

Ordinance No. 1001

AN ORDINANCE PROVIDING FOR THE PUBLIC SAFETY, HEALTH AND WELFARE AND THE GENERAL VISUAL AESTHETICS OF THE CITY OF FAIRHOPE BY *REQUIRING OWNERS, CONTRACTORS AND SUBCONTRACTORS TO KEEP CONSTRUCTION SITES REASONABLY FREE OF ACCUMULATIONS OF TRASH, GARBAGE OR RUBBISH AND TO PROVIDE REMEDIES AND PENALTIES FOR FAILURE TO DO SO:*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

1. Where the Building Official or other authorized enforcement officer finds any construction site upon which the owner, contractor or subcontractor has allowed trash, garbage or rubbish to accumulate such officer shall notify the owner, contractor or subcontractor in charge of the premises of the existence of a violation of this ordinance. Such notice shall be given by certified mail or personal service and by posting upon the premises. Where certified mail is returned as undeliverable or unclaimed, posting of the premises as provided herein shall be deemed legally sufficient notice. Such notice shall provide for a period of two days, exclusive of weekends and holidays, for the responsible party to correct the violation. Failure or refusal to do so shall cause the responsible officer to invoke the remedy specified herein.
2. Remedies: The enforcement officer may, after the expiration of time set forth above, stop all work in furtherance of the construction undertaken by posting upon the premises a "Stop Work Order" setting forth the reason for the stop order and specifying the conditions required for release of such stop order. The officer shall not release of such stop order. The officer shall not release the stop order until such time as the violation has been mitigated. Any person who continues to pursue work on the premises after posting of the stop order may be cited for violation of this ordinance by the issuance of a Municipal Offense Ticket for the first such offense relating to the subject property. A second offense on the same property by the same person may result in issuance of an arrest warrant out of the Municipal Court.

The enforcement officer may, in cooperation with the City Attorney, pursue such other civil remedies as are available to the City.

3. Penalties: IN addition to stop work orders or other civil remedies, any person violating any provision of this Ordinance shall be subject to the following penalties upon conviction. For a first conviction under a Municipal Offense Ticket the fine shall be \$100. For other convictions, violators may be sentenced to a fine not to exceed \$500 and/or a jail sentence not to exceed 6 months, at the discretion of the Municipal Court.
4. Nothing herein shall be deemed a bar to any other remedy or penalty otherwise available to the enforcement officers of the City.

5. This ordinance shall be codified as Section 7-125.1 of the Fairhope Code of Ordinances.
6. This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 23rd DAY of September, 1996.

James P. Nix, Mayor

ATTEST:

Evelyn P. Phillips, City Clerk