

**JEFFERSON COUNTY
WEED AND LITTER ORDINANCE**

Ordinance No. 1188 Enacted February 20, 1990 Minute Book 90 Page 448

Ordinance No. 1223 Amendment No. 1 Enacted December 11, 1990 Minute Book 94 Page 128

An ordinance to establish rules and regulations prohibiting overgrowth of weeds and accumulation of litter on property lying within the unincorporated area of Jefferson County and to establish criminal penalties for violations thereof.

BE IT RESOLVED AND ORDAINED by the Jefferson County Commission as follows:

1.10 Authority. Pursuant to the authority provided by Amendment No. 497, Constitution of Alabama 1901, and Act No. 87-758 and Act No. 89-527, of the Legislature of Alabama, the Jefferson County Commission hereby adopts the following as the JEFFERSON COUNTY WEED AND LITTER ORDINANCE.

Approved by the Jefferson County Commission on February 20, 1990.

1.20 Application

On and after February 20, 1990 these rules and regulations shall apply to each and every parcel or portion of a parcel of land lying within the unincorporated area of Jefferson County, Alabama, as now exists or hereafter exists.

1.30 Violations.

- A. Weeds.** It shall be unlawful for any owner, proprietor, tenant or other person in charge or control of any lot, place or premises that lies within the unincorporated area of Jefferson County when such lot, place or premises are not under cultivation for useful and productive purposes, to fail to keep and maintain the same free from injurious, noxious or unsightly weeds. Weeds higher than 12" are hereby deemed to be unsightly. As used herein "weeds" shall include an economically useless plant; a plant of unsightly appearance; a tree or shrub of low economic value that tends to grow freely; a form of vegetable life of exuberant growth and injurious effect.
- B. Inoperable Motor Vehicle.** It shall be unlawful for any person to park, leave or store upon any lot, place or premises that lies within the unincorporated area of Jefferson County more than one inoperable motor vehicle. Provided, that this Subsection B shall not apply to a properly zoned and licensed business if such parking, leaving or storing of such motor vehicles is a reasonably necessary incident in the operation of said business.
- C. Litter.** It shall be unlawful for the owner, proprietor, tenant or other person in charge or control of a lot, place or premises that lies within the unincorporated area of Jefferson County to fail to keep said lot, place or premises clean and free from litter. For purposes hereof "litter" shall mean and include 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 or which may shield or encourage the growth of insects or rodents, or materials which generate obnoxious odors, or which offend the esthetics of the community and thereby cause a substantial diminution in the value of other property nearby; provided, that this Subsection C shall not apply to a properly zoned and licensed business if such activity is a reasonably necessary incident in the operation of the business and is done in a manner which does not allow the accumulation of water within which mosquito larvae may leave or encourage the growth of insects and/or rodents.

1.40 Penalties. *(Ordinance – 1223 as amended December 11, 1990)*

- A.** Offenses under this ordinance are hereby designated as VIOLATIONS within the meaning of Title 13A Criminal Code, Code of AL 1975. Upon the determination of the Land and Zoning Administrator of Jefferson County, his subordinate, or any law enforcement officer, that any violation of this ordinance exists, such official shall make complaint to the proper judge or magistrate for issuance of a warrant. The defendant shall have all rights secured to persons charged in the county with VIOLATIONS generally. If the defendant is found guilty by the Jefferson County District Court, the Court may impose a fine or imprisonment or both and court costs in accordance with the Alabama Criminal Code provisions applicable to VIOLATIONS generally, and which include Sections 13-5-4(c), 13A-5-7(b) and 13A-5-12(b), Code of AL, (1975) as amended. Such VIOLATIONS are punishable by a term of imprisonment in the County Jail, not to exceed 30 days and fine not to exceed \$200.
- B.** Any person convicted of any offense provided for herein shall have the right to appeal to the Jefferson County Circuit Court, Criminal Division, for a trial de novo by filing within the same time and in the same manner as prescribed by law for VIOLATIONS generally. Trial by jury may be obtained by proper demand made in accordance with the law for VIOLATIONS generally.

1.50 Conflict.

- A.** The provisions contained herein shall be in addition to and 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.
- B. Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule of regulation, statute, or other provision of law. Where any provision of these regulations impose 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.
- C. Private Provisions.** 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.
- D.** None of the provisions contained herein shall apply to land owned or lawfully occupied by Jefferson County, a political subdivision of the State of Alabama.

1.60 Severability. If any part or provision of these regulations or application thereof, to any person or circumstances, is adjudged invalid by any court of competent jurisdiction, said judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other person or circumstances. The County Commission hereby declares that it would have enacted the remainder of these regulations even without any part, provision or application.

1.70 Saving Provision. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing regulations, or as discontinuing, abating, modifying, or altering any penalty occurring or about to occur or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the County except as shall be expressly provided for in these regulations.