

**COPY**

CITY OF WINFIELD  
AN ORDINANCE ENTITLED "LITTER, WEED AND JUNK CONTROL  
ORDINANCE OF THE CITY OF WINFIELD, ALABAMA"

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WINFIELD, as follows:

WHEREAS, the City of Winfield (hereinafter referred to as the "City") is empowered to enact ordinances to protect and promote the general health and welfare and the City does hereby ascertain and declare the following ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve order, comfort and convenience of the inhabitants of the municipality; and,

WHEREAS, the storage of damaged, worn out, scrapped, or discarded materials and objects, such as inoperable vehicles, building materials, machinery, metals, waste paper, rags, glassware, tinware, or other scrap and/or junk, as hereinafter defined, in the yards or other open spaces of lots used for residential and/or commercial purposes within the City could be injurious or harmful to the general public health, safety, and welfare by becoming overgrown with grass or weeds; and/or becoming littered with rubbish and debris; and/or becoming infested with rats, mice, insects, reptiles, and other vermin; and/or being unsightly; and,

WHEREAS, an abundance of overgrown grass or weeds within the city 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 so as to constitute a serious fire threat or hazard; or bearing winged 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, which could inflict injury on a person going upon the property; and,

WHEREAS, such conditions tend to attract children and endanger their lives and/or health, spread diseases, invite plundering, attract vagrants, create fire hazards and/or other safety and health hazards, create, extend, and aggravate urban blight, interfere with the enjoyment of and/or reduce the value of private property; and, interfere with the comfort and well-being of the public in general.

WHEREAS, adequate protection of the public health, safety, and welfare requires that the storage of inoperable vehicles, junk, scrap materials and the growth of weeds be regulated and controlled for the overall good and protection of the public as a whole.

NOW, THEREFORE, for the foregoing purposes, and other legitimate purposes, BE IT ORDAINED by the City of Winfield, Alabama, through its

*Posted July 25, 2001  
City Hall  
Post Office  
Circuit Court*

duly elected Council, as follows:

ARTICLE I--TITLES AND DEFINITIONS

SECTION 1. TITLE

This ordinance shall be known and may be cited as the "Litter, Weed, Junk and Vehicle Control Ordinance of the City of Winfield, Alabama.

SECTION 2. DEFINITIONS

For the purposes of this ordinance, the following terms are defined as hereinafter set forth, to-wit:

A. **Person.** Shall mean any individual, owner, title holder, agent, firm, corporation, partnership, association, or organization of any kind. It shall include, but not be limited to, any tenant, lessee, manager, operator, occupant, executor, executrix, administrator, guardian, or other person in charge of, care of, possession of, or control of any real or personal property.

B. **Weeds.** An abundance of overgrown grass or weeds within the City or within its jurisdiction, which 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 so as to constitute a serious fire threat or hazard; or bearing winged 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, which could inflict injury on a person going upon the property; or being unsightly; or a growth of grass or weeds, other than ornamental plant growth, which exceeds 12 inches in height.

C. **Junk.** Any vehicle or vehicle parts, rubber tires, appliances, dilapidated furniture, machinery, equipment, building material or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperable condition and located within the jurisdiction of the City.

D. **Junked or other vehicle.** One that does not have lawfully attached to it a current registration license plate or a valid motor vehicle inspection certificate or which is wrecked, dismantled or partially dismantled, or discarded or has remained inoperable or unable to move under its own power for more than 45 consecutive days and located within the jurisdiction of the City.

E. **Premises.** Shall mean any lot, yard, plot, tract, parcel, or other piece of land or property located within the City of Winfield, Alabama.

F. **Public Property.** Shall mean any real property, including appurtenances thereon, which is owned, maintained, or controlled by the City of Winfield, Alabama, 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 of Winfield, Alabama, or any other public governmental entity for the use, benefit, or enjoyment of the general public.

G. **Residential Property.** Shall mean any lot, tract, parcel, land or other property located within the City of Winfield, Alabama, on which single or multi-family structures used as a residence or for human habitation exist, or any property that is located within an area that is zoned for residential uses by the City of Winfield, Alabama.

H. **Commercial Property.** Shall mean any lot, tract, parcel, land, or other property located within the City Of Winfield, Alabama, on which offices, clinics, kennels, shopping or service establishments, or any other commercial enterprises exist, or any property that is located within an area that is zoned or designated for uses other than residential purposes by the City of Winfield, Alabama.

I. **Vehicle.** Shall mean 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 not be limited to, motor vehicles, boat trailers, utility trailers, horse trailers, bicycles, carts, tractors, or other devices.

J. **Inoperable.** Shall mean incapable of being used for the manufactured designed or intended purpose.

K. **Inoperable Vehicle.** Shall mean any vehicle that is in a state of disrepair, disassembly, or damage that renders the vehicle inoperable or incapable of being used for its designed or intended purpose.

L. **Motor Vehicle.** Shall mean any vehicle which is self-propelled, and shall include, but not be limited to, automobiles, trucks, busses, vans, motorcycles, motor-homes, dupe-buggies, tractors, and motorized recreational or agricultural vehicles.

M. **Non-motorized Vehicle.** Shall mean any vehicle that is not self-propelled, and shall include, but not be limited to, camping trailers, utility trailers, boat trailers, and horse trailers.

N. **Approved, Enclosed, Covered Structure.** Shall mean any building, garage, adjoining 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 of Winfield, Alabama.

O. **Scrap.** Shall mean 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, tree stumps ; or other waste or refuse not otherwise classified herein as junk, litter, or garbage.

P. Litter. Shall mean 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.

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

R. Scrap Processor. Shall mean any person who is duly licensed and operating in accordance with all applicable laws and/or ordinances of the City of Winfield, Alabama, and is engaged primarily in the purchase and collection of scrap metallics (e.g. manufacturing by-products, obsolescent machinery, and vehicles) for the specific purpose of processing into scrap materials for the metals recovery industry, such as steel mills, foundries, smelters, and refineries, and having machinery and facilities designed for such processing, and making regular shipments of such Materials in the normal course of business.

S. Scrap Metal Yard. Shall mean any establishment or place of business which is duly licensed and operated in accordance with all applicable laws and/or ordinances of the City of Winfield, Alabama, and which is maintained, used, or operated solely for the processing or preparing of scrap metals for re-melting by steel mills and foundries.

T. Junk or Salvage Yard. Shall mean any premises, establishment, or place of business which is duly licensed and operated in accordance with all applicable laws and/or ordinances of the City of Winfield, Alabama, and which is maintained, operated, or used for storing, keeping, or dismantling of junk and salvage, but shall not include the place of business or premises of a scrap processor as herein defined.

U. Automobile Graveyard. Shall mean any establishment or place of business which is duly licensed and operated in accordance with all applicable laws and/or ordinances of the City of Winfield, Alabama, and which is maintained, used, or operated for storing, keeping, buying, or selling of wrecked, ruined, damaged, or dismantled motor vehicles or parts thereof.

## ARTICLE II - WEEDS, JUNK AND JUNKED OR OTHER VEHICLES AND/OR AUTOMOBILES DECLARED TO BE A PUBLIC NUISANCE

### SECTION 1. WEEDS DECLARED PUBLIC NUISANCE

An abundance of overgrown grass or weeds within the city 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 so as to constitute a serious fire threat or hazard; or bearing winged 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, which could inflict injury on a person going upon the property; and is a public nuisance.

SECTION 2. JUNK AND MOTOR VEHICLES AND NON-MOTORIZED VEHICLES AND/OR AUTOMOBILES DECLARED PUBLIC NUISANCE

Junk and any inoperable motorized, non-motorized and/or other vehicle(s), including a part of a junked vehicle, that is visible from a public place or public right-of-way is detrimental to the safety and welfare of the public; tends to reduce the value of property; invites vandalism; creates a fire hazard; is an attractive nuisance creating a hazard to the health and safety of minors; produces urban blight adverse to the maintenance and continuing development of the City; and is a public nuisance.

ARTICLE III - GENERAL

SECTION 1. SCRAP AND JUNK

Residential Property. It shall be unlawful and a violation of this ordinance for any person to store or keep upon the premises of any residential lot, apartment building or complex, trailer court, or other tract of land or lot used for residential purposes, any inoperable vehicle, scrap, or junk, as defined herein, unless the same is housed in an approved, enclosed, covered structure so as not to be viewable from any public way or any other private property 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 of Winfield, Alabama.

Commercial Property.

(A) It shall be unlawful and a violation of this ordinance for any person to store or keep upon commercial property within the City of Winfield, Alabama, any inoperable vehicle, scrap, or junk, unless the same is housed in an approved, enclosed, covered structure.

(B) Every junk and salvage yard, scrap metal processing yard, or automobile graveyard, as defined in this ordinance, shall be enclosed, except for entrances and exits, *with a solid, or otherwise non-transparent vertical wall or fence of a minimum height of eight feet measured from ground level at any point.* Entrances and exits shall not be wider or more numerous than is reasonably necessary for the conducting of business. This requirement may be waived and/or modified as to any side or portion of said premises which are adequately screened by natural objects, plantings, structures, or other appropriate means so as not to be visible from public ways or from adjacent property. No fence shall be required along a railroad right-of-way where the same is

not necessary to discourage trespass by children or vagrants.

(C) It shall be unlawful and a violation of this ordinance to keep or store upon the premises of any retail stores or shop, secondhand store, thrift store, or similar commercial property or establishment, any merchandise goods, or wares, including but not limited to, gas or electric appliances, parts thereof; plumbing fixtures, or parts thereof; lawn mowers or lawn mower parts; machinery, equipment, implements, utensils, or other items for display for sale to the general public, unless the same is housed in an approved, enclosed, covered structure, or, *is enclosed by a solid, or otherwise non-transparent vertical wall or fence that is a minimum of seven (7) feet in height measured from ground level, so as not to be viewable from adjacent public ways or from adjacent residential property,* and is stored in such a manner as to prevent any health, safety, or fire hazard.

Exceptions.

Excepted from the requirements of paragraph (A) of this section are:

(1) Materials stored or located on the premises of any junk and salvage yard, scrap metal processing yard or automobile graveyard as defined herein, that is duly licensed and operated with all applicable codes and ordinances of the City of Winfield, Alabama.

(2) Vehicles being repaired or awaiting repair that are located on the premises of any automobile repair shop, auto body repair shop, or other vehicle repair enterprise that is duly licensed and operated in compliance with all applicable codes and ordinances of the City of Winfield, Alabama, provided said vehicles are so located or stored in a manner as to prevent any health, fire, or safety hazard.

Excepted from the requirements of paragraph (C) of this section are:

(1) Materials, goods, and/or supplies which are normally stored, displayed, or kept outside on the premises of building supply companies, lumber yards, plumbing supply companies, nurseries, and similar commercial establishments so long as the same are so stored in such a manner as to prevent overgrowth with grass and/or weeds, the harboring of rats, mice, insects, reptiles, and other vermin, 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 or commercial sales establishments for the purpose of temporary special promotional sales, so long as the same are displayed in a manner to prevent any health, fire, or safety hazard while so displayed. Displays under this section shall be permitted only one time per year not to exceed sixty(60) days in any calendar year.

(3) Automobiles, trucks, boats, tractors, agricultural or industrial equipment, lawn and garden equipment, and other vehicles that are displayed on the premises of establishments that are duly licensed for the sales of such items.

(4) Building materials located on premises where a valid permit is in existence for construction or repairs.

Enforcement. In the event that any person shall fail or refuse to comply with the foregoing provisions of this section of this ordinance, then the *(Name of Board which will serve as the Board of Adjustments and Appeals)* Board of the City of Winfield or any Law Enforcement Officer of the City of Winfield, Alabama, may cause to be served upon such person, in person or by first class mail, written "Official Notice" appraising the person of the violation of this ordinance and requiring such person to comply with this ordinance within a time stated in said notice, or to enter a request for an extension of time to the Board of Adjustments and Appeals within the specified time stated in said notice. The *(Name of Board which will serve as the Board of Adjustments and Appeals)* Board of the City of Winfield or any Law Enforcement Officer of the City of Winfield, Alabama working under their supervision, may issue a citation to any person who, after written notice has been issued, fails or refuses to comply with the provisions of this ordinance. Such citation 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 appraise the person of the date, time, and place at which to appear before the Municipal Court for the City of Winfield for court. Upon a finding of guilty in the Municipal Court of the City of Winfield, Alabama, the person is subject to the penalties as provided for in Article V herein. Such citation, returnable to the Municipal Court of Winfield, Alabama, shall be served on said person by any Law Enforcement Officer for the City of Winfield, Alabama, who shall forthwith appear and make oath as to the alleged offense before a magistrate of the Municipal Court. This provision for the issuance of a citation to Municipal Court shall not prevent any such Officer from appearing before the Municipal Court magistrate and making oath as to the facts and applying for a summons or warrant with respect to any alleged offense, in lieu of issuing a citation.

Board of Adjustments and Appeals. The *(Name of Board which will serve as the Board of Adjustments and Appeals)* Board of the City of Winfield, is hereby designated as the Board of Adjustments and Appeals for this ordinance, and all powers, duties, and functions of said Board of Adjustments and Appeals are delegated to and shall be performed by the *(Name of Board which will serve as the Board of Adjustments and Appeals)* Board of the City of Winfield.

Requests for Extensions of Time. Any person receiving written notice of violation of any part of this ordinance, or his duly authorized agent, may, within twenty-one (21) days following the date of issue of such notice, enter a request for an extension of the date for compliance to the Board of Adjustments and Appeals. 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 time that is requested. No request for an extension filed later than twenty-one (21) days after the date of such notice shall be acted upon by the Board of Adjustment and Appeals unless the Board shall consent thereto.

## SECTION 2. LITTER, WEEDS AND GARBAGE

**Litter and Garbage.** It shall be unlawful and a violation of this ordinance for any owner, tenant, or person in charge of any residential or commercial property to fail to maintain t the property free from litter, weeds and garbage as herein defined, unless said 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.

**Enforcement.** In the event that any person shall fail or refuse to comply with the foregoing provisions of this section of this ordinance, the Chief of Police for the City of Winfield, Alabama, or his authorized representative or agent, may cause to be served upon such person, by delivery in person, by first class mail, or by posting on the premises in a conspicuous place, an "Official Notice" appraising the occupant of the violation of this ordinance and requiring such person to comply with this section within a time stated within said notice.

The Chief of Police for the City of Winfield, Alabama, or his duly authorized representative, may issue a citation to Municipal Court of the City of Winfield, Alabama, to any person who, after written notice has been issued, fails or refuses to comply with the provisions of this section. Such citation 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 appraise the person of the date, time, and place at which to appear for court. Upon a finding of guilty in the Municipal Court, the person shall be subject to the penalties as provided for in Article V herein. Such citation, returnable to the Municipal Court of Winfield, Alabama, shall be served on said person by any Law Enforcement Officer for the City of Winfield, Alabama, who shall forthwith appear and make oath as to the alleged offense before a magistrate of the Municipal Court. This provision for the issuance of a citation to Municipal Court shall not prevent any such Officer from appearing before the Municipal Court magistrate and making oath as to the facts and applying for a summons or warrant with respect to any alleged offense, in lieu of issuing a citation.

## **ARTICLE IV - CLEANING LITTER, WEEDS, HIGH GRASS, OR JUNK FROM OPEN PRIVATE PROPERTY.**

The City, including any agency or department thereof, is hereby authorized and empowered to notify the owner of any open or vacant private property within the City, or the agent of such owner, to



properly dispose of junk, junked or other vehicle, or mow or cut weeds or grass in excess of twelve (12) inches in height located on such owner's property. The failure, neglect, or refusal of any owner so notified to properly dispose of junk, junked or other vehicle or mow or cut weeds or grass in excess of twelve (12) inches in height within fifteen (15) days after being notified of the adverse condition as provided for in this section shall constitute a violation of this ordinance. In addition, the City is specifically authorized to institute an action in the Municipal Court of the City of Winfield, Alabama, to abate any public nuisance created by such junk, junked or other vehicle, weeds or high grass located on any open or vacant property within the City and the costs of said proceeding and the removal of said junk, junked or other vehicle or abatement of weeds or high grass shall be assessed against the owners of such property.

#### ARTICLE V - PUBLIC PROPERTY

##### SECTION 1. INOPERABLE MOTOR 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 motor vehicle owned by or in possession or control of him upon any public property in the City of Winfield, Alabama, for more than forty-eight (48) hours. Notice to remove such inoperable motor vehicles from the public right-of-way within forty-eight (48) hours shall be placed upon the vehicle or served upon the last known owner of record. If said vehicle is not removed from the public right-of-way by the expiration of such forty-eight (48) hours, the City of Winfield may Cause said vehicle to be removed and impounded at a depository designated for such purpose. The City shall have a lien upon any such vehicle that is impounded. The lien shall be for the amount of the cost of the removal and impoundment plus such reasonable amount as may be charged for storing such vehicle.

Provided, however, that this section shall not apply to motor vehicles that are properly licensed and are in operating condition, or to vehicles that have been temporarily abandoned by the owner for the purpose of obtaining help or assistance to repair or remove the same.

For the purpose of this ordinance, any motor vehicle located on Public property without a current and proper license plate shall be deemed abandoned and improperly stored.

##### SECTION 2. NON-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 non-motorized vehicle owned by or in possession or control of him upon any public property in the City of Winfield, Alabama. Notice to remove such non-motorized vehicles from the public right-of-way within forty-eight (48) hours shall be attached to the vehicle or served upon the owner, if known. If said vehicle is not removed from the public right-of-way

within the forty-eight hour period, the Chief of Police for the City of Winfield, Alabama, or his authorized agent, may issue a citation to any person who refuses or fails to comply with the provisions of this section of this ordinance, and/or may cause said vehicle to be removed and impounded at a depository designated for such purpose. The City shall have a lien upon any such vehicle that is impounded.

This section of this ordinance shall apply, but not be limited to, boat trailers, utility trailers, and camping trailers.

### SECTION 3. DUE PROCESS HEARING.

The owner or person entitled to possession of any vehicle which is removed or towed from public property under the provisions of Article IV Section 1 or Article IV Section 2 herein, shall be entitled to an immediate due process hearing before the Chief of Police of the City of Winfield.

### ARTICLE VI - OFFENSE AND PUNISHMENT

Any person found guilty of maintaining or allowing to be maintained a public nuisance as set forth in Article II, III and/or V, and having been found guilty of failing to abate said nuisance as provided in Article IV of this ordinance may be punished by a fine not more than five hundred dollars (\$500.00) and/or by imprisonment in the City Jail at hard labor for a period not to exceed six (6) months, at the discretion of the judge trying the case. A person found to be in violation of this ordinance shall be notified by certified mail or personal delivery and shall have fifteen (15) days from the date of notice in which to remedy the violation.

### ARTICLE VII - DUTIES OF OWNERS

It shall be the duty of the owner, or any person in control of or charge of property located within the City of Winfield, Alabama, to maintain said property in compliance with the provisions of this ordinance, free of any inoperable vehicles, junk, scrap, garbage, or litter as herein defined.

### ARTICLE VIII - 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 ORDAINED this 5th day of July, 2001.

W. West  
Mayor

Attest:

Candace Reed  
City Clerk