ORDINANCE NUMBER 2013- 01

LITTER CONTROL

AN ORDINANCE REPEALING NO. 98-12 OF THE TOWN OF TRINITY, ALABAMA SO AS TO ESTABLISH THE PROVISIONS AND PUNISHMENTS FOR THE CRIME OF LITTERING IN THE TOWN OF TRINITY, ALABAMA.

Be it ordained by the Mayor and Town Council of the Town of Trinity, Alabama, as follows:

Section 1 **Ordinance No. 98-12 of the Town of Trinity, Alabama is hereby repealed**

Section 2 **Purpose**

The purpose of this ordinance is to discourage person(s) from littering in the corporate limits and jurisdiction of the Town of Trinity, Alabama.

Section 3 **Definitions**

Litter – rubbish, refuse, waste materials, garbage, dead animals or fowl, offal, papers, glass, cups, cans, bottles, trash, scrap metal, debris, nails, tacks, wire, gravel, rock, slag, bricks, or any foreign substance of whatever kind and description, and whether or not it is of value.

Section 4 **A person commits the violation of littering if he or she engages in any of the following acts:**

a. Deposits in any manner litter on any public or private property or in any public or private waters, having no permission to do so. Items found in an accumulation of garbage, trash, or other discarded materials including but not limited to bank statements, utility bills, bank card bills, hospital bills, or other financial documents shall constitute a prima facie case that the person whose name appears thereon knowingly deposited the litter. Advertising, marketing, and campaign materials and literature shall not be sufficient to constitute a presumption of littering.

b. Deposits in any manner glass or other 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 within the right of way thereof.

c. Discharges sewage, oil products, or litter from a water craft vessel into a river, inland lake, stream or within three (3) miles of the shoreline.

d. Drops or permits to be dropped, thrown, fall upon any highway any destructive or injurious materials and does not immediately remove the same or cause it to be removed.

e. Removes a wrecked or damaged vehicle from a highway and does not remove glass or other injurious substances dropped upon the highway from such vehicles.

f. Whoever operates, owns, or causes to be operated on any public highway, road, street or public right of way, a motor vehicle so the contents of the vehicle spill out and cause it to be deposited upon the highway, road, street or public right of way, is guilty of littering.

g. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, or otherwise escaping there from, except that sand or like substance may be sprinkled on a roadway for use in securing traction, cleaning, or maintaining such roadway.

h. No personal shall throw litter or allow litter to be thrown from a motor vehicle onto or upon any highway, road, street, public right of way.

i. It is no defense under any section or subsection that the actor did not intend or was unaware of the act charged.

Section 5 Fines and Violations

a. A person commits an offense if he violates by commission or omission any section or subsection of this ordinance that imposes upon him a duty or responsibility.

b. The minimum fine for any violation of this ordinance shall be, five hundred dollars ($500.00) and sixteen (16) hours of community service picking up or removing litter from the roadways of the corporate limits of the Town of Trinity or the Jurisdiction of the Town of Trinity, Alabama.

c. The Chief of Police will coordinate the community service plan designating areas requiring litter pick-up (roadways, parks, etc.) or other areas as deemed by the Chief of Police.

Section 6 **This ordinance shall become effective immediately upon its passage and publication. Upon the effective date of this Ordinance, Ordinance Number 98-12 is hereby superseded and repealed.**

Section 7 **Severability**

Should any part of the Ordinance be construed and declared invalid or unconstitutional by a Court of competent jurisdiction, the remaining parts hereof shall continue in full force and effect as though the invalid portion were stricken from said Ordinance.

ADOPTED THIS 25 **DAY OF** March 2013.

Vaughn Goodwin

Mayor Vaughn Goodwin

Attest:

Barbara L Jones

Barbara L Jones, Town Clerk

Barbara L. Jones
Notary Public, AL State at Large
My Commission Expires April 10, 2013