

## MOBILE COUNTY

### JUNK CONTROL ORDINANCE

WHEREAS, the County finds that it is in the best interest of the citizens of Mobile County, Alabama, to adopt and implement rules and regulations prohibiting the accumulation of certain material and objects as defined herein and as permitted by the Alabama Limited Self Governance Act, Ala. Code § 11-3A-1 *et seq.*; and,

WHEREAS, the County has heretofore implemented rules and regulations concerning the prohibition of said materials and objects by virtue of ordinance ("Junk Ordinance") on or about August 13, 2007, and subsequently amended on or about June 14, 2010, November 8, 2010, and November 28, 2011; and August 22, 2016.

WHEREAS, the County finds that the Junk Ordinance need be amended to incorporate rules and regulations concerning licensed vehicle repair and towing operations as well as control of junk, litter and rubbish,

**NOW THEREFORE, be it Ordained by the County Commission of Mobile, Alabama, as follows:**

#### **SECTION 1. Short Title**

This Ordinance shall be known and may be cited as the "Mobile County Junk Control Ordinance."

#### **SECTION 2. Definitions**

The following definitions shall apply in this Ordinance:

- (a) Chief Environmental Officer: That person designated by the County Commission who shall be primarily responsible for the enforcement of this Ordinance, and who directs and supervises all environmental officers and staff.
- (b) Environmental Enforcement Department: The department which is charged with the enforcement of this Ordinance and operates under the authority of the County Commission.
- (c) Junk: Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste, iron, steel, and other old or scrap ferrous or nonferrous material,
- (d) Junked Motor Vehicle: Any vehicle which is partially dismantled, nonoperative, wrecked, junked, or discarded, or parts thereof. A vehicle will be considered nonoperative if it cannot be safely operated or if it is incapable of being moved under its own power or if it may not be legally operated due to lack of any legal requirement including a current license tag. Provided, such term shall not include any vehicle in an enclosed building, any vehicle on the premises of a business enterprise operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or any vehicle in the process of repair or restoration on property under the control of the owner of the vehicle. Any such repair or restoration shall be accomplished in a reasonable time not to exceed six months and vehicles held for repair or restoration shall not be utilized for storage, and vegetation shall not be allowed to grow up and around them and, after six months, such vehicles shall be removed to an enclosed building or to a site where they may not be observed from the roadway or adjoining property.

(e) Junkyard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard.

(f) Litter: Rubbish, refuse, waste material, garbage, dead animals or fowl, offal, paper, glass, cans, bottles, trash, scrap metal, debris, or any foreign substance of whatever kind and description, and whether or not it is of value. Any agricultural product in its natural state that is unintentionally deposited on a public highway, road, street, or public right-of-way shall not be deemed litter and the unintentional deposit of an agricultural product in its natural state on a public highway, road, street, or right-of-way shall not constitute a violation of this Ordinance.

(g) Rubbish: Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves, and similar materials. Noncombustible wastes include glass, crockery, metal cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures, not less than 1600 degrees Fahrenheit.

### **SECTION 3. Control of Junk, Litter and Rubbish**

It shall be a violation of this Ordinance for any person having an ownership interest in real property, or who leases or manages such property, to allow, permit, or suffer the accumulation of junk, junked motor vehicles, litter or rubbish for more than fourteen (14) days, excluding noncommercial composting and commercial composting for which a valid permit has been obtained, and also excluding the storage of building materials used in constructing or repairing a building or other structure and stored at the site of such building or structure; provided, this ordinance shall not apply to: (a) junk, junked motor vehicles, litter or rubbish stored on land properly licensed as a junkyard under the Mobile County Junkyard Regulations, or (b) an automobile that is being retained primarily as an antique collector's item and is registered under state law as an antique vehicle, or (c) the junk, junked motor vehicles, litter or rubbish that is being stored in an enclosed building which is not in violation of any other state, local or federal regulations, or (d) the ordinances of any municipality which has contracted with the County Commission for enforcement of this ordinance, or applicable state law.

### **SECTION 4. Licensed Vehicle Equipment Repair and/or Towing Operations**

In recognition of the need to allow limited storage of vehicles awaiting repair, impoundment by law enforcement, or insurance coverage resolution at an active and licensed vehicle repair or towing operation; the standards in this section shall apply. Such operations shall in all respects comply with the provisions of this ordinance with regard to junk, junk vehicles and junkyards.

- a. Insurance; Impoundment; Awaiting Repair – An abandoned or wrecked vehicle stored in anticipation of the resolution of insurance coverage, or a vehicle
- b. impounded by State or local law enforcement, or a vehicle awaiting repair at a vehicle repair business may be stored until the particular insurance or impoundment matter is resolved, or the vehicle is repaired. The owner of the establishment shall maintain accurate and current records concerning the date of receipt, ownership, status and disposition for all such vehicles on the premises and such records shall be available for inspection by the County at the County's request.

### **SECTION 5. Penalties**

A civil penalty in the amount of One Hundred Fifty Dollars (\$150.00) per day shall be assessed for each violation of this Ordinance. Each day in which a violation continues shall constitute a separate offense, and a separate penalty shall be assessed for each separate violation; provided, however, that no person shall pay a penalty in excess of Five Thousand Dollars (\$5,000.00) for any one violation.

#### **SECTION 6. Record Keeping**

It shall be the duty of the chief environmental officer to keep, or cause to be kept, accurate records of all matters arising under this Ordinance including, but not limited, to all monies collected in the enforcement thereof, and the cost of its implementation and enforcement.

#### **SECTION 7. Applicability**

This Ordinance shall apply to and be enforced in all unincorporated areas of Mobile County and the police jurisdiction of any municipality which has contracted with the County Commission for enforcement of this Ordinance.

#### **SECTION 8. Severability**

The provisions of this Ordinance are severable. Should any provision be declared invalid for any reason, such invalidity shall not affect the validity of the remainder.

#### **SECTION 9. Effective Date**

This Ordinance shall become effective on October 1, 2007; provided, the amendments adopted on June 14, 2010, November 8, 2010, November 28, 2011, and August 22, 2016 shall be effective immediately upon their adoption.