

ORDINANCE NO. 1955

AN ORDINANCE OF THE CITY OF TALLADEGA, ALABAMA TO DECLARE GARBAGE, INOPERABLE VEHICLES, JUNK, LITTER, AND SCRAP A PUBLIC NUISANCE; TO PROVIDE FOR THE ABATEMENT THEREOF; AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED, by the City Council of the City of Talladega, Alabama as follows:
DIVISION ONE. GENERAL PROVISIONS

Section I. Definitions.

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

Commercial premises means any premises used in connection with the operations of a duly licensed business, including without limitation wholesale, retail, manufacturing, industrial, processing, compounding, storage, salvaging, building, consulting, sales, professional service, food service and repair businesses. Businesses which otherwise meet the definition of a "commercial premises" but which do not have a current business license to operate as such business or which are located on the same lot or parcel or housed in the same structure as a residence shall be classified and regulated as a "non-commercial premises".

Enclosed structure means any building, garage, accessory structure, or other structure having four enclosing walls and a roof, built according to and in compliance with all applicable building, zoning, fire or other codes of the City and which screens the contents of the enclosed structure so as not to be visible from adjacent public or private property, including without limitation public rights-of-way.

Chief of Police means the Chief of Police of the City of Talladega, Alabama or his/her designee who is a law enforcement officer who has authority as such official to make an-ests.

Garbage means the animal and/or vegetable waste resulting from the handling, preparation, cooking or consumption of food or food products.

Inoperable vehicle means: (1) any vehicle that is in a state of disrepair, disassembly or damage, including without limitation a flat tire, that renders the vehicle inoperable or incapable of being used for its designed or intended purpose, incapable of being moved under its own power, or legally inoperable; (2) any vehicle that is being retained as a source of parts for another vehicle;

(3) any parts of a vehicle located separately from the vehicle; or (4) any vehicle being stored or retained by a vehicle repair or storage business in the ordinary course of business.

An inoperable motor vehicle shall not be deemed a public nuisance if the motor vehicle has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations, or if the motor vehicle is on the premises of a place of business engaged in the wrecking or junking of motor vehicles, or primarily engaged in the storage and sale of damaged or theft-recovered vehicles for insurers, or if the motor vehicle is kept in an enclosed building completely shielded from the view of individuals on the adjoining properties.

Junk (Scrap). The terms include all metals, whether ferrous or nonferrous, whether in pig or other form, when sold as scrap, junk or salvage, to or by any junk dealer or scrap metal processor;

waste or discarded material which might be prepared to be used again in some form; without limiting the generality of the foregoing, junk or scrap shall include any used or secondhand part of a mobile home, a manufactured home, a storage container a railroad car, streetcar, locomotive, rails, railroad equipment, railroad journals, knuckle pins, railroad brasses, machinery, plumbing fixtures or parts thereof, building materials, parts of an automobile, bus or motorcycle, gas or electric fixtures or appliances or parts thereof, household hardware, wire, cable, sewer manhole covers, storm-water inlet covers, bearings, valves, pipe fittings or other used or secondhand metal articles sold or delivered as junk or salvage, including motor vehicles to be used for scrap metal or stripping of parts, and secondhand refrigerators, stoves, washing machines and other appliances, or any part thereof, which are stored or kept outside of a building or structure.

Litter means 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, polyethylene, and polystyrenes.

Motorized vehicle means any vehicle which is self-propelled, and shall include but is not limited to automobiles, trucks, buses, vans, motorcycles, motor homes, riding lawn mowers, golf carts, dune-buggies, tractors, and motorized recreational or agricultural vehicles.

Non-commercial premises means any premises upon which any structure is being used or is intended for use as a residence or place of abode including without limitation single family dwellings, duplexes, apartments, hotels, motels, trailer parks, or camp yards. Businesses which otherwise meet the definition of a "commercial premises" but which do not have a current business license to operate as such business or which are located on the same lot or parcel or housed in the same structure as a residence shall be classified and regulated as a "noncommercial premises".

Nonmotorized vehicle means any vehicle that is not self-propelled, and shall include but is not limited to boats, airplanes, camping trailers, utility trailers, boat trailers and horse trailers.

Premises means any lot, yard, plot, tract, parcel or other piece of land or property located within the City.

Public Nuisance Vehicle means any vehicle, or parts thereof, that is an abandoned vehicle, wrecked vehicle, dismantled vehicle, inoperative vehicle and any vehicle, or parts thereof, that is abandoned, wrecked, dismantled or inoperative that constitutes a public nuisance to the health, safety and general welfare of the citizens of Talladega.

Public property means any real property, including appurtenances on such property, which is owned, maintained or controlled by the City or any other county, state, or federal governmental entity, and shall include any street, avenue, road, drive, lane, boulevard, alley, highway, park or other property owned, operated or controlled by the City, or any other public governmental entity for the use, benefit or enjoyment of the general public.

Retail establishment means any commercial establishment that maintains as a part of its business any merchandise, goods or wares, including but not limited to food and beverage, hardware, gas or electric appliances or parts; plumbing fixtures, or parts; lawn mowers or lawn mower parts; machinery, equipment, implements, utensils; building materials or supplies; vehicles; or other items displayed for sale to the general public, including without limitation grocery stores, convenience stores, hardware stores, building supply companies, lumberyards, general merchandise stores, crafts shops, nurseries, secondhand stores, thrift stores, or similar commercial establishments.

Scrap means other 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 and tree stumps; or other waste or refuse not otherwise classified as junk, litter or garbage.

Screened area means: (1) an enclosed structure; (2) a solid or otherwise non-transparent vertical wall or fence of a minimum height of eight feet measured from the ground level at any point which is maintained in good condition and repair and which screens the contents of the screened area so as not to be visible from the ground level of adjacent public or private property, including without limitation public rights-of-way; (3) natural objects, plantings, structures or other appropriate means which are a minimum height of eight feet from the ground level at any point which are neat and well maintained and which screen the contents of the screened area so as not to be visible from the ground level of adjacent public or private property, including without limitation public rights-of-way; or (4) any combination of the foregoing.

Vehicle means any device in, upon or by which any person or property is or may be transported, carried or drawn from one place to another, and shall include but is not limited to motorized and non-motorized vehicles, boat trailers, utility trailers, horse trailers, bicycles, carts, tractors or other devices.

Vehicle repair or storage business means any establishment or place of business which stores or repairs vehicles including without limitation garages, repair shops, body shops and towing services.

Section II. Right of Entry for Inspection

Whenever the Chief of Police or his/her designee has reasonable cause to believe that a condition prohibited by this Ordinance exists, the Chief of Police or his/her designee who is a law enforcement officer who has authority as such official to make arrests shall have the right to enter upon the private property in question for the purpose of inspecting the property. Reasonable cause may be established by, but is not limited to, the filing of an oral or written complaint with the City.

Section III. Enforcement

- A. Whenever a condition prohibited by this Ordinance is found to exist on private property within the City, the Chief of Police shall declare the condition a public nuisance and cause a written notice to be mailed by first class mail to "Occupant" at the address of the property upon which the nuisance exists and to the owner of said property as the information is listed in the records of the Revenue Commissioner of Talladega County, Alabama for said property. If the property is a vacant lot, written notice will be mailed by first class mail to the owner of said property as the information is listed in the ad valorem tax records in the office of the Revenue Commissioner of Talladega County, Alabama.
- B. The notice shall contain the following:
 1. A description of the real property, by street address or otherwise, on which the prohibited public nuisance exists;

2. A direction to abate the specific nuisance prohibited by this Ordinance within ten (10) days from the date of the notice;
 3. A description of the public nuisance or public nuisance vehicle;
 4. A statement that unless the nuisance occasioned by public nuisance or the public nuisance vehicle is abated, the City will abate the nuisance and the cost of abatement may be assessed against premises owner or occupant thereof in the Municipal Court of the City or may be added to the next regular taxes levied against the property as the law permits;
 5. The date and time of the regularly scheduled City Council meeting at which a resolution will be presented to the City Council of the City of Talladega to approve the abatement of the nuisance and authorize assessment of the cost of abatement;
 6. A statement regarding the procedure for filing an objection to abatement of the nuisance and assessment of the cost of abatement against the property;
 7. A statement that an administrative fee of \$150.00 shall be assessed upon the property if the nuisance is not abated within ten (10) days of the notice to the owner and may be added to the next regular taxes levied against the property as the law permits; and
 8. A statement that failure to abate the nuisance with ten (10) days from the date of the notice may result in criminal prosecution.
- C. In addition to the required notice, a sign entitled "Notice to Abate Nuisance" shall be conspicuously posted on the property where the nuisance exists notifying the owner/occupant that a nuisance exists and that the City will take action to abate said nuisance if the nuisance is not abated within ten (10) days following the posting of the sign. The Chief of Police shall maintain a record of the notices given and signs posted on private property including the date of the posting of the sign, the street address of the property where the sign is posted and the name of the person posting the sign.
- D. Where an extension of time is provided for under the terms of this Ordinance, an extension of time may be requested by making a written request to the Chief of Police or his/her designee.
- E. Official charged with enforcement. The Chief of Police is responsible for the administration and enforcement of this Ordinance.
- F. Issuance of summons and complaint ("citation"). In the enforcement of this Ordinance, the Chief of Police or any law enforcement officer legally authorized to enforce municipal ordinances may proceed in accordance with Section II A, B and C of this Ordinance. Nothing herein shall be construed to prevent the obtaining of a warrant from the Municipal Court with respect to any alleged offense.

Section IV. Public Hearing and Objections to Abatement of Nuisance on Private Property

- A. Filing of timely objection to condition declared a nuisance:
1. The owner, occupant, lessee or person in control of property whereupon a public nuisance or public nuisance vehicle is located may file an objection to the declaration by the City that the condition constitutes a nuisance by notifying in writing the Chief of Police at least four (4) business days prior to the date of the regularly scheduled meeting of the City Council at which the resolution ordering the abatement of the nuisance and assessing the cost of abatement has been scheduled.
 2. The owner, occupant, lessee or person in control of said property shall also file the objection to the declaration by the City that the condition constitutes a nuisance by notifying in writing the City Clerk's office at least four (4) business days prior to the date of the regularly scheduled meeting of the City Council at which the resolution ordering the abatement of the nuisance and assessing the cost of abatement has been scheduled.
- B. The City Council shall hear and consider all evidence, objections, and protests regarding whether or not the condition constitutes a nuisance and whether same should be ordered abated or removed. The City Council may continue the hearing from time to time. Upon the conclusion of the hearing, the City Council shall decide whether a public nuisance exists and, if so, shall order it to be removed or abated with respect to any property or part thereof described. The City Council, by passage of a resolution ordering abatement of the public nuisance, shall be deemed to have acquired jurisdiction to proceed and to perform or have performed the work of removal or abatement with respect to the property or part thereof. The decision of the City Council on the matter shall be deemed final and conclusive.
- C. If a timely objection is not filed with the City Clerk or Chief of Police or his/her designee or if the owner, occupant, lessee or person in control of the property fails to appear at the hearing, the City Council shall proceed with the scheduled public hearing on the issue of whether a public nuisance exists on the property described in the citation as provided in Section IV B.
- D. Upon a final decision and resolution of the City Council declaring the public nuisance and ordering the said public nuisance abated and prior to abatement of the public nuisance, the Chief of Police or his/her designee shall cause a written notice to be mailed by first class mail to the owner, occupant, lessee or person in control of the property informing that person of the decision of the City Council ordering the abatement of the public nuisance.

Section V. Requests for extension of time

Unless an appeal for an extension of time is expressly prohibited under the terms of this Ordinance, any person receiving official written notice of a violation of this Ordinance, or his duly authorized agent, may, within the time specified in said notice for requesting an extension, enter a request for an extension of the date or time for compliance to the Chief of Police. Such request must be in writing and must state the location of the property, the date of the notice of violation of

this Ordinance, and the official notice number. The request must also state the hardship or reason for the request for additional time, and the amount of extension time that is requested. No request for an extension filed later than the time specified for the public hearing before the City Council in said notice shall be acted upon by the Chief of Police unless the Chief of Police shall consent to such extension for good cause shown.

Section VI. Penalties

- A. The violation of this Ordinance shall constitute a criminal misdemeanor.
- B. In addition to such other punishment, including a term of community service, as may be provided for by the Municipal Court, any person who violates or fails or refuses to obey or comply with any provision of this article shall, upon conviction, be punished, in accordance with the following:
 - 1. Over a 24-month period, upon first conviction, a fine of not less than \$100.00 or more than \$500.00, or imprisonment for not more than ten days.
 - 2. Upon a second conviction, a fine of not less than \$200.00 or more than \$500.00, or imprisonment for not more than 30 days, or both such fine and imprisonment.
 - 3. Upon a third or subsequent conviction, a fine of not less than \$500.00 and imprisonment in jail for a period not to exceed six months. Such sentence shall include a mandatory sentence of not less than two days in jail, which shall not be subject to suspension or probation.
- C. The requirement to abate a nuisance is not a penalty for violating this Ordinance but is an additional remedy. Abatement proceedings and criminal prosecution of a violation may occur simultaneously. Neither the initiation of prosecution for violations of this Ordinance nor the imposition of a penalty relieves a responsible party of the duty to abate such nuisance.

DIVISION TWO. PRIVATE PROPERTY

Section VII. In General

- A. Garbage, Inoperable Vehicle, Junk, Litter, and Scrap are declared a public nuisance and are prohibited on private property.
- B. Duties of owners.

It shall be the duty of the owner, tenant or any person in control of or in charge of any premises to maintain the premises in compliance with the provisions of this Ordinance.

Section VIII. Litter and Garbage. Violation.

It shall be unlawful and a violation of this Ordinance for any person or entity, including without limitation the owner, tenant or person in control of or in charge of any premises to fail to maintain the premises free from litter and garbage unless the litter and garbage is containerized and stored in such a manner as to prevent it from being blown, deposited or otherwise scattered by the elements, animals, birds or any other means. Before a person may be cited or arrested for a violation of this Section VIII, said person shall be served with at least 24 hours' notice in accordance

with Section III (A) of this Ordinance. No appeals for an extension of time for compliance shall be allowed for a violation of this subdivision.

Section IX. Inoperable Vehicle, Scrap and Junk

A. Non-commercial premises.

It shall be unlawful and a violation of this Ordinance for any person or entity, including without limitation the owner, tenant, or person in control of or charge of any non-commercial premises to store or keep upon said premises any inoperable vehicle, scrap or junk unless housed in an enclosed structure and in such a manner as to prevent a health, fire or safety hazard as defined by the laws of the state and the Ordinances of the City.

B. Commercial premises.

It shall be unlawful and a violation of this Ordinance for any person or entity, including without limitation the owner, tenant, or person in charge of any commercial premises to store or keep upon said premises any inoperable vehicle, scrap or junk unless housed in a screened area and in such a manner as to prevent a health, fire or safety hazard as defined by the laws of the State and the Ordinances of the City, provided:

1. Materials, goods and/or supplies which are normally stored, displayed or kept outside on the premises of duly licensed building supply companies, lumberyards, plumbing supply companies, nurseries, and similar commercial establishments need not be contained in a screened area so long as they are stored in such a manner so as to prevent overgrowth with grass and/or weeds and the harboring of rats, mice, insects, reptiles, and other vermin; or so as to prevent any health, fire or safety hazard.
2. Merchandise, goods or supplies that are displayed on the premises of duly licensed retail establishments for the purpose of temporary special promotional sales need not be in a screened area so long as they are displayed in a manner so as to prevent any health, fire or safety hazard while so displayed.
3. Vehicles, boats, agricultural or industrial equipment, and lawn and garden equipment that are displayed for sale on the premises of establishments that are duly licensed for the sales of such items need not be in a screened area, provided they are not inoperable vehicles.
4. Building materials located on premises where a valid permit is in existence for construction or repairs need not be in a screened area.
5. Repaired or stored vehicles on the premises of or being retained as a part of a duly licensed vehicle repair or storage business which are invoiced and awaiting repair or customer pick-up may be temporarily stored in parking spaces outside the screened area for a period not to exceed 30 total days; provided, such temporary storage shall not exceed the available on-premises parking for the business.
6. Where necessary for the conducting of business, a screened area may include entrances and exits provided such entrances and exits shall not be wider or more numerous than reasonably necessary for the conducting of business and further provided that such

entrances and exits shall remain closed when not in use and shall screen the contents of the screened area from public view when closed.

C. Enforcement.

Before a person may be cited or arrested for a violation of this Section IX, said person shall be served with at least 30 days notice in accordance with Section III (A) of this Ordinance; except in the case of repaired or stored vehicles on the premises of or being retained as a part of a vehicle repair or storage business which are awaiting repair or customer pick-up, in which case notice of at least 24 hours shall be served in accordance with Section III (A) of this Ordinance. No appeals for an extension of time for compliance shall be allowed in the case of repaired or stored vehicles on the premises of or being retained as a part of a vehicle repair or storage business which are awaiting repair or customer pick-up.

DIVISION THREE. PUBLIC PROPERTY

Section X. Inoperable Vehicles on Public Property

A. Inoperable motorized vehicles on public property.

It shall be unlawful and a violation of this Ordinance for any person to abandon, place, leave, store or park any inoperable motorized vehicle owned by or in possession or control of him upon any public property in the City for a continuous period of not less than seven (7) days. For the purposes of this section, any motorized vehicle located on public property without a current and proper license plate affixed thereto shall be deemed to be an inoperable motorized vehicle abandoned and improperly stored.

B. Nonmotorized vehicles on public property.

It shall be unlawful and a violation of this Ordinance for any person to abandon, place, leave, store or park any nonmotorized vehicle owned by or in possession or control of him upon any public property in the City.

C. Notice and extensions.

Before a person may be cited or arrested for a violation of this subdivision, said person shall be served with at least 24 hours notice by affixing said notice to the vehicle or by serving notice upon the owner, if known, by the methods set forth in Section III (A). No appeals for an extension of time for compliance shall be allowed for a violation of this subdivision.

D. Impoundment and due process hearing.

1. In addition to the enforcement and penalty provisions provided for in Division One of this Ordinance, if the vehicle is not removed from the public right-of-way within the required time, the Chief of Police or a law enforcement officer may cause the vehicle to be removed and impounded in accordance with Ala. Code 1975 §32-13-2.

2. The owner or person entitled to possession of any motor vehicle which is removed or towed from the public streets of the city pursuant to this Ordinance shall be entitled to an immediate due process hearing, prior to paying any towing or storage fee concerning the motor vehicle. The Chief of Police or any supervisory officer of the police department of the rank of police sergeant or above, designated by the Chief of Police, is designated and appointed as a hearing officer for the purpose of carrying out these requirements. Any owner or person entitled to possession of any motor vehicle, unless the right is waived, shall be provided an immediate due process hearing before such officer prior to being required to pay any such towing charge or storage fee. When the hearing officer shall determine at the hearing that the towing of the vehicle was in error, or that neither the owner nor any person lawfully entitled to possession caused the motor vehicle to be subject to towing under any such ordinance or policy, the vehicle shall be ordered immediately released and returned to the owner or the person in possession without the payment of any charges or fees.
3. Any person aggrieved by any decision of any hearing officer made pursuant to this section shall be entitled to a hearing before a municipal judge by filing notice with the clerk of the municipal court within five days from the date of any such decision.
4. At any time an arrest or citation for violation of municipal ordinances is made in connection with the towing or impoundment of any motor vehicle by the police department, the municipal judge trying the case may also hear evidence concerning the impoundment, towing and storage of the motor vehicle. If the municipal judge shall determine, after a due process hearing, that neither the owner nor any person lawfully entitled to possession of the motor vehicle was guilty of any act which caused the impoundment, towing or storage, the municipal judge shall order the vehicle immediately released without the payment of any fees or charges, or if the fees or charges have already been paid, shall order the return of the fees to the person paying the fees.

Section XI. Vehicles Being Towed or Repaired

A. Violation.

1. Notwithstanding anything to the contrary in this Ordinance, it shall be unlawful and a violation of this Ordinance for any person who is the owner, manager or person in charge of any vehicle repair shop or body repair shop to abandon, leave, store or park any vehicle being repaired, awaiting repair, or awaiting pick-up after repair upon any public property, including without limitation the public right-of-way.
2. Notwithstanding anything to the contrary in this Ordinance, it shall be unlawful and a violation of this article for any person who is the owner, manager or person in charge of any vehicle towing service to abandon, leave, store or park any towed vehicle upon any public property, including without limitation the public right-of-way.

B. Enforcement.

For purposes of this Section XI, no notice shall be required and no appeals for an extension of time for compliance shall be allowed for a violation of this subdivision.

Section XII. Severability

All sections of this Ordinance are hereby declared to be severable; and if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section XIII.

This Ordinance shall take effective immediately upon its passage and publication or posting as provided by law.

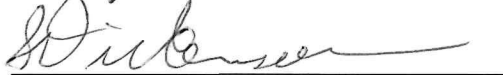
Adopted and approved this the 12th day of May, 2025.



Council Member



Council Member



Council Member

Council Member

Council Member

ACKNOWLEDGED ON THIS THE 12th day of May, 2025.



City Manager

ATTESTED AND ACKNOWLEDGED:

On this the 12th day of May, 2025



Joanna Medlen – City Clerk