of the property, or all or any one or more of them, alleging a violation of any provision of this article against any person found to be in violation of this article, which said complaint shall be heard and tried in the municipal court in the same manner as other violations of municipal ordinances of this city.



2. Multiple offenses regarding one property, lot, place or premises shall be cumulative within twelve (12) months from the date of the first offense.
3. At any time until the close of business on the last business day before the day set for trial, the defendant may elect to enter a guilty plea to the offense, waive his/her right to trial before the municipal court, and pay a fine as determined by municipal court. The right to elect to enter a guilty plea, waive trial and pay fine is terminated following the second offense within any twelve (12) month period.
4. Any property owner shall have the right to have such nuisance removed at their own expense providing the same is done prior to the commencement of the work by the city, its employees or agents, or others hired to perform the work. The remedies of the property owner to perform said work shall not act to limit or prohibit the city from any lawful remedy otherwise available.

#### SECTION 11. Continuation of Nuisance After Notice.

Any person who shall erect, or continue, after notice from the city or from a duly authorized officer thereof to abate, a nuisance which tends or threatens to injure the safety or health of the citizens in general of the city, or to corrupt the public morals of the city, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined and punished as provided therefor in Section 1-8 of the Sylacauga Code of Ordinances.

#### SECTION 12. Demolition and Construction Waste.

1. It shall be unlawful for any construction or demolition contractor to fail to provide on-site containers for loose debris, paper, building material waste, scrap building material, and other trash produced by those working on the site. The enforcement officer shall have the authority to determine the number of containers necessary to provide proper containerization.
2. Dirt, mud, demolition and construction waste, and other debris, whether located upon public or private property, shall be removed on a continuing basis as produced on the premises or in relation to a demolition or construction project; and in no case shall such waste remain on or near the premises or in relation to a demolition or construction project for a period longer than seven (7) days during construction/demolition or twenty-four (24) hours after construction/demolition is complete. Construction sites and demolition and construction materials and wastes on such sites shall be kept in a clean, litter-free and orderly condition at all times. The occupant of each premises or the contractor of a construction or demolition project shall collect and remove or arrange for the collection and removal of all demolition and construction waste produced on such premises or in relation to a demolition or construction project. In cases where the occupant or contractor arranges for collection and removal of demolition and construction work, such collection and removal must be conducted by a solid waste collector using a solid waste collection vehicle licensed by the City for such collection. Such demolition and construction waste shall be disposed of at a facility permitted by ADEM to accept the type of waste being offered for disposal, whether such facility is operated by the City or privately. Any solid waste collector licensed for the purpose of offering collection service for demolition and construction waste may offer such services in accordance with the schedule of charges such collector determines to be appropriate.
3. No person shall transfer responsibility or financial liability for disposal of demolition or construction waste by depositing the waste upon any public street, other public place or private parcel, lot premises, litter receptacle or refuse receptacle, except as otherwise authorized by city code. Any permit granted for construction/demolition may be subject to a stop work order at any time for failure to comply with the requirements of this subsection. No certificate of occupancy shall be issued for multifamily, single-family, commercial or industrial development until these materials are removed by the owner or contractor.

SECTION 13. Conflicts; Exceptions.

1. *Provisions cumulative.* Unless specifically stated, the provisions of this article shall not restrict or prohibit in any way the pursuit of any and all other remedies allowed by law, including, but not limited to, equitable and injunctive relief from the appropriate court of law. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
2. *Private contracts, easements and covenants not affected.* These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provision of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirement of these regulations shall govern.

SECTION 14. Date of Effect.

This ordinance shall have full effect and be in force after its passage, its being entered on the Minutes of the City Council, and after due publication as provided by law.

**ADOPTED and APPROVED** this 18th day of February, 2021.

CITY OF SYLACAUGA  
A Municipal Corporation



\_\_\_\_\_  
Lee Perryman, City Council President

**TRANSMITTED TO MAYOR** this 18th day of February, 2021.



\_\_\_\_\_  
Kimberly S. Morris, Interim City Clerk/Treasurer

**ACTION BY MAYOR**

**APPROVED** this 18th day of February, 2021.



\_\_\_\_\_  
James Heigl, Mayor

ATTEST:



\_\_\_\_\_  
Kimberly S. Morris, Interim City Clerk/Treasurer

**CERTIFICATE**

STATE OF ALABAMA )  
TALLADEGA COUNTY )

I, Kimberly S. Morris, the duly appointed, qualified and acting Interim Clerk of the City of Sylacauga, Alabama, do hereby certify that the above document is a true and correct copy of Ordinance No. 2232-21 as adopted by the City Council of the City of Sylacauga, Alabama, at its rescheduled meeting held on the 18th day of February, 2021, the original of said document is on file and of record in my office in the Sylacauga Municipal Complex, in the City of Sylacauga, Alabama.

In witness whereof, I have hereunto set my hand and the official seal of the City of Sylacauga, Alabama on this the 18th day of February, 2021.

  
\_\_\_\_\_  
Kimberly S. Morris, Interim City Clerk-Treasurer  
City of Sylacauga, Alabama

**CERTIFICATION OF PUBLICATION**

I, Kimberly S. Morris, Interim City Clerk-Treasurer of the City of Sylacauga, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Sylacauga at a rescheduled meeting held on the 18th day of February, 2021, and that same has been published in accordance with law in the *Daily Home* on the 26 day

February, 2021.

  
\_\_\_\_\_  
Kimberly S. Morris, Interim City Clerk/Treasurer