

ORDINANCE NO: 04-14-08

ORDINANCE FOR THE CONTROL OF LITTER ON PUBLIC OR PRIVATE PROPERTY, AND ON THE STREETS OF EAST BREWTON, ALABAMA AND WITHIN THE POLICE JURISDICTION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAST BREWTON, ALABAMA AS FOLLOWS:

That Ordinance No: 04-14-08 heretofore adopted and approved on April 14th, 2008, and was published in three (3) places within the City of East Brewton, Alabama.

SECTION 1. DEFINITION OF LITTER: "Litter" means rubbish, refuse, waste material, garbage, dead animals or fowls, offal, paper, glass, cans, bottles, trash, scrap metal, debris, or any foreign substance of whatever kind and description, and whether of not it of value. (Alabama Code 13A-7-29)

SECTION 2. CRIMINAL LITTERING.

(1) A person commits the crime of criminal littering if he or she engages in any of the following acts:

(a) Knowingly deposits in any manner, litter of any public or private property or in any public or private waters, having no permission to do so. For purposes of this subdivision, 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 of criminal littering under this subsection.

(b) Negligently deposits in any manner glass or other dangerously pointed or edged objects on or adjacent to water to which the public has lawful access for bathing, swimming, or fishing, or on or upon a public highway or street, or within the right of way thereof. (Alabama Code 13A-7-29)

SECTION 3. HIGHWAY OR STREET LITTERING.

No person shall throw or deposit upon the highway, road, or street or public right of way any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway or street. Any person who drops or permits to be dropped or thrown upon any highway or street any destructive or injurious material, or any materials listed above including any paper products, shall immediately remove the same or cause it to be removed. Failure to do so immediately will result in littering and subject to fines as set forth below.

SECTION 4. PENALTY.

(a) Criminal littering is a Class C misdemeanor. The minimum fine for the first conviction for criminal littering shall be two hundred and fifty dollars (\$250), and the fine for the

second and any subsequent conviction shall be five hundred dollars (\$500) for each conviction. (Alabama Code 13A-7-29)

(b) Highway or Street littering within the city limits of East Brewton, Alabama and the police jurisdiction, also carries a minimum fine of two hundred and fifty dollars (\$250), and the fine for the second conviction shall be five hundred (\$500) for each conviction.

THIS ORDINANCE IS HEREBY ADOPTED this the 14th day of April, 2008.

Karen Singleton

APPROVED this the 14th day of April, 2008,

Terry Clark, Mayor