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Sec. 25-31. - Definitions.

As used in this article, the following terms are defined as follows:

Bulk container is any dumpster or stationary storage facility placed for the temporary containerization of solid waste at a place of business, multiple dwelling complex, industrial or construction site tightly covered or constructed to eliminate wind-driven debris and unsightly litter on and about the premises.

City is the City of Mobile.

City limits are the corporate boundaries of the city.

Commercial premises is any lot or any building, or part thereof, used in connection with or for the carrying on or any business, trade, occupation or profession for which a license is required by the city.

Commercial solid waste is man-made solid waste generated at any commercial premises.

Corrective notice A written notice informing the recipient of a violation of the ordinance and specifying a period of time in which to correct the violation.

Garbage is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption.

Garbage can is a watertight receptacle or container for temporary storage of putrescible and nonputrescible waste, constructed of substantial metal, plastic or rubber, and having a capacity of not less than ten (10) gallons nor more than thirty (30) gallons, with a tight-fitting lid or cover and with a handle on the lid and two (2) handles on the receptacle by which same may be conveniently lifted or moved.

Garbage cart is a sixty-four- or ninety-six-gallon container provided by the city for use with its automated garbage collection system. Where the city collects garbage through its automated garbage collection system, the garbage cart is the only permissible container.

Household solid waste is garbage and man-made solid waste generated on residential premises.

Junk includes any vehicle or vehicle parts, junked vehicle, 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 inoperative condition.

Junked vehicle. A vehicle that does not bear a current license plate or is not capable of being driven.

Litter. All garbage, refuse, uncontainerized man-made solid waste, including but not limited to paper, plastic, diapers, cigarette butts and, bottles, cans, glass, crockery, scrap metal, construction materials, rubbish, disposable packages or containers.

Litter receptacle is a container constructed and placed for use as a depository for litter.

Municipal offense ticket is a notice specifying a violation of a city ordinance by a city employee designated as an enforcement officer which directs the violator to pay a fine and court costs or to appear in municipal court to answer charge or charges.

Occupant. As applied to any house, building, store, shop, room, lot or premises; the owner, tenant or other person who for the time being is in possession or is in charge or control thereof, whether for such person's self or for another, or as agent, officer or employee of a corporation.

Person means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, business or any entity recognized by law.

Premises. Any building or real property.

Private property. Property owned by any person as defined herein.

Public nuisance. Any growth of weeds, scrub (wild) bushes, and grass exceeding community standards, normally ten (10) inches in height, and/or nonorganic debris that presents a fire hazard, a health hazard, a safety hazard or otherwise endangers surrounding areas.

Residential premises. A premises used as single- or multiple-family dwellings, townhouses, apartments and condominiums, both privately and publicly owned.

Trash. Nonputrescible solid wastes consisting of yard clippings, leaves, wood, tree limbs and trunks, bedding, appliances, paper and cardboard, plastics, wood, wrappings, cans and similar materials.

UNTCC. Uniform Non-traffic Citation and Complaint as set out in Rule 20 of the Alabama Rules of Judicial Administration.

Vehicle. Every device capable of being moved upon a public highway, street or waterway and in, upon or by which any person or property may be transported or drawn upon a public highway, street or waterway. This shall include any watercraft, boat, ship, vessel, barge or other floating craft. This excludes devices moved by human power or used exclusively for agricultural purposes and not licensed pursuant to state law which is not operated on any public highway for purposes other than crossing such public highways or along such highways between two (2) tracts of the owner's land.

(Ord. No. 24-019, Art. I, § 2, 2-2-88; Ord. No. 24-032, § 1, 5-17-94; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-32. - Enforcement procedures.

- (a) A city police officer may choose to cite and release defendant for a violation of this article. The UNTCC shall serve as the charging instrument and shall be issued in accordance with Rule 20 of the Alabama Rules of Judicial Administration.
- (b) A city employee designated as an enforcement officer may issue a municipal offense ticket ("MOT") for a violation of this article. The person charged with a violation must, within the time period specified on the MOT, or within 72 hours before the court date shown on the MOT:
 - (1) Appear in person before a magistrate, sign the plea of guilty waiver or rights on the MOT, pay the fine and applicable court costs. The magistrate shall retain a copy of the ticket; or
 - (2) Sign the plea of guilty waiver of rights provision on the MOT and mail or hand deliver to the clerk of the municipal court the signed page and payment for the amount of the fine and applicable court costs. Remittance by mail or hand delivery of the fine and costs constitutes a guilty plea and waiver of trial, even if the "plea of guilty waiver of rights" provision on the ticket has not been signed by the defendant. If the amount sent is insufficient, then the money received by the clerk shall be considered to be a partial payment of the penalty, and it shall be applied by the clerk to the fine and costs, and shall be deposited as required by law. The clerk may give notice of the insufficiency, and a supplemental summons or warrant of arrest shall be issued for the defendant's arrest, and a judgment shall be entered by the magistrate for the balance due; or
 - (3) Sign the MOT and agree to appear in court on the date and at the time shown on the MOT to protest the charges. If the defendant fails to appear, the municipal court may, in its discretion, issue further notice or a supplemental summons or warrant of arrest.
- (c) Employees of the city, designated as enforcement officers who observe violations of this ordinance are further authorized to appear before a magistrate and request a summons or warrant to be issued pursuant to Rule 3.1 of the Alabama Rules of Criminal Procedure.
- (d) An employee of the city designated as an enforcement officer may issue corrective notices to occupants found to be in violation of any of the provisions of this ordinance. The issuance of a corrective notice is not required prior to the issuance of an MOT or UNTCC.

(Ord. No. 24-019, Art. II, § 1, 2-2-88; Ord. No. 25-063, 10-19-99; Ord. No. 25-063, 10-19-99; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-33. - Failure to comply with corrective notices.

It shall be a violation of this article for any occupant of property in the city limits who receives a corrective notice to fail or refuse to complete the corrective action within the time permitted is in violation of this article.

(Ord. No. 24-019, Art. II, [§ 2](#), 2-2-88; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-34. - Penalties.

Any person who pleads guilty or is found guilty of a violation of this ordinance after appearing in municipal court may be punished by a fine of not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00), by imprisonment for not more than six (6) months, or may be sentenced to pick up litter or to take other remedial action to comply with the terms of this ordinance in lieu of a fine or imprisonment. Each day a violation of this ordinance is committed or permitted to continue shall constitute a separate offense. The city council shall adopt a schedule of fines for violations of this article which appears at [section 1-32](#) of the City Code. See [chapter 1](#), article II, division 2, municipal offense tickets, [section 1-32](#).

(Ord. No. 24-019, Art. II, [§ 4](#), 2-2-88; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-35. - Occupant's responsibility.

It shall be a violation of this ordinance for any occupant of property in the city limits who generates litter, trash or junk to fail to insure that the litter, trash or junk is managed, stored and handled in accordance with the provisions of this ordinance.

(Ord. No. 24-019, Art. II, [§ 3](#), 2-2-88; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-36. - Areas surrounding commercial premises.

- (a) It shall be the duty of every occupant of any commercial premises in the city limits to keep the adjacent and surrounding area clear and free of litter, high grass and weeds, as defined under "public nuisance," [section 25-31](#)
- (b) All persons performing construction and demolition work, or occupants of commercial premises shall provide on-site receptacles for loose debris, paper, building materials waste, scrap building materials and other litter products to prevent scattering of such materials by wind or rain if such materials are not otherwise properly disposed of on a daily basis.
- (c) No occupant of commercial premises in the city limits may grant permission to any person to dispose of litter, garbage, trash or junk on his property.
- (d) All occupants of commercial premises shall store their litter in bulk containers and shall maintain their premises to be clean, neat and sanitary. Spillage and overflow around the containers shall immediately be cleaned up as it occurs.
- (e) It shall be a violation of this ordinance to fail to comply with any of the requirements of this [section 25-36](#)

(Ord. No. 24-019, Art. IV, [§ 1](#), 2-2-88; Ord. No. 24-032, [§ 2](#), 5-17-94; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-37. - Residential premises.

It shall be a violation of this article for any owner or occupant of private property to fail to keep their premises free and clear of litter, garbage, trash, junk, high grass and weeds, as defined under "public nuisance" in [section 25-31](#).

(Ord. No. 24-019, Art. IV, [§ 2](#), 2-2-88; Ord. No. 24-032, [§ 2](#), 5-17-94; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-38. - Sidewalks and rights-of-way.

It shall be a violation of this article for any owner or occupant whose property abuts city right-of-way to fail to keep any sidewalks and city right-of-way between the street and their property line mowed and free of litter, trash and junk.

(Ord. No. 24-019, Art. IV, [§ 3](#), 2-2-88; Ord. No. 25-054-2006, 11-28-06)

Cross reference— Sidewalks to be kept free of grass, weeds and other obstructions, [§ 57-71](#)

Sec. 25-39. - Sweeping litter into street.

It shall be a violation of this article to blow, sweep or push litter, junk or trash, including yard clippings, leaves or grass, onto the city streets, alleys, stormwater structures or ditches. All litter and trash shall be deposited into a garbage cart, garbage can, bag or box or litter receptacle tightly covered and secured to prevent scattering before pickup, and failure to do so shall be a violation of this article.

(Ord. No. 24-019, Art. IV, [§ 4](#), 2-2-88; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-40. - Proper disposal of litter, trash, or junk.

- (a) *Disposal of household solid waste.* In all areas of the city in which the city collects garbage and litter through its automated garbage collection system, a garbage cart is the only permitted container for litter and garbage. In those parts of the city where the city does not provide automated garbage collection, litter and garbage shall be placed in a garbage can. All household solid waste shall be stored in tightly closed metal, rubber or plastic cans, in heavy duty plastic garbage bags, or in recycling containers, constructed so as to prevent such material scattering of garbage by wind, water, traffic or scavenging animals.
- (b) *Disposal of trash in residential areas.*
 - (1) All trash shall be placed for collection at curbside no sooner than forty-eight (48) hours prior to the designated day for collection.
 - (2)

Loose trash such as leaves and grass clippings must be containerized in tightly sealed plastic bags or cardboard boxes.

- (3) Scrap, lumber, plaster, roofing, concrete, brick and sanding dust, resulting from the construction, repair, remodeling, removal or demolition of any building on private property will not be removed by city employees. All such materials shall be removed by the owner or occupant or the person responsible for the accumulation of same before, during or after construction.

- (c) It shall be a violation of this article to fail to comply with the requirements of this section.

(Ord. No. 24-019, Art. V, §§ 1, 2, 2-2-88; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-41. - Cleaning litter, trash or junk from private premises.

- (a) Any city employee designated as an enforcement officer is hereby authorized to notify the owner of any vacant or unoccupied private property within the city to properly dispose of litter, garbage, junk or trash located on that property. The notice may be delivered in person or by certified mail, with return receipt addressed to the owner at his last known address or to the address that appears in the records in the office of the revenue commissioner. The failure, neglect or refusal of any owner so notified to properly dispose of litter, trash, garbage or junk within ten (10) days after receipt of the notice shall constitute a violation of this ordinance.
- (b) Licensed junk dealers or commercial premises used for the repair, rebuilding, reconditioning or salvaging of goods whose work area is screened from public view by a fence, hedge, wall or similar device of sufficient height to provide a visual buffer, and who complies with the city's junk and zoning ordinances shall not be subject to the provisions of this section.

(Ord. No. 24-019, Art. IV, § 5, 2-2-88; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-42. - Litter receptacles.

- (a) It shall be a violation of this article to deposit any item except litter into a litter receptacle.
- (b) Every occupant of commercial premises shall at his own expense provide, place and regularly maintain litter receptacles, including cigarette litter receptacles, adequate to contain litter generated at those premises.
- (c) Litter receptacles on any premises shall meet the following minimum standards:
- (1) Constructed of such quality as to maintain the receptacle's original shape when kept in an outdoor location, and reasonably resistant to rust and corrosion.
 - (2) Constructed and designed or covered in such a manner as to prevent or preclude litter from escaping from the receptacle.
 - (3) Serviced with such frequency as necessary to prevent spillage from overflow and to prevent offensive odor.
- (d) It shall be a violation of this article to fail to comply with the provisions of this section.

(Ord. No. 24-019, Art. VI, §§ 1—3, 2-2-88; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-43. - Littering from a vehicle.

- (a) It shall be a violation of this article for any person in a vehicle to drop, deposit, discard or otherwise dispose of litter in or upon any public or private property within the city including but not restricted to, any street, median, right-of-way, sidewalk, park, vacant or occupied lot, body of water, except in litter receptacles, or in an area designated by the department of environmental management as a permitted disposal site.
- (b) The owner of the motor vehicle shall be responsible in the event that any person commits the following unlawful acts while in a motor vehicle, whether it is moving or at rest.

(Ord. No. 24-019, Art. III, § 1, 2-2-88; Ord. No. 24-121, § 1, 12-13-88; Ord. No. 25-054-2006, 11-28-06)

Cross reference— [Trash in streets, § 57-36](#)

Sec. 25-44. - Escape of load from uncovered vehicles.

- (a) It shall be unlawful a violation of this ordinance for any person, hauler, firm or business to haul garbage, paper, trash, sand, gravel, wet cement, construction materials, other loose materials or waste unless the truck or used vehicle is properly covered, secured or sealed to the extent that there will be no to prevent any loss or spillage during haulage, any littering of streets and highways or nuisances or hazards to the public health. The deposit of sand or other substance to increase traction, or of water or other substance applied on a street or roadway in the cleaning or maintenance of such street or roadway by the responsible government agency having such responsibilities, is excepted from the foregoing provisions. Any person charged with a violation of this section shall be required to appear before a municipal judge.
- (b) Any person cleaning litter or junk from a private premises and operating a vehicle on a public right-of-way in the city limits from which any glass, nails or other sharp objects have fallen or escaped which could cause an obstruction or damage a vehicle or otherwise endanger travelers on such public property shall immediately cause the public property to be cleared of such objects and shall pay any costs thereof. It shall be a violation of this article to fail to comply with this subsection.

(Ord. No. 24-019, Art. III, § 2, 2-2-88; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-45. - Dumping of litter, trash, or junk.

It shall be unlawful a violation of this article for any person to discard or dump any litter, garbage, trash or junk on any private or public property unless disposed of in receptacles provided for public use that comply with the requirements of this ordinance or in an area designated by the state department of environmental management as a permitted disposal site.

For the purposes of this section, items found in an accumulation of garbage, trash, or other discarded material including, but not limited to, bank statements, utility bills, bank card bills, and other financial documents, clearly bearing the name of a person shall constitute a rebuttable presumption that the person whose name appears thereon knowingly deposited the litter. Advertising, marketing, and campaign materials and campaign literature shall not be sufficient to constitute a rebuttable presumption under this section. No prosecution for violation of this section based on evidence that creates a rebuttable presumption shall be brought against a person unless he or she has been given written notice by a designee of the city that items found in an accumulation of garbage, trash, or other discarded materials contain his or her name, and that, under this section, there is a rebuttable presumption that he or she knowingly deposited the litter. The notice shall advise the person of the penalty for violating this section, and shall provide that, unless the person can present satisfactory information or evidence to rebut the presumption to the designee of the city within fifteen (15) days of the date of the notice, an action under this section may be filed against him or her in municipal court. If the person responds to the notice and presents information or evidence to the designee of the city, the designee shall review the information or evidence presented and make a determination as to whether or not an action should be brought against the person for violating this section. The designee shall provide written notice to the person of the determination, and if the intent is to proceed with an action under this section, the notice shall be sent before an MOT or UNTCC is issued.

(Ord. No. 24-019, Art. IV, [§ 5 a](#), 2-2-88; Ord. No. 25-063, 10-19-99; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-46. - Removal of litter from litter receptacles.

- (a) The removal of litter from receptacles placed at public parks, beaches, fishing areas and other public recreation sites shall be the responsibility of those state and local agencies now responsible for the maintenance of these sites.
- (b) The removal of litter from garbage cans, litter receptacles or bulk containers placed on private property which are used by the public commercial premises shall be the duty of the occupant of those premises. It shall be a violation of this ordinance for an occupant to fail to remove or provide for the removal of litter as required by this subsection.

(Ord. No. 24-019, Art. VI, [§ 4](#), 2-2-88; Ord. No. 25-054-2006, 11-28-06)

Sec. 25-47. - Yard, garage sale or other unauthorized temporary signs.

It shall be a violation of this ordinance to place yard, garage sale, campaign or other signs on public property, city rights-of-way, or utility poles, except for permitted special event directional signs.

(Ord. No. 24-019, Art. IV, [§ 6](#), 2-2-88; Ord. No. 25-054-2006, 11-28-06)

Cross reference— Signs, [Ch. 54](#)

Secs. 25-48. - Applicability of ordinance.

Except where otherwise provided, the provisions of this article apply throughout the city limits.

(Ord. No. 25-054-2006, 11-28-06)

Secs. 25-49—25-60. - Reserved.

FOOTNOTE(S):

⁽³⁵⁾ **Cross reference—** Use, sale, etc., of confetti, § 39-77; opened glass containers in public places during Mardi Gras, § 39-202 ([Back](#))