SUPPLEMENT NO. 19
September 2015

CODE OF ORDINANCES

City of

GREENVILLE, ALABAMA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2015-01, enacted April 13, 2015.

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SUPPLEMENT NO. 18, REVISION
October 2013

CODE OF ORDINANCES

City of

GREENVILLE, ALABAMA

Looseleaf Supplement

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SUPPLEMENT NO. 18
August 2013

CODE OF ORDINANCES

City of

GREENVILLE, ALABAMA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2013-01, adopted January 14, 2013.

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SUPPLEMENT NO. 17
August 2011

CODE OF ORDINANCES

City of

GREENVILLE, ALABAMA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2011-05, adopted July 11, 2011.

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CODE OF ORDINANCES

CITY OF

GREENVILLE, ALABAMA

GENERAL ORDINANCES OF THE CITY

Adopted, November 16, 1987
Effective, November 16, 1987

Published in 1987 by Order of the City Council

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OFFICIALS

of the

CITY OF GREENVILLE, ALABAMA

AT THE TIME OF THIS CODIFICATION

Larry A. Jones
Mayor

Al Brannon
E. R. "Gene" Hudson
James Lewis
Charles O. Newton
C. E. "Ernie" Smith
Councilmembers

Williamson & Williamson
City Attorney

Linda L. Vanden Bosch
City Clerk/Treasurer

PREFACE

This Code constitutes a complete recodification of the ordinances of the City of Greenville, Alabama, of a general and permanent nature.

Source materials used in the preparation of the Code were the 1968 Code, as supplemented through July 16, 1984, and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this volume, the reader can locate any section of the 1968 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order and the various sections within each chapter have been catchlined to facilitate usage. Footnotes which tie related sections of the Code together and which refer to relevant state laws have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this volume.

Numbering System

The numbering system used in this Code is the same system used in many state and municipal codes. Each section number consists of two component parts separated by a dash, the figure before the dash representing the chapter number and the figure after the dash indicating the position of the section within the chapter. Thus, the first section of Chapter 2 is numbered 2-1 and the fourth section of Chapter 3 is 3-4. Under this system, each section is identified with its chapter, and, at the same time, new sections or even whole chapters can be inserted in their proper places, simply by using the decimal system for amendments. By way of illustration: If new material consisting of three sections that would logically come between sections 3-2 and 3-3 is desired to be added, such new sections would be numbered 3-2.1, 3-2.2 and 3-2.3, respectively. New chapters may be included in the same manner. If the new material is to be included between Chapters 4 and 5, it will be designated as Chapter 4.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

Index

The index of the Code has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by municipal officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which he is interested.

Looseleaf Supplements

A special feature of this Code to which the attention of the user is especially directed is the looseleaf system of binding and supplemental servicing for the Code. With this system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the appropriate page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Successfully keeping this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

The publication of this Code was under the direct supervision of Milton E. Lefkoff, Supervising Editor, and Fred McDonald, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publishers are most grateful to Ms. Linda L. Vanden Bosch, City Clerk/Treasurer, and Mr. Warren J. Williamson, Jr., City Attorney, for their cooperation and assistance during the progress of the work on this Code. It is hoped that their efforts and those of the publishers have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

MUNICIPAL CODE CORPORATION

Tallahassee, Florida

ORDINANCE NO. 1987-14

An Ordinance Adopting and Enacting a New Code for the City of Greenville, Alabama; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective.

Be it Ordained by the City of Greenville, Alabama as follows:

Section 1. The Code entitled "Code of Ordinances, City of Greenville, Alabama," published by Municipal Code Corporation consisting of Chapters 1 through 20, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before March 23, 1987, and not included in the Code or recognized and continued in force by reference therein are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provisions of the Code or any ordinance of the city shall be punished by a fine of not less than one dollar ($1.00) nor more than five hundred dollars ($500.00), or by imprisonment or hard labor for not more than six (6) months, except as to penalties prescribed in the Code of Alabama, section 32-5A-191, as described in section 1-9 of the city Code. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

Section 5. Additions or amendments to the Code, when passed in the form as to indicate the intention of the council to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after March 23, 1987, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective immediately.

Passed and adopted by the city council of Greenville, Alabama this 16th day of November, 1987.

/s/ Larry A. Jones
Mayor

/s/ Linda L. Vanden Bosch
Clerk-Treasurer

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

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In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the code's historical evolution.

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2014-05	8-25-14	Omitted	Supp. No. 19
2014-06	12-15-14	Omitted	Supp. No. 19
2014-07	12- 8-14	Omitted	Supp. No. 19
2015-01	4-13-15	Included	Supp. No. 19
2015-02	5-26-15	Omitted	Supp. No. 19

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Greenville, Alabama," and may be so cited. (Code 1968, § 1-1)

State law reference—Authority of council to provide for the revision and codification of its ordinances or for the adoption of a code by ordinance, Code of Ala. 1975, § 11-45-7.

Sec. 1-2. Rules of construction; definitions.

In the construction of this Code, and of all ordinances of the city, the following rules shall be observed, unless the context clearly indicates otherwise:

Alabama Code or *Code of Alabama 1975* shall refer to the Code of Alabama 1975, as amended, or the latest subsequent code of the state.

Bond. When a bond is required, an undertaking in writing is sufficient.

City. The words "the city" or "this city" shall mean the City of Greenville, Alabama.

City clerk. The term "city clerk" shall refer to the city clerk-treasurer, as set out in section 2-81.

City limits; city limit line. The terms "city limits" and "city limit line" shall mean the corporate limits of the City of Greenville, as established by Act No. 308, H. 209 (Acts 1969, p. 643) of the 1969 Regular Session of the Alabama Legislature.

Code. The words "this Code" or "the Code" shall mean the Code of Ordinances, City of Greenville, Alabama.

Computation of time. The time in which an act is to be done must be computed by excluding the first and including the last day, and, if the last day be a Sunday or legal holiday, that shall be excluded.

State law references—Similar provisions, Code of Ala. 1975, § 1-1-4; holidays enumerated, Code of Ala. 1975, § 1-3-8.

Council. The term "council" shall mean the mayor and councilmembers of Greenville, Alabama.

County. The words "the county" or "this county" shall mean the County of Butler, Alabama.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Health officer. The term "health officer" shall mean the health officer of the County of Butler, Alabama.

Joint authority. All words giving joint authority to three (3) or more persons or officers give such authority to a majority of such persons or officers, unless it is otherwise declared.

Number. Singular terms include the plural if the context requires or admits.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officer or *agency.* Designation of an officer or agency, without qualifying words, shall refer to such officer or agency of this city.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

Person. The word "person" shall include and be applied to associations, clubs, societies, firms, partnerships, trustees and other fiduciaries and bodies politic and corporate as well as to individuals.

Personal property. The term "personal property" includes every species of property except real property.

Property. The word "property" includes real and personal property.

Real property. The term "real property" includes lands, tenements and hereditaments.

Shall, may. The word "shall" is mandatory; the word "may" is permissive.

Signature or *subscription.* A "signature" or "subscription" includes a mark when a person cannot write.

State law reference—Signature on conveyances, Code of Ala. 1975, § 35-4-20.

State. The words "the state" or "this state" shall be construed to mean the State of Alabama.

Streets. The word "streets" shall mean streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways.

Subdivision. The word "subdivision" shall mean the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Such term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Tense. Words used in the present or past tense include the future as well as the present and past.

Writing or *Written.* The word "writing" or "written" shall include typewriting and printing on paper.

Year and *month.* The word "year" means a calendar year and the word "month" means a calendar month.

(Code 1968, § 1-2)

State law reference—Meaning of certain words and terms in state laws, Code of Ala. 1975, §§ 1-1-1 et seq., 11-52-1.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(Code 1968, § 1-3)

Sec. 1-4. Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any repealed ordinance.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

(Code 1968, § 1-4)

Sec. 1-5. Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, unenforceable or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1968, § 1-5)

State law reference—Severability of provisions of statutes, Code of Ala. 1975, § 1-1-16.

Sec. 1-6. Amendments to Code.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the council to make the same a part hereof, shall be deemed to be incorporated herein, so that a reference to the Code shall be understood and intended to include such additions and amendments.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____ of the Code of Ordinances, City of Greenville, Alabama, is hereby amended to read as follows. . . ." The new provisions may then be set out in full as desired.

(c) In the event a new section, article or chapter not heretofore existing in the Code is to be added, the following language may be used:

"That the Code of Ordinances, City of Greenville, Alabama, is hereby amended by adding a section (or article or chapter) to be numbered _____, which section (or article or chapter) reads as follows. . . ." The new section, article or chapter may then be set out in full as desired.

(d) All sections, articles, chapters or other provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.
(Code 1968, § 1-6)

State law reference—Amendment of ordinances, Code of Ala. 1975, § 11-45-6.

Sec. 1-7. Ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;

(2) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;

(3) Any ordinance relating to specific persons or specific property;

(4) Any ordinance fixing salaries of appointed officers or employees of the city;

(5) Any appropriation ordinance;

(6) Any right or franchise granted by the council to any person;

(7) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city;

(8) Any ordinance establishing and prescribing the street grades of any street in the city;

(9) Any ordinance providing for local improvements or assessing taxes therefor;

(10) Any ordinance relating to any contract or obligation assumed by the city;

(11) Any ordinance dedicating or accepting any plat or subdivision in the city, or providing regulations for the same;

(12) Any ordinance annexing property to the city;

(13) Any zoning ordinance of the city;

(14) Any ordinance prescribing speed limits or other traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with such Code; and

(15) Any temporary or special ordinance.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.
(Ord. of 8-27-68, § 3)

Sec. 1-8. Altering Code.

It shall be unlawful for any person to change or amend, by addition or deletion, any portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with this Code in any manner which will cause the law of the city to be misrepresented.
(Code 1968, § 1-7)

Sec. 1-9. General penalty; continuing violations.

Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punishable by a fine of not less than one dollar ($1.00) nor more than five hundred dollars ($500.00), and in addition may be punished by imprisonment or hard labor for the city for a period not exceeding six (6) months except, when in the enforcement of the penalties prescribed in Code of Ala. 1975, section 32-5A-191, such fine shall not exceed five thousand dollars ($5,000.00) and such sentence of imprisonment or hard labor shall not exceed one (1) year. Each day's violation of this Code or of any ordinance shall constitute a separate offense.
(Code 1968, § 1-8; Ord. of 5-2-22; Ord. No. 1975-5, § 1, 3-10-75)

State law references—Power of municipal corporations to enforce obedience to ordinances, Code of Ala. 1975, § 11-45-1; penalties which may be imposed for violations of ordinances, Code of Ala. 1975, § 11-45-9; driving while under influence of alcohol, controlled substances, etc., Code of Ala. 1975, § 32-5A-191.

Sec. 1-10. Provisions adopted by reference.

Matters are adopted by reference in the following sections of this Code:

Section	*Subject*
1-2, 2-1	Corporate limits from Alabama Legislature, Regular Session 1969, Act No. 308, H. 209 (Acts 1969, page 643)
2-65	Holding special meetings of council, Code of Alabama 1975, section 11-43-50; determining quorum, Code of Alabama 1975, section 11-43-48
2-111, 2-116	Social Security Act and amendment, including Public Law No. 734, Eighty-first Congress

Section	*Subject*
3-1	Definitions relating to alcoholic beverages, Code of Alabama 1975, § 28-3A-1 et seq.
3-2	Rules of Alabama Alcoholic Beverage Control Board
3-21	Classification of alcoholic beverage establishments, Code of Alabama, section 28-3A-1 et seq.
4-27, 4-30	Inoculation of dogs, Code of Alabama 1975, section 3-7-2
5-2	*Standard Building Code*
5-4	*Standard Gas Code*
5-5	*Standard Mechanical Code*
5-6	*Standard Housing Code*
5-7	*Standard Excavation and Grading Code*
5-21	*National Electrical Code*
5-41	*Standard Plumbing Code*
7-38	*Standard Fire Prevention Code; Code for Safety to Life from Fire in Buildings and Structures (Life Safety Code)*
7-121	Flammable liquid dispensing, etc., federal, state and National Fire Protection Association guidelines and requirements
8-12	Flood insurance study
10-17	Duties of automobile dealers, Code of Alabama 1975, section 40-12-390 et seq.; license for banks, Code of Alabama 1975, section 11-51-130; license for savings and loan associations, Code of Alabama 1975, § 11-51-131
10-138	Exemption from transient room tax, Code of Alabama 1975, section 40-23-1 et seq.
12-1	State motor vehicle and traffic laws and regulations
13-1	Misdemeanors, etc., under state law
18-4	State highway department standards for accommodating utilities on highway rights-of-way
19-7	Collection of taxes, Code of Alabama 1975, sections 11-51-40—11-51-74
19-21	Compensation for tax assessor and tax collector, Code of Alabama 1975, § 40-6A-2

Section	*Subject*
20-26 et seq.	Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. 1251 et seq.; *Standard Industrial Classification Manual; Standard Methods for the Examination of Water and Sewage;* Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.; *ASTM and WPCF Manual of Practice No. 9*
2-57	Nuisance action for discharge of pollutants, Code of Alabama 1975, sections 6-5-122, 11-47-117, 11-47-118
20-79	National categorical pretreatment standards
20-80	Alabama requirements and limitations on sewage discharges
App. A, §§ 402, 1109	Zoning map
App. A, § 1109	Standards for determining obstructions to air navigation; administrative agency, Code of Alabama 1975, sections 4-6-9, 4-6-10
App. A, § 1301	Administration, Code of Alabama 1975, section 11-52-7
App. B, §§ 1, 31	Regulation of subdivisions, Code of Alabama 1975, sections 11-52-30—11-52-36
App. B, § 22	Thoroughfare plan

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Chapter 2

ADMINISTRATION*

Art. I. **In General, §§ 2-1—2-25**
Art. II. **Mayor, §§ 2-26—2-60**
Div. 1. Generally, §§ 2-26—2-40
Div. 2. Emergency Powers, §§ 2-41—2-60
Art. III. **Council, §§ 2-61—2-80**
Art. IV. **Officers and Employees, §§ 2-81—2-116**
Div. 1. Generally, §§ 2-81—2-95
Div. 2. Personnel System, §§ 2-96—2-110
Div. 3. Social Security, §§ 2-111—2-116

ARTICLE I. IN GENERAL

Sec. 2-1. Definition.

As used in this chapter, the terms "city limits" and "city limit line" shall mean the corporate limits of the City of Greenville, as established by Act No. 308, H. 209 (Acts 1969, p. 643) of the 1969 Regular Session of the Alabama Legislature.
(Code 1968, § 6.5-1)

Sec. 2-2. Qualification fee by all candidates in municipal elections.

(a) There is hereby established a qualifying fee of fifty dollars ($50.00) which shall be paid by each candidate who seeks election as mayor or to the council. This qualifying fee shall be paid to the city clerk at the time of the filing of the qualification papers by the candidate with the city clerk.

(b) Any person desiring to qualify who is not financially able to pay the required fee may qualify, provided the prospective candidate furnishes the clerk with an affidavit stating that he is financially unable to pay the required fee fixed by this section.

***Cross references**—Buildings, Ch. 5; emergency management, Ch. 6; fire prevention and protection, Ch. 7; fire department, § 7-21 et seq.; health, Ch. 9; parks and recreation, Ch. 14; police department, Ch. 15; rescue squad, Ch. 16; solid waste, Ch. 17; streets and sidewalks, Ch. 18; taxation, Ch. 19; utilities, Ch. 20; zoning board of adjustment, App. A, Art. XIV.

State law references—Counties and municipal corporations, Code of Ala. 1975, Title 11; provisions applicable to municipal corporations only, Code of Ala. 1975, § 11-40-1 et seq.; industrial development boards, Code of Ala. 1975, § 11-54-80 et seq.; provisions applicable to counties and municipal corporations, Code of Ala. 1975, § 11-80-1 et seq.; municipal housing authorities, Code of Ala. 1975, § 24-1-20 et seq.

(c) This section is adopted pursuant to Code of Alabama 1975, section 11-46-2, and shall be effective in all elections, both general and special, for aforesaid offices from and after the date of adoption.
(Code 1968, § 6.5-6)

State law references—Elections, Code of Ala. 1975, § 17-1-1 et seq.; municipal elections, Code of Ala. 1975, § 11-46-1 et seq.

Sec. 2-3. Use of employees and equipment on private property.

(a) The agents, officers and employees of the city shall not be gratuitously used to put in driveways, grade or do any work whatsoever on privately owned property.

(b) The equipment of the city shall not be gratuitously loaned or used in any manner for work on privately owned property.
(Code 1968, § 2-13)

State law references—Interest in city contracts, Code of Ala. 1975, §§ 11-43-12, 11-43-53; voting on certain matters, Code of Ala. 1975, § 11-43-54; code of ethics for public officials, employees, etc., Code of Ala. 1975, § 36-25-1 et seq.

Sec. 2-4. Purchases.

All purchases in excess of five thousand dollars ($5,000.00) shall comply with the state competitive bid law. Purchases of less than five thousand dollars ($5,000.00) but more than one thousand dollars ($1,000.00) shall be made only upon prior approval by the city council. Purchases of less than one thousand dollars ($1,000.00) but more than five hundred dollars ($500.00), shall be made only upon advance approval by the mayor. Purchases of less than five hundred dollars ($500.00) shall be made upon authorization by the city clerk.
(Code 1968, § 2-12; Ord. No. 1989-05, § 1, 7-10-89)

State law references—Purchase of services or personal property by certain municipalities from elected officials, Code of Ala. 1975, § 11-43-12.1; public contracts, Code of Ala. 1975, § 41-16-1 et seq.; municipal contracts for which competitive bidding required, Code of Ala. 1975, § 41-16-50.

Sec. 2-5. Collection by suit, limitation.

Except as otherwise provided by law, all licenses, franchise taxes and other taxes levied by the city shall constitute debts due the city and may be collected by civil suit, in addition to the methods provided in this Code brought at any time within five (5) years after the tax has become due and payable.
(Code 1968, § 9-160)

State law reference—Similar provisions, Code of Ala. 1975, § 6-2-35.

Sec. 2-6. Planning commission.

There is hereby established a city planning commission, pursuant to the authority and requirements of Code of Ala. 1975, section 11-52-2 et seq.

Sec. 2-7. City-county library board.

(a) Pursuant to a joint resolution adopted by the county commission and the council, there is hereby established a joint public library service to be known as the "Greenville-Butler County Public Library." This library shall be administered by a library board consisting of seven (7) members. Three (3) members shall be appointed by the county commission and four (4) members shall be appointed by the council. Each appointing body shall appoint one (1) member for one (1) year, one (1) member for two (2) years, and one (1) member for three (3) years. Also, the council shall appoint one (1) member for four (4) years. Following these initial appointments, all appointments shall be for four (4) years.

(b) All vacancies and appointments, whether for expired or unexpired terms, shall be filled by appointment of the governing body that made the appointment of the outgoing board member.

(c) Members of the library board shall serve without compensation.

(d) The library board created by this section shall have all of the powers and duties authorized in the Code of Alabama, 1975, Chapter 90 of Title 11, as last amended.

(e) The library shall operate under such rules of governance as may be prescribed by law, or in the absence of statutory direction, as prescribed by the library board.

(f) Upon dissolution, all of the Greenville-Butler County Public Library assets remaining after the payment or discharge of all liabilities; the return, transfer or conveyance of assets held on conditions requiring the same; and the transfer or conveyance of assets received and held subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes shall be distributed as follows: to the City of Greenville, Alabama, or its successors in name or charter, or to some other duly qualified entity organized and operating as a Section 501(c)(3) organization under the Internal Revenue Code of the United States of America.

(Ord. No. 1985-7, 9-9-85; Ord. No. 1991-4, § 2, 6-7-91)

State law references—Free public libraries, Code of Ala. 1975, § 11-90-1 et seq.; library boards generally, Code of Ala. 1975, § 11-90-2 et seq.; establishment and maintenance of joint library service, Code of Ala. 1975, § 11-90-4.

Sec. 2-8. Tree commission.

(a) There is hereby established a tree commission. The mayor and the councilmen who serve as chairmen of the committee on sanitation and of the committee on parks and recreation shall serve as ex officio members. The mayor shall appoint six (6) additional members for the city. Two (2) shall be appointed for one (1) year, two (2) shall be appointed for two (2) years, and two (2) shall be appointed for three (3) years. Following the initial appointment, two (2) members shall be appointed annually to serve for three (3) years. Members shall serve until their successors are appointed. Members shall not be compensated for serving on this commission.

(b) The tree commission shall provide in its minutes for regular periodic meetings. Meetings may also be called by the mayor, by either of the two (2) council members, or by any three (3) of the other members, after giving not less than three (3) days' notice of the date, time and place of the special meeting.

(c) The tree commission may make recommendations to the mayor and the council on the needs of the city in connection with its tree planting program; it may recommend the type and kind of trees to be planted upon municipal streets, parks and other public places within the municipality; it may assist the council in providing information regarding the protection, maintenance, removal, and planting of trees on public property and, where requested by the owner, on private property; it may meet with the city planning commission and assist in making a master street plan by recommending the use and species of trees; it may recommend to the council which trees are considered to be unwanted or weed trees, and identify and recommend removal of any dead, dying, diseased or insect-infected trees; and it may make studies and report back to the council with recommendations on matters concerning trees in the city.

(d) Nothing contained in this section shall be construed to prevent public utilities from trimming and removing trees in connection with the construction and maintenance of the utility's facilities on public streets, alleys or rights-of-way; nothing contained in this section shall prevent the city from removing any tree or portion of any tree that the city deems to be dangerous, not only from the tree's infected condition or from a danger of falling, but where dangerous at corners or intersections in that the tree would obscure the view of the drivers of motor vehicles approaching the said intersection.

(e) Nothing contained in this section shall prevent the removal of any trees or portions of trees on private property, and this section is not intended to restrict the removal of trees by the owners of private property.

(Ord. No. 1985-4, §§ 1—5, 5-27-85)

Cross references—Parks and recreation, Ch. 14; streets and sidewalks, Ch. 18; weeds and debris, § 13-46 et seq.

State law references—Planning commissions, Code of Ala. 1975, § 11-52-2 et seq.; master plan for physical development of city, Code of Ala. 1975, § 11-52-8 et seq.; municipal forest lands, Code of Ala. 1975, § 11-84-1 et seq.

Secs. 2-9—2-25. Reserved.

ARTICLE II. MAYOR*

DIVISION 1. GENERALLY

Sec. 2-26. Election, qualification, term of office.

At the municipal election to be held in 1984, and each four (4) years thereafter, the qualified electors of the city at large who are entitled to participate in such elections shall elect a mayor, who must be a bona fide elector of, and who must actually reside in the city limits of, the city. The mayor shall hold office for a period of four (4) years, and until his successor shall be duly elected and qualified, or until the mayor shall resign, die, move his residence outside the city limits or otherwise be removed from office.
(Code 1968, § 6.5-5)

State law reference—Qualifications and residence of mayor, Code of Ala. 1975, § 11-43-1.

Sec. 2-27. Mayor is chief executive officer and council president.

The chief executive officer of the city is the mayor and he shall preside at all council meetings. In his absence the council shall designate one (1) of its members to preside.
(Code 1968, § 2-1)

State law references—Mayor to be chief executive officer, Code of Ala. 1975, § 11-43-81; appointment of temporary chairman in absence of mayor, Code of Ala. 1975, § 11-43-49.

Sec. 2-28. Salary.

The Mayor of the City of Greenville, Alabama, shall receive for performance of his duties as mayor an annual salary of forty-eight thousand dollars ($48,000.00) to be paid in twelve (12) equal monthly installments of four thousand dollars ($4,000.00) on the first payday of each month.
(Code 1968, § 2-3; Ord. No. 1987-15, § 1, 12-7-87; Ord. No. 2006-01, 2-27-06)

Note—It should be noted that section 3 of Ord. No. 2006-01 provided that this section shall become effective on the first Monday in October, 2008, and shall continue in force and effect until repealed by action of the council.

State law reference—Compensation of municipal officers, Code of Ala. 1975, § 11-43-6.

Secs. 2-29—2-40. Reserved.

DIVISION 2. EMERGENCY POWERS†

Sec. 2-41. Authorized actions under proclamation.

Whenever the mayor or, in the event of his absence or inability to act, the mayor pro tempore of the council determines that an emergency exists as a result of mob action or other civil

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***Cross reference**—Issuance by mayor of special licenses, § 10-19.

State law reference—Mayor, Code of Ala. 1975, § 11-43-80 et seq.

†**Cross reference**—Emergency management, Ch. 6.

State law references—Issuance of proclamation closing shops and forbidding sale of arms, ammunition, etc., during riots, etc., Code of Ala. 1975, § 11-43-82; ordinances providing for public safety, order, etc., Code of Ala. 1975, § 11-45-1.

disobedience causing danger, injury or damage to persons or property, he shall have power to impose by proclamation any of the following regulations necessary to preserve the peace and order of the city:

(1) To impose a curfew upon all or any portion of the city, thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and city-authorized or city-requested law enforcement officers and personnel may be exempted from such curfew.

(2) To order the closing of any business establishments anywhere within the city for the period of the emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, malt beverages, gasoline or firearms.

(3) To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.

(4) To call upon regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace within the city.

(Code 1968, § 11-45)

State law reference—Authority of state alcoholic beverage control board to close alcoholic beverage establishments during emergencies, Code of Ala. 1975, § 28-3-47.

Sec. 2-42. When proclamation effective.

The proclamation of emergency provided in this division shall become effective upon its issuance and dissemination to the public by appropriate news media.

(Code 1968, § 11-46)

Sec. 2-43. Penalty for violating orders under proclamation.

Any person who shall willfully fail or refuse to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized in this division shall be deemed guilty of a misdemeanor.

(Code 1968, § 11-48)

Sec. 2-44. Termination of emergency; extending proclamation.

Any emergency proclaimed in accordance with the provisions of section 2-41 shall terminate after forty-eight (48) hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, that the emergency may be extended for such additional periods of time as determined necessary by resolution of the council.

(Code 1968, § 11-47)

Secs. 2-45—2-60. Reserved.

ARTICLE III. COUNCIL*

Sec. 2-61. Districts—Designated.

The city is divided into five (5) single-member districts designated as District No. 1, District No. 2, District No. 3, District No. 4 and District No. 5.

The voting place for each council district is hereby established as follows:

District No. 1—Greenville Police Department [215 Administrative Drive];

District No. 2—Greenville City Hall [119 East Commerce Street];

District No. 3—Butler County Health Department [350 Airport Road];

District No. 4—Beeland Park Recreation Center [1018 East Commerce Street];

District No. 5—Dunbar Community Center [208 School Highland Road].
(Code 1968, § 6.5-2; Ord. No. 1996-4, § 1, 4-1-96; Ord. No. 2004-02, § 1, 3-8-04; Ord. No. 2011-08, § 1, 9-26-11)

Sec. 2-62. Same—Described.

(a) *District No. 1* shall include all that part of the City of Greenville which lies along and within the area enclosed by a line described as follows or which runs along and is bounded by the centerline of the following highways, roads, streets, avenues and/or alleyways:

Begin at the point where Pineapple Highway (Alabama Highway No. 10) intersects the west line of the city limits and run thence east along the north side of Pineapple Highway to Administrative Drive; thence north along the west side of Administrative Drive to Oak Street; thence east along the north side of Oak Street to Water Street; thence south along the east side of Water Street to West Commerce Street; thence east along the north side of West Commerce Street to North College Street; thence north along the west side of North College Street to Fort Dale Road; thence northwesterly along the west side of Fort Dale Road to Executive Drive; thence east and north along the north side of Executive Drive to the Greenville Bypass (Alabama No. 245); thence west along the south side of the Greenville Bypass to Fort Dale Road (Alabama Highway No. 185); thence north along the west side of Fort Dale Road to the intersection thereof with Braggs Road (Alabama Highway No. 263); thence north along the west side of Braggs Road to the point where the same intersects the north line of the city limits; thence west along the north city limit line to the point where the same intersects with the west city limit line; thence along the west city limit line to the point where the same intersects Pineapple Highway (Alabama Highway No. 10), the point of beginning.

***State law reference—**City councils, Code of Ala. 1975, § 11-43-40 et seq.

(b) *District No. 2* shall include all that part of the City of Greenville which lies along and within the area enclosed by a line described as follows or which runs along and is bounded by the centerline of the following highways, roads, streets, avenue and/or alleyways:

Begin at the point where Executive Drive intersects the Greenville Bypass (Alabama Highway No. 245) and run east along the south side of the Greenville Bypass to Glendale Avenue; thence south along the west side of Glendale Avenue to Northgate Road; thence southeasterly along the west side of Northgate Road to Overlook Road; thence south along the west side of Overlook Road to Butler Street; thence east and south along the west side of Butler Street to Fort Dale Street; thence southeasterly along the west side of Fort Dale Street to Cedar Street; thence east along the south side of Cedar Street to North Conecuh Street; thence south along the west side of North Conecuh Street to the Butler County Courthouse; thence south along the west side of South Conecuh Street to East Parmer Street; thence west along the north side of East Parmer Street to Winkler Street; thence north along the east side of Winkler Street to West Commerce Street; thence west along the north line of West Commerce Street to the intersection of North College Street; thence north along the east side of North College Street to Fort Dale Road; thence northwesterly along the east side of Fort Dale Road to Executive Drive; thence east and north along the south side of Executive Drive to the Greenville Bypass, the point of beginning.

(c) *District No. 3* shall include all that part of the City of Greenville which lies within the area enclosed by a line described as follows or which runs along and is bounded by the centerline of the following highways, roads, streets, avenues and/or alleyways:

Begin where Braggs Road (Alabama Highway No. 263) intersects the north city limit line and run thence southeasterly along the east side of Braggs Road (Alabama Highway No. 263) to the intersection thereof with Fort Dale Road (Alabama Highway No. 185); thence south along the east side of Fort Dale Road to the Greenville Bypass (Alabama Highway No. 245); thence east along the north side of the Greenville Bypass to Glendale Avenue; thence south along the east side of Glendale Avenue to Northgate Road; thence southeasterly along the east side of Northgate Road to Overlook Road; thence south along the east side of Overlook Road to Butler Street; thence east and south along the eastern side of Butler Street to Fort Dale Street; thence southeasterly along the northeastern side of Fort Dale Street to Cedar Street; thence east along the north side of Cedar Street to North Conecuh Street; thence south along the east side of North Conecuh Street to the Butler County Courthouse; thence continue east along the north side of East Commerce Street to Cunningham Street; thence South along the east side of Cunningham Street to the point where the same intersects the centerline of the bed of Tanyard Branch; thence south along Tanyard Branch until it empties into Persimmon Creek; thence south along Persimmon Creek to the south city limit line; thence east along the south city limit line to the east city limit line; thence north and east along the eastern city limit line to Lakeberry Road; thence north along the west side of Lakeberry Road to its intersection with Norman Road; thence east along the north side of Norman Road to Luverne Highway (Alabama Highway No. 10); thence west along Luverne Highway and north along the east city limit line to Hollyhill

Road; thence west along the south side of Hollyhill Road across U.S. Highway 31 and Persimmon Creek following the north city limit line to Braggs Road (Alabama Highway No. 263), the point of beginning.

(d) *District No. 4* shall include all that part of the City of Greenville which lies along and within the area enclosed by a line described as follows or which runs along and is bounded by the centerline of the following highways, roads, streets, avenues and/or alleyways:

Begin at the point where West Parmer Street intersects Winkler Street and run thence south along the east side of Winkler Street to West Field Street; thence east along the north side of West Field Street to Harrison Street; thence south along the east side of Harrison Street to West Perdue Street; thence east along the north side of West Perdue Street to Oglesby Street; thence east along the north side of East Perdue Street to South Park Street; thence south along the east side of South Park Street to Lincoln Street; thence west along the south side of Lincoln Street to Carver Circle; thence southwesterly along the south side of Carver Circle to Oglesby Street; thence south along the east side of Oglesby Street to the point where the same intersects the centerline of the bed of a well defined creek (the same being a part of the city's storm sewer system; run thence southeasterly along the centerline of the bed of the said creek to the south city limit line; thence east along the south city limit line to Persimmon Creek; thence north along Persimmon Creek to the point where Tanyard Branch empties in to Persimmon Creek; thence north along Tanyard Branch to Cunningham Street; thence northeasterly along the northwestern side of Cunningham Street to East Commerce Street (Alabama Highway No. 10); thence west along the south side of East Commerce Street to the Butler County Courthouse; thence south along the east side of South Conecuh Street to East Parmer Street; thence west along the south side of East Parmer Street to Winkler Street, the point of beginning.

(e) *District No. 5* shall include all that part of the City of Greenville which lies along and within the area enclosed by a line described as follows or which runs along and is bounded by the centerline of the following highways, roads, streets, avenues and/or alleyways:

Begin at the point where the centerline of Pineapple Highway (Alabama Highway No. 10) intersects the west city limit line and run thence easterly along the south side of Pineapple Highway to Administrative Drive; thence north along the east side of Administrative Drive to Oak Street; thence east along the south side of Oak Street to Water Street; thence south along the west side of Water Street to West Commerce Street; thence east along the south side of West Commerce Street to Winkler Street; thence south along the west side of Winkler Street to West Field Street; thence east along the south side of West Field Street to Harrison Street; thence south along the west side of Harrison Street to West Perdue Street; thence east along the south side of West Perdue Street to Oglesby Street; thence continue east along the south side of East Perdue Street to South Park Street; thence south along the west side of South Park Street to Lincoln Street; thence west along the north side of Lincoln Street to Carver Circle; thence southwesterly along the north side of Carver Circle to Oglesby Street; thence south along the west side of Oglesby Street to the point where Oglesby Street intersects with the centerline of the bed of a well defined creek (which is

currently part of the city's storm sewer system); thence southeasterly along the centerline of the bed of the said creek to the south city limit line; run thence west along the south city limit line to the west city limit line; thence north along the west city limit line to Pineapple Highway, the point of beginning.

(Ord. No. 2000-06, § I, 6-13-00; Ord. No. 2004-03, § 1, 3-8-04; Ord. No. 2011-07, § 1, 9-26-11)

Sec. 2-63. Election, qualifications, term of office.

At the municipal election in 1984, and every four (4) years thereafter, the qualified electors in each of the above-described districts of the city who are entitled to participate in such election shall elect one (1) councilman to the council for that district. Each councilman so elected must be a bona fide elector of, and must actually reside in, the district for which he is elected. Each councilman so elected shall hold office for a period of four (4) years, and until his successor shall be elected and qualified, or until such councilman shall resign, die, move his residence outside that district, or otherwise be removed from office.

(Code 1968, § 6.5-4)

State law reference—Qualifications and residence of councilmen, Code of Ala. 1975, § 11-43-1.

Sec. 2-64. Salary.

The members of the City Council of Greenville, Alabama, shall receive for performance of his or her duties as a member of the council an annual salary of eight thousand four hundred dollars ($8,400.00) to be paid in twelve (12) equal monthly installments of seven hundred dollars ($700.00) on the first payday of each month.

(Code 1968, § 2-4; Ord. No. 1987-15, § 2, 12-7-87; Ord. No. 2006-02, 2-27-06)

Note—It should be noted that section 3 of Ord. No. 2006-02 provided that this section shall become effective on the first Monday in October, 2008, and shall continue in force and effect until repealed by action of the council.

State law reference—Compensation of municipal officers, Code of Ala. 1975, § 11-43-6.

Sec. 2-65. Meetings; time; rules of procedure.

Municipal officers elected at regular elections shall assume the duties of their respective offices on the first Monday in November following their election unless otherwise altered by action of the state and shall serve until their successors are elected and qualified.

The order of procedure in all instances for meetings of the council shall be as follows:

(1) That the rules or order of procedure herein contained shall govern deliberations and meetings of the City Council of Greenville, Alabama.

(2) Regular meetings of the council shall be held on the second and fourth Mondays of each month.

(3) Special meetings may be held at the call of the presiding officer by serving notice on each member of the council not less than twenty-four (24) hours before the time set for such meetings; or special meetings may be held as provided by Section 11-43-50, Code of Alabama, 1975, whenever two (2) councilmembers (or the mayor) making the request shall have the right to call such meeting. Notice of all special meetings shall be posted on a bulletin board accessible to the public at least twenty-four (24) hours prior to such meeting.

(4) A quorum shall be determined as provided by Section 11-43-48, Code of Alabama.

(5) All regular meetings shall convene at 5:30 p.m. at the city hall and all meetings, regular and special, shall be open to the public.

(6) The order of business shall be as follows:

a. A call to order.

b. Roll call.

c. Reading and approval of the minutes of the previous meeting.

d. Reports of standing committees.

e. Reports of special committees.

f. Reports of officers.

g. Reading of petitions, applications, complaints, appeals, communications, etc.

h. Auditing accounts.

i. Resolutions, ordinances, orders and other business.

j. Public comments.

(7) No member shall speak more than twice on the same subject without permission of the presiding officer.

(8) No person, not a member of the council, shall be allowed to address the same while in session without permission of the presiding officer.

(9) Every officer, whose duty it is to report at the regular meetings of the council, who shall be in default thereof, may be fined at the discretion of the council.

(10) Notions shall be reduced to writing when required by the presiding officer of the council or any member of the council. All resolutions and ordinances and any amendments thereto shall be in writing at the time of introduction.

(11) Motions to reconsider must be by a member who voted with a majority and at the same or next succeeding meeting of the council.

(12) Whenever it shall be required by one or more members, the "yeas" and "nays" shall be recorded and any member may call for a division on any question.

(13) All questions of order shall be decided by the presiding officer of the council with the right of appeal to the council by any member.

(14) The presiding officer of the council may, at his or her discretion, call any member to take the chair, to allow him or her to address the council, make a motion, or discuss any other matter at issue.

(15) Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be first put.

(16) All meetings of the council shall be open to the public, except when the council meets in executive session as authorized by state law.

(17) The council may meet in executive session only for those purposes authorized by state law. When a councilmember makes a motion to go into executive session for an enumerated purpose, the presiding officer shall put the motion to a vote. If the majority of the council shall vote in favor of the motion to go into executive session, the body shall then move into executive session to discuss the matter for which the executive session was called. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberations in public.

(18) A motion for adjournment shall always be in order.

(19) The rules of the council may be amended in the same manner as any other ordinance of general and permanent operation.

(20) The rules of the council may be temporarily suspended by a vote of two-thirds (⅔) of the members present.

(21) The chairman of each respective committee, or the councilmember acting for him or her, shall submit or make all reports to the council when so requested by the presiding officer or any member of the council.

(22) All ordinances, resolutions or propositions submitted to the council which require the expenditure of money shall lie over until the next meeting; provided, that such ordinances, resolutions, or propositions may be considered earlier by unanimous consent of the council; and provided further, that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of officers, or wages of employees of the city.

(23) The clerk, engineer, attorney and chief of police, and such other officers or employees of the city shall, when requested, attend all meetings of the council and shall remain in the council room for such length of time as the council may direct.

(24) No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent be obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the vote thereon spread on the minutes.

(25) Roberts Rules of Order is hereby adopted as the rules of procedure for this council in those situations which cannot be resolved by the rules set out in this section.

(Code 1968, § 2-6; Ord. No. 1991-9, § 1, 11-18-91; Ord. No. 196-10, § 1, 10-7-96; Ord. No. 2000-08, § 1, 10-24-00; Ord. No. 2008-03, § 1, 6-23-08)

State law references—Organizational meeting of council, Code of Ala. 1975, § 11-43-44; time and place of meetings, open to public, temporary chairman, Code of Ala. 1975, § 11-43-49;

holding of regular meetings, calling of special meetings, Code of Ala. 1975, § 11-43-50; compulsion of attendance of councilmembers, Code of Ala. 19795, § 11-43-51; procedures for adoption of ordinances or resolutions generally, Code of Ala. 1975, § 11-45-2.

Sec. 2-66. Electronic voting device system.

(a) For all municipal elections held subsequent to the passage of this section, the use of the electronic voting device system, Sequoia Voting Systems Optech III P Eagle Electronic Vote Counting System, that complies with Code of Ala. 1975, § 17-7-21 and any regulations adopted pursuant thereto, currently being used by county election officials for county elections at the appointed time of the municipal election is hereby authorized for reporting, counting, and tabulating any and all municipal election results.

(b) For all municipal elections held subsequent to the passage of this section, the use of a voting device system to assist disabled voters, ES&S AutoMARK^{TM}, that complies with Code of Ala. 1975, § 17-2-4 and any regulations adopted pursuant thereto, currently being used by county election officials for county elections at the appointed time of the municipal election is hereby adopted.

(c) The Mayor of the City of Greenville is hereby directed to file a copy of this resolution with the secretary of state as provided in Code of Ala. 1975, § 17-7-21.

(d) This section shall become effective immediately upon its adoption and subsequent publication as required by law and shall be submitted to the department of justice for preclearance.
(Ord. No. 2008-04, 6-23-08)

Secs. 2-67—2-80. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-81. Clerk.

There shall be elected by the council, at its first regular meeting or as soon thereafter as practicable, a city clerk (city clerk-treasurer), who shall hold office until the next general election and until his successor is elected and qualified and the council may elect any officers whose election is required by ordinance, and, except as otherwise provided, the council shall have authority to fix the terms of office, prescribe their duties and fix the salaries of the officers. The council may, by ordinance, require the city clerk to be a resident of the city. Such council

may by a two-thirds (⅔) vote of the members elected, by and with the consent of the mayor, consolidate two (2) or more of the offices and may abolish any such offices, provided that the term of office of no incumbent shall be diminished.
(Code 1968, § 2-7)

State law reference—Similar provisions, Code of Ala. 1975, § 11-43-3.

Sec. 2-82. Who may administer oaths, issue arrest warrants, approve appearance bonds.

The city clerk, chief of police and the circuit clerk of the county are each individually designated as persons authorized to administer oaths and issue warrants of arrest for violations of law and the ordinances of this city, and they are further authorized to approve appearance bonds of persons arrested.
(Code 1968, § 2-10)

State law reference—Authority for above section, Code of Ala. 1975, § 11-43-5.

Sec. 2-83. Money; collections.

The city clerk or persons designated by the city clerk shall receive all collections of money due the city, except that the office of the circuit clerk of the county may collect fines and costs which are assessed in the district court of the county for violation of municipal laws.
(Code 1968, § 2-11)

State law references—Municipal officers to pay over public moneys received, daily balances required, Code of Ala. 1975, § 11-43-10; maintenance, etc., of municipal books and accounts, Code of Ala. 1975, § 11-43-102.

[Sec. 2-84. Election tabulation officials—Absentee ballots.]

(a) At the time all other election officials are appointed pursuant to law, there shall be appointed five (5) additional election officials who shall meet on the day of the election at the place and hour as provided for all election officials for the purpose of receiving, counting, and returning the absentee ballots cast in the election.

(b) The absentee election officials appointed pursuant to this ordinance shall be in addition to other election officials required by law and shall be appointed in the same manner as other election officials.

(c) When the absentee officials are appointed pursuant to this section, one (1) of them shall be designated as the inspector.
(Ord. No. 2012-02, §§ 1—3, 2-27-12)

Editor's note—Ord. No. 2012-02, §§ 1—3, adopted Feb. 27, 2012, did not specifically amend the Code; therefore, these provisions have been added at the editor's discretion.

Secs. 2-85—2-95. Reserved.

DIVISION 2. PERSONNEL SYSTEM

Sec. 2-96. Purpose.

There is hereby established a personnel system for the city. This system shall be established on the following merit principles:

(1) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open competition of qualified applicants for initial appointment;

(2) Establishing pay rates consistent with the principle of providing comparable pay for comparable work;

(3) Training employees, as needed, to assure high-quality performance;

(4) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected;

(5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, creed, national origin or ancestry, sex, religion or physical disability.

(Code 1968, § 11¼-1)

State law reference—Employment by cities of physically disabled persons, Code of Al. 1975, § 21-7-8.

Sec. 2-97. Classified service; exceptions.

The classified service shall include all employees serving in continuing positions in the municipality, except the following:

(1) Members of the council;

(2) Members of appointed boards and commissions and municipal attorneys;

(3) Persons employed to work less than full-time;

(4) Administrative officers appointed by the mayor and/or the council, including but not limited to all department heads, the fire chief and the police chief;

(5) Volunteer personnel who receive no regular compensation from the municipality;

(6) Temporary positions scheduled for less than one (1) year's duration, unless specifically covered by the action of the council;

(7) Persons performing work under contract for the municipality who are not carried on the payroll as employees.

Nothing in this section shall be construed as precluding the mayor and/or the council from filling any excepted position in the manner in which positions in the classified service are filled.
(Code 1968, § 11¼-2)

Sec. 2-98. Personnel officer designated.

The mayor is hereby designated to perform the duties of personnel officer. The mayor may have other staff members designated to assist, or he may designate any member of his staff to assist in these duties. The duties shall include, but not be limited to, the establishment and maintenance of comprehensive personnel records for each employee in the municipality's service, including for each employee his classification, pay rate, date of employment and other relevant data.
(Code 1968, § 11¼-3; Ord. No. 1986-1, § 1, 2-3-86; Ord. No. 96-15, § 1, 12-23-96)

Secs. 2-99—2-110. Reserved.

DIVISION 3. SOCIAL SECURITY*

Sec. 2-111. Policy declared.

It is the policy and purpose of the city to extend to the employees and officials thereof, not excluded by law or by this Code, and whether employed in connection with a governmental or proprietary function, the benefits of the system of old-age and survivors insurance as

*__State law references__—Social security for municipal employees, Code of Ala. 1975, § 36-28-1 et seq.; state rules and regulations, Code of Ala. 1975, § 36-28-10.

authorized by the Federal Social Security Act and amendments thereto, including Public Law 734 of the eighty-first Congress. In the pursuance of this policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations.
(Code 1968, § 2-83)

State law reference—Declaration of policy, Code of Ala. 1975, § 36-28-2.

Sec. 2-112. Agreements authorized.

The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the state agency authorized to act to secure coverage of employees and officials as provided in this article.
(Code 1968, § 2-84)

State law reference—State office for social security, Code of Ala. 1975, § 36-28-3.

Sec. 2-113. Withholdings.

Withholdings from salaries or wages of employees and officials for the purpose provided in this article are authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by law or regulations to receive such amounts.
(Code 1968, § 2-85)

State law reference—Authority of city to impose upon employees contributions with respect to wages, Code of Ala. 1975, § 3-28-5.

Sec. 2-114. Appropriations.

There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, which shall be paid over to the state agency designated by law or regulation to receive them.
(Code 1968, § 2-86)

State law references—Municipal contributions, Code of Ala. 1975, § 36-28-5; contribution fund, Code of Ala. 1975, § 36-28-8.

Sec. 2-115. Records and reports.

The city shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.
(Code 1968, § 2-87)

Sec. 2-116. Exclusion of certain officials and employees.

The city adopts the terms, conditions, requirements, reservations, benefits, privileges, and other conditions thereunto appertaining, of Title II of the Social Security Act as amended by Public Law No. 734 of the eighty-first Congress for and on behalf of all the officers and employees thereof, save and except any of such officers and employees now covered or

authorized to be covered by any retirement system provided by law, and further excepting any official or employee who occupies any position, or employment not authorized to be covered by applicable state or federal laws or regulations.
(Code 1968, § 2-89)

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Chapter 3

ALCOHOLIC BEVERAGES*

Art. I. General, §§ 3-1—3-20
Art. II. Licenses, §§ 3-21—3-40
Art. III. Permits, §§ 3-41—3-49

ARTICLE I. GENERAL

Sec. 3-1. Definitions.

This chapter and the taxes herein levied shall be subject to all definitions set forth in Code of Ala. 1975, section 28-3A-1 et seq.
(Code 1968, § 3-1)

State law reference—Definitions under the Alcoholic Beverages Licensing Code, Code of Ala. 1975, § 28-3A-2.

Sec. 3-2. Adoption of Alabama Alcoholic Beverage Control Board rules and regulations.

The rules and regulations adopted and promulgated by the Alabama Alcoholic Beverage Control Board, as amended, the violation of which constitutes a misdemeanor, are hereby adopted and incorporated in this section as laws of the city.
(Code 1968, § 3-2)

State law reference—Regulations of alcoholic beverage control board, Code of Ala. 1975, § 28-3-49 et seq.

Sec. 3-3. Sale, furnishing and consumption of alcoholic beverages in public and in publicly owned facilities, grounds and parks.

(a) The sale, furnishing, giving away, serving and drinking of alcoholic beverages, as that term is defined by the laws of the state, in any publicly owned building, facility, parking lot or area, park, ball field or other recreational area; (excepting Sherling Lake Park area), school buildings, including all outbuildings and accessory structures, or the grounds surrounding the same, including athletic and game fields, and public sidewalks, streets, thoroughfares, ways and alleys, is prohibited.

***Cross references**—Emergency management, Ch. 6; health, Ch. 9; licenses and business regulations, Ch. 10; motor vehicles and traffic, Ch. 12; taxation, Ch. 19; zoning, App. A.

State law references—Municipal regulation of alcoholic beverages, Code of Ala. 1975, § 11-47-112; power of cities to abate nuisances, Code of Ala. 1975, § 11-47-117 et seq.; intoxicating liquor, malt beverages and wine, Code of Ala. 1975, § 28-1-1 et seq.; local license taxes, Code of Ala. 1975, § 28-3A-21; approval of retail license applications by council, Code of Ala. 1975, § 28-3A-23.

(b) The violation of this section shall be punished according to the provisions of section 11-45-9 of the 1975 Code of Alabama, as amended, and as the same may be amended from time to time hereafter.

(Code 1968, § 3-3; Ord. No. 1984-9, 11-5-84; Ord. No. 1989-03, 3-20-89; Ord. No. 1993-3, § 1, 4-5-93)

State law reference—Public intoxication, Code of Ala. 1975, § 13A-11-10.

Sec. 3-4. Location of establishments for retail sale of alcoholic beverages.

No privilege license shall be issued for the retail sale of alcoholic beverages where the place or establishment for which such license applied for is to be located in an area zoned R-1, R-2, R-3, or R-4, except one applied for by an existing class I or class II club (existing being defined as a club that qualifies as a class I or class II club and which is in operation on March 19, 1984). No privilege license shall be issued to any applicant requesting a lounge liquor license, a restaurant retail liquor license, a club liquor license or an on-premises retail beer and/or wine license if the business to be established thereby is to be located within one hundred fifty (150) feet, or less, of any church or school building which is nearest to that part of the establishment or place which is nearest to the church or school building provided that this provision shall not apply to applicants who, on March 19, 1984, hold a valid retail grocery sales license and whose establishment is on that date located in areas zoned R-1, R-2, R-3 or R-4 and who holds an off-premises beer and wine sale license only, if such applicant and his landlord, if any agree that:

(1) No expansion of the building presently existing at such location shall be planned, undertaken or constructed for so long as the applicant holds such license.

(2) No renewal of reissuance of such license will be requested if the same has been discontinued by the licensee for any period of time or for any reason, except damage to or partial loss of the premises.

(3) In case of damage to or partial loss of the building presently existing at the location, the applicant, or his landlord, must restore the premises within six (6) months from the date of such damage or loss and the value of such necessary restoration may not exceed seventy-five (75) percent of the appraised value thereof, according to the appraised value thereof in the records of the county tax assessor on the date of such damage or partial loss.

(Code 1968, § 3-5; Ord. No. 2005-07, § 1, 9-12-05)

Cross reference—Zoning, App. A.

State law references—Use of state and county tax assessments, Code of Ala. 1975, § 11-51-40; selling, etc., alcoholic beverages to school children, keeping on school premises, Code of Ala. 1975, § 16-1-10.

Sec. 3-5. Inspection of licensed premises.

It shall be unlawful for any person granted a permit and a license under this chapter to refuse the duly authorized officials, police officers and/or employees of the city the right to completely inspect the entire permittee's/licensee's premises at any time during which the premises are open for the transaction of business.
(Code 1968, § 3-19)

Sec. 3-6. Regulation of hours.

It shall be unlawful for any business establishment in the City of Greenville, Alabama, whether public or private in nature, holding an on-premise consumption license for the sale of alcoholic beverages of any kind to be open between the hours of 2:00 a.m. and 7:00 a.m. at any time, Monday through Saturday. The establishment shall remain open no later than 3:00 a.m., Monday through Saturday.
(Ord. No. 1993-4, § 1, 5-24-93)

Secs. 3-7—3-20. Reserved.

ARTICLE II. LICENSES

Sec. 3-21. Purpose.

This article provides for the levying of an annual privilege or business license tax for the various classifications of the storage and sale of alcoholic beverages, as is provided for in the Code of Ala. 1975, section 28-3A-1 et seq.
(Code 1968, § 3-6)

Sec. 3-22. Required generally.

It shall be unlawful for any person to conduct, carry on, engage in or practice any business referred to in this article within the city without first having applied for, paid for, and procured a license therefor from the city clerk; and any person not having applied for, paid for, and procured a license shall be deemed to have committed a separate offense for each day such person shall engage in, carry on, conduct or practice a business without a license therefor.
(Code 1968, § 3-7)

Sec. 3-23. License issuance fee.

The city clerk shall charge a fee of five dollars ($5.00) for the issuance of any license having a fixed annual amount and shall not issue a license with out payment of such fee.
(Code 1968, § 3-9; Ord. No. 2005-07, § 2, 9-12-05)

Sec. 3-24. Schedule of taxes.

(a) There is hereby levied, in addition to all other taxes now imposed by law, and there shall be collected as provided for in this article, an annual privilege or business license tax on each person engaged in the business within the corporate limits of the city selling, as defined by the following types of license to sell, any alcoholic beverage, conditioned on a permit or license being issued by the Alabama Alcoholic Beverage Control Board. Each license shall be issued in addition to permit fee, retail merchants license and any other license required by this Code, and shall be issued annually only, regardless of when license is purchased (i.e., no half-year license may be issued).

(1)	Manufacturer's license	$ 500.00
*(2)	Importer's license	250.00
(3)	Liquor wholesale license	500.00
*(4)	Wholesale beer only	250.00
*(5)	Wholesale table wine only	275.00
(6)	Warehouse license (per building)	200.00
	Warehouse license (secondary building	100.00
(7)	Lounge retail liquor license	500.00
(8)	Restaurant retail liquor license	500.00
(9)	Club liquor license—class I	400.00
(10)	Club liquor license—class II	850.00
*(11)	Retail table wine (off-premises only)	75.00
*(12)	Retail table wine (on- or off-premises)	75.00
*(13)	Retail beer license (on- or off-premises)	75.00
*(14)	Retail beer license (off-premises only)	50.00
(15)	Special retail license (thirty (30) days or less)	200.00
(16)	Special retail license (more than thirty (30) days)	500.00
(17)	Special-events retail license	200.00

*Municipalities prohibited from charging more than one-half the state fee (Reference Alabama Code sections 28-7-13 and 28-3-194)

Every applicant for an original liquor license under this chapter shall pay to the city clerk the appropriate license fee, together with a nonrefundable filing fee of twenty-five dollars ($25.00) prior to such time as the council shall consider the application. Upon receipt of the fees and the applicant's application form from the Alabama Alcoholic Beverage Control Board, the city clerk shall notify the council of the application and the council shall either approve, deny or continue its consideration of the application at its next regularly scheduled council meeting.

(b) Every license issued under the provisions of this article shall be renewed on the first day of January of each year and shall be delinquent as provided in section 10-16 of the Code of Ordinances (Penalty for doing business without license and/or late payment). No reduction or

proration of the fee for the license shall be allowed on account of not commencing business on the first day of January, nor shall any rebate be allowed upon revocation, suspension or surrender of such permit before the expiration date.
(Code 1968, § 3-8; Ord. No. 1994-5, § 1, 2-21-94)

State law references—State license application and fees, Code of Ala. 1975, § 28-3A-4; issuance and renewal of state licenses, delinquent renewal, Code of Ala. 1975, § 28-3A-5; suspension or revocation of state license, Code of Ala. 1975, § 28-3A-24.

Sec. 3-25. Public hearing required for lounge retail liquor license, club retail liquor license or restaurant liquor license.

(a) In every case where application is made for a lounge retail license, club retail liquor license or a restaurant liquor license to sell alcoholic beverages at any location within the corporate limits of the city, in addition to other advertisement that may be required by law, the applicant shall, at his own expense, publish in a newspaper of general circulation in the city an advertisement giving notice of such application or post such notice at the front door of city hall and at the front door at the county courthouse. The published or posted noticed shall be published or posted for two (2) consecutive weeks, the first publication or posting being no less than twelve (12) days before the hearing and it shall be two (2) columns in width and two (2) inches in depth or three (3) inches by five (5) inches minimum, and shall read substantially as follows:

THE UNDERSIGNED HAS MADE APPLICATION TO THE CITY COUNCIL OF GREENVILLE FOR A _____
(Type of License)

FOR THE PREMISES LOCATED AT _____, GREENVILLE, ALABAMA. A PUBLIC HEARING WILL BE HELD BY THE COUNCIL OF THE CITY OF GREENVILLE IN THE COUNCIL CHAMBERS IN THE CITY HALL AT _____ O'CLOCK A.M., ON _____ 19___.

/s/ _____
NAME OF APPLICANT

(b) When application for a license as set out in paragraph (a) above is first made, the city clerk shall advise the applicant of the date of the next regular council meeting at which the public hearing may be held following the advertisement thereof.

(c) Prior to the public hearing, the applicant shall deliver to the city clerk a certification of newspaper advertisements, showing publication as required above, and that the applicant has paid all charges in full for such advertisement or an affidavit by the applicant to the effect that he has properly posted such notice.

(d) The council shall not consider any application in which the applicant has failed to comply with the requirements of this section.
(Code 1968, § 3-9.1)

Sec. 3-26. Reseved.

Sec. 3-27. Nude activities.

It shall be unlawful for a person to work or perform nude or nearly nude in a liquor or beer licensed place within the corporate limits of the City of Greenville or its police jurisdiction in such manner or attire as to expose to view any portion of the public area, buttocks, anus, anal cleft, vulva or genitals, or any simulation thereof, or showing the covered male genitals in a discernible turgid state, or be attired in a manner so as to expose to view the portion of the breast below the top of the areola or any simulation thereof.

It shall be unlawful to permit any activity described above by a beer or liquor licensee when the licensee knows or should have known of the activity described above.
(Ord. No. 2001-05, 8-27-01)

Secs. 3-28—3-40. Reserved.

ARTICLE III. PERMITS

Sec. 3-41. Required.

No person shall engage in business as a wholesaler, distributor, jobber or retailer of alcoholic beverages in the city without first having obtained from the city a permit to do such business.
(Code 1968, § 3-10)

Sec. 3-42. Application.

Any person desiring a permit required by this article shall make application therefor to the city clerk on forms prescribed by the council.
(Code 1968, § 3-11)

Sec. 3-43. Fee as prescribed.

(a) Along with the application for a permit required by this article, the applicant therefor shall pay to the city clerk for the benefit of the city the sum charged for the privilege license for such business, or such other sum as may otherwise be prescribed by the council by ordinance.

(b) No reduction or proration of the fee for the permit shall be allowed on account of not commencing business on the first day of January, nor shall any rebate be allowed upon revocation, suspension or surrender of such permit before the expiration thereof.
(Code 1968, § 3-12)

Sec. 3-44. Issuance.

The permit required by this article shall be issued by the city clerk in a form as prescribed by the council upon the approval of the application therefor by the council at a regular meeting.
(Code 1968, § 3-13)

Sec. 3-45. Renewal.

Every permit issued under the provisions of this article shall be renewed on the first day of January of each year.
(Code 1968, § 3-14)

Sec. 3-46. Place of business.

Every licensee subject to the provisions of this chapter shall designate the place where such business is to be carried on and the permit issued shall designate such place and shall authorize the carrying on of such business only at such place. For each place where such business is carried on, a separate permit shall be required.
(Code 1968, § 3-15)

Sec. 3-47. Display.

The permit issued under the provisions of this article shall be posted at all times in a conspicuous place at or in the place for which the same was issued.
(Code 1968, § 3-16)

Sec. 3-48. Suspension, revocation—grounds.

Any permit issued under the provisions of this article may be suspended or revoked for the violation or the aiding or assisting in the violation by the permittee of any applicable provision of this Code, state law or city ordinance, state alcoholic beverage control board or city rule or regulation. No refund of any part of the fee paid for such permit shall be made upon revocation of the permit.
(Code 1968, § 3-17)

Sec. 3-49. Same—procedure.

(a) The council may suspend any permit issued under this article when cause exists for the revocation of the permit by the council. The police chief shall give notice to the person holding such permit to appear before the council not later than the next regular meeting of the council and then and there show cause why the council should not revoke such permit.

(b) No person whose permit has been suspended or revoked shall engage in the business for which such permit was issued unless and until the council shall pass upon such suspension and determine that the permit ought not be revoked. Any person who shall continue in business after the suspension or revocation of the permit shall be guilty of a misdemeanor and, in addition, may be enjoined from operating such business by order of a court of competent jurisdiction.

(c) Upon the suspension or revocation of a permit issued under this article, the police chief shall cause a placard to be posted at or within the place of business of such permittee bearing the following words and phrases:

"WARNING

The permit issued to _____ under which alcoholic beverages have been sold from these premises has been revoked (or suspended, as the case may be).

This the _____ day of _____, 19___.

/s/ _____
Police Chief of the City of
Greenville, Alabama"

(Code 1968, § 3-18)

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Chapter 4

ANIMALS*

Art. I. In General, §§ 4-1—4-25
Art. II. Dogs, §§ 4-26—4-30

ARTICLE I. IN GENERAL

Sec. 4-1. Animal control unit created; supervision, staff.

There is hereby created an animal control unit for the city. Such unit shall be staffed with a dog control officer/poundmaster and such other personnel as may from time to time be authorized by the council.
(Code 1968, § 4-1)

Sec. 4-2. Driving animals.

It shall be unlawful for any person to drive, lead or run animals over or upon the streets of the city, unless the same are haltered, bridled or harnessed, or led, driven or ridden by means of such halters, bridles or harnesses.
(Code 1968, § 4-2)

State law reference—Authority of city to regulate and prohibit the driving of livestock in droves through the streets, Code of Ala. 1975, § 11-47-110.

Sec. 4-3. Stables and pens—Swine.

It shall be unlawful to keep, harbor or confine swine in any stable, building, structure, shed, corral, pen or enclosure in the city, any part of which is within one hundred (100) feet of a dwelling, school, church, hospital, public building, public park, public playground or public thoroughfare.
(Code 1968, § 4-3)

Cross reference—Parks and recreation, Ch. 14.

Sec. 4-4. Same—Equine, bovine animals.

It shall be unlawful to keep, harbor, or confine any equine or bovine animal in any stable, building, structure or shed in the city, any part of the which is within fifty (50) feet of a

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***Cross references**—Health, Ch. 9; licenses and business regulations, Ch. 10; motor vehicles and traffic, Ch. 12; parks and recreation, Ch. 14; zoning, App. A; animals in parks, § 14-22; removal of dead animals, § 17-32.

State law references—Animals, Code of Ala. 1975, § 3-1-1 et seq.; municipal regulations of animals, Code of Ala. 1975, § 3-7-13; animals at large, impoundment, Code of Ala. 1975, § 11-47-110; municipal powers as to health, cleanliness, sanitation, quarantine, Code of Ala. 1975, § 11-47-130 et seq.; cruelty to animals, Code of Ala. 1975, § 13A-11-14.

dwelling, school, church, hospital, public building, public park, public playground or public thoroughfare.
(Code 1968, § 4-4)

Sec. 4-5. Same—Sanitation.

All places and premises in the city where horses, mules, cattle, hogs, dogs or other animals or fowl are kept, harbored or confined shall be kept clean, sanitary and free from noxious odors and shall be maintained in such manner as will effectively prevent the reproduction or propagation in or about such places or premises of flies. The presence on or about such places or premises of the live larvae of flies under the conditions that permit or favor growth or development shall be prima facie evidence of the reproduction or propagation of flies and of the keeping or maintaining of such places or premises used for such purposes in violation of the provisions of this section.
(Code 1968, § 4-5)

Cross reference—Health, Ch. 9.

Sec. 4-6. Livestock at large—Prohibited.

It shall be unlawful to permit or allow any cow, horse, mule, goat, hog or other livestock to run at large upon the streets or public places within the city.
(Code 1968, § 4-28)

Sec. 4-7. Same—Impounding fees; notice; lien.

(a) All livestock found at large upon the streets or other public places of the city shall be taken in charge by the city police, or other officer of the city, and shall be held until the owner of such animal shall have paid all fees assessed for the taking up and impounding of such animal. There shall be assessed against each animal for each day that it remains impounded by the city the sum of ten dollars ($10.00), and if taken up a second time, there shall be assessed against each animal so taken up or each day so held the sum of twenty-five dollars ($25.00) and if taken up for the third time, or any subsequent time, there shall be assessed against each animal for each day the sum of thirty-five dollars ($35.00).

(b) Immediately upon taking up any such animal, the city clerk shall post a notice in front of his office giving a description of the animal so taken up, and shall give notice that if the fees shall not be paid within five (5) days after the posting of the notice, such animal shall be sold in front of his office for the purpose of paying out of the proceeds the fees and expenses of taking up and keeping such animal and making such sale, and the balance if any, shall be paid over to the owner of such animal when ascertained and satisfactory proof made of ownership.

(c) The city shall have a lien upon all such animals so impounded for the penalties above stated, which shall be paid out of the proceeds of the sale of such animals as provided in this section.
(Code 1968, §§ 4-29—4-31)

Sec. 4-8. Abandoning domestic animals.

It shall be unlawful to abandon or set loose any domestic animal within the city or its police jurisdiction with the intention of avoiding responsibility for the custody or care of such animal.
(Code 1968, § 4-6)

State law reference—Cruelty to animals, Code of Ala. 1975, § 13A-11-14.

Sec. 4-9. Destruction of domestic animals at large.

The police department shall have the authority to destroy any stray domestic animal running at large within the city limits or the police jurisdiction, when in the opinion of the police department such animal constitutes a public nuisance or is a danger or menace to the life or health of the citizenry of the city because such animal is superannuated, infirm, glandered, injured or diseased past recovery for any useful purpose.
(Code 1968, § 4-7)

State law references—Destruction of certain abandoned animals by members, etc., of societies for prevention of cruelty to animals, Code of Ala. 1975, § 3-1-8; power of cities to abate nuisances, Code of Ala. 1975, § 11-47-117 et seq.

Secs. 4-10—4-25. Reserved.

ARTICLE II. DOGS*

Sec. 4-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dog shall mean all members of the canine family three (3) months or more of age.

Dog under control shall mean a dog controlled by leash, at heel, or is beside a competent person and obedient to that person's commands, or which is within the property limits of his owner.

Dog which is dangerous or vicious shall mean a dog that has bitten or fiercely attacked a person or animal, off the premises of the dog's owner, when not provoked.

Inoculation against rabies shall mean the injection, in a manner approved by the state health officer and the state veterinarian, of antirabies vaccine approved by the state health officer and the state veterinarian.

Owner shall mean any person having a right of property in a dog, who keeps or harbors a dog, who has a dog in his care or acts as its custodian, or who permits a dog to remain on or about any premises occupied by him. However, such term shall not apply to a licensed veterinarian who regularly treats and holds dogs in the routine practice of his profession.

*__State law references__—Dangerous dogs, Code of Ala. 1975, §§ 3-1-1 et seq., 3-6-1 et seq.; rabies, Code of Ala. 1975, § 3-7-1 et seq.

Person shall mean individuals, firms, partnerships, and associations. However, such term shall not apply to a licensed veterinarian who regularly treats and holds dogs in the routine practice of his profession.
(Code 1968, § 4-61)

State law reference—Definitions relating to rabies, Code of Ala. 1975, § 3-7-1 et seq.

Sec. 4-27. Inoculation required.

It shall be unlawful for any person to possess, keep or harbor in the city any dog that has not been inoculated as provided under Code of Ala. 1975, section 3-7-2.
(Code 1968, § 4-62)

Sec. 4-28. Collar, inoculation tag required for dogs.

Every owner of a dog kept or harbored within the city limits shall be required to provide each such dog with a collar or harness to which a current inoculation against rabies tag, as provided by the veterinarian inoculating such dog, must be affixed, and shall see that the collar and tag issued for that dog are constantly worn at all times.
(Code 1968, § 4-63)

Sec. 4-29. Vicious, dangerous dogs at large.

It shall be unlawful for the owner or person who has control of any dog which is dangerous or vicious to permit such dog to run at large in the city.
(Code 1968, § 4-64)

Sec. 4-30. Impoundment of dogs not under control.

(a) Any dog found in the city that is not under control is hereby declared to be a public nuisance and danger, and it shall be the duty of the animal control unit to take up and impound every such dog in the city pound.

(b) Where dogs are impounded, the dog control officer/poundmaster shall, in some form or manner, give notice of not less than seven (7) days, and, if the owner thereof is known, such owner shall be given direct notice of the impounding of a dog belonging to him.

(c) An impounded dog may be redeemed from the pound by the owner thereof within seven (7) days from impoundment thereof, or at any time thereafter before destruction or other disposition thereof, by the payment of the necessary fines to the dog control officer/ poundmaster as set forth in this section. For the first offense of violating the animal control ordinance, the impound fee will be $50.00; the impound fee for the second offense will be $100.00; the impound fee for the third offense will be $200.00. Following a third offense for the same animal, the city may declare the animal a nuisance and may take further legal action if necessary.

(d) Every dog that has remained in the pound for seven (7) days and has not been redeemed or taken by its owner may be disposed of by the dog control officer/poundmaster as provided in

this article. No dog shall be released from the pound, either to the owner or to any other person, unless and until a certificate of vaccination shall have been produced or the dog shall have been inoculated as prescribed by Code of Ala. 1975, section 3-7-2, and a vaccination certificate and tag, as likewise prescribed, shall have been issued therefor.

(e) All money received by the dog control officer/poundmaster for redemption or for the cost of inoculation of dogs shall be promptly remitted to the city clerk. Dogs not redeemed or otherwise disposed of as provided in this article shall be destroyed by the dog control officer/poundmaster in a humane manner.

(f) Dogs that are suspected of being rabid or that have bitten a human being shall forthwith be delivered by the dog control officer/poundmaster to that licensed veterinarian then serving as rabies inspector for the county.

(Code 1968, § 4-65; Ord. No. 1999-5, 10-12-99)

State law references—Inoculation tag, Code of Ala. 1975, § 3-7-4 et seq.; confinement of animals which have bitten humans, Code of Ala. 1975, § 3-7-9; rabies inspectors, Code of Ala. 1975, § 3-7-10.

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Chapter 5

BUILDINGS*

Art. I. In General, §§ 5-1—5-20
Art. II. Electricity, §§ 5-21—5-40
Art. III. Plumbing, §§ 5-41—5-60
Art. IV. Dangerous Buildings and Dangerous Unimproved Property, §§ 5-61—5-80
Art. V. Signs, Outdoor Displays and Handbills, §§ 5-81—5-95

ARTICLE I. IN GENERAL

Sec. 5-1. Reserved.

Editor's note—Ord. No. 2005-05, § 1, adopted July 11, 2005, repealed § 5-1 in its entirety. Formerly, said section pertained to fire districts as enacted by Code 1968, § 5-1.

Sec. 5-2. Building code—Adopted; enforcing officer; penalty for violation.

(a) The following National Codes, as published by the International Code Council, except where noted, shall be followed for prescribing regulations governing the construction, erection, alteration or improvement of buildings within the corporate limits of the city, copies of which shall be maintained in the office of the department of community development and planning:

(1) 2009 International Residential Code, except all appendices and Section R313.2—Automated Fire Sprinkler System, shall not apply to single-family dwellings.

(2) 2009 International Building Code, except all appendices.

(3) 2009 International Mechanical Code, except all appendices.

(4) 2009 International Plumbing Code, except all appendices.

(5) 2009 International Fuel Gas Code, except all appendices.

(6) 2009 Existing Building Code, except all appendices.

(7) 2009 National Fire Protection Association 101: Life Safety Code, except all appendices.

***Cross references—**Administration, Ch. 2; fire prevention and protection, Ch. 7; flood damage prevention, Ch. 8; health, Ch. 9; licenses and business regulations, Ch. 10; mobile homes, Ch. 11; solid waste, Ch. 17; streets and sidewalks, Ch. 18; taxation, Ch. 19; utilities, Ch. 20; zoning, App. A; rat control, § 9-2; mosquito control, § 9-3; insect and rodent control in mobile home parks, § 11-10; plumbing and electrical alterations and additions in mobile home parks, § 11-14; fair housing, § 13-26 et seq.; weeds and debris, § 13-46 et seq.; removal of building debris, § 17-29.

State law references—Municipal building regulations generally, Code of Ala. 1975, § 11-43-59; adoption of certain technical codes by reference, Code of Ala. 1975, § 11-45-8; power of cities to regulate sanitary conditions, Code of Ala. 1975, § 11-47-131; refusal to permit a legally authorized inspection of one's property, Code of Ala. 1975, § 13A-10-3; state code of minimum building standards, Code of Ala. 1975, § 41-9-160 et seq.

(8) 2011 National Electric Code, except all appendices.

(b) It shall be the duty and responsibility of the department of community development and planning to enforce and administer the provisions of the codes mentioned in subsection (a).

(c) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall severally, for each and every violation and noncompliance respectively, be guilty of a misdemeanor punishable as provided in section 1-9. The imposition of one (1) penalty for violation shall not excuse the violation or permit it to continue. The application of the penalty shall not be held to prevent enforced removal of prohibited conditions.

(Ord. No. 1998-9, 11-24-98; Ord. No. 2012-03, § 1, 7-23-12)

Editor's note—Ord. No. 1998-9, adopted Nov. 24, 1998, amended §§ 5-2—5-5 in their entirety, in effect repealing said sections and enacting similar new provisions in lieu thereof as herein set out. Formerly, such provisions derived from §§ 5-2, 5-24 and 5-52 of the 1968 Code; a motion adopted Oct. 8, 1985 and § 1 of Ord. No. 1998-3, adopted March 24, 1998.

Cross reference—Public garages, § 7-80.

Sec. 5-3. Permits required.

Any development activity, the cost of which exceeds five hundred dollars ($500.00), is subject to permit and appropriate processing, plan checking, inspection, certificate of occupancy and penalty fees. All required fees shall be paid prior to the issuance of any permit and prior to commencement of any construction.

All new electrical, plumbing, mechanical, or gas activity is subject to permit and appropriate processing, inspection, and penalty fees. All required fees shall be paid prior to the issuance of any permit or the commencement of any construction.

(a) *Building permit fees:*

(1) *Residential single-family construction or additions.* The applicant for a permit for any residential building or structure, including additions to an existing residential building or structure, or portion thereof, shall at the time of application pay for each building or structure a permit fee as follows:

a. For buildings or structures up to five thousand (5,000) square feet; fifteen cents ($0.15) per square foot.

b. For buildings or structures five thousand and one (5,001) square feet up to fifty thousand (50,000) square feet; seven hundred fifty dollars ($750.00) for the first five thousand (5,000) square feet plus ten cents ($0.10) per square foot for each additional square foot.

(2) *Commercial construction, additions, or multi-family dwellings.* The applicant for a permit for any commercial building or structure, including additions to an existing commercial building or structure, or portion thereof, shall at the time of application pay for each building or structure a permit fee as follows:

a. For buildings or structures up to five thousand (5,000) square feet; twenty-four cents ($0.24) per square foot.

b. For buildings or structures five thousand and one (5,001) square feet up to fifty thousand (50,000) square feet; twelve hundred dollars ($1,200.00) for the first five thousand (5,000) square feet plus ten cents ($0.10) per square foot up to fifty thousand (50,000) square feet.

c. For buildings or structures fifty thousand and one (50,001) square feet and above; five thousand seven hundred dollars ($5,700.00) for the first fifty thousand (50,000) square feet plus five cents ($0.05) per square foot for each additional square foot.

(3) *Other building or structure fees.* For all other structures or changes to structures (Except as hereinafter set forth) including but not limited to fences, swimming pools, and permitted signs the permit fee shall be calculated based on the job cost as follows:

APPENDIX K
SCHEDULE OF PERMIT FEES

Total Valuation	*Fee*
$500.00 to $2,000.00	$5.00 per thousand or fraction thereof.
$2,001.00 to $15,000.00	$10.00 for the first $2,000.00 plus $3.50 for each additional thousand or a fraction thereof, up to and including $15,000.00.
$15,001.00 to $50,000.00	$55.50 for the first $15,000.00 plus $3.00 for each additional thousand or a fraction thereof, up to and including $50,000.00.
$50,001.00 to $100,000.00	$160.50 for the first $50,000.00 plus $2.75 for each additional thousand or a fraction thereof, up to and including $100,000.00.
$100,001.00 to $500,000.00	$298.00 for the first $100,000.00 plus $1.75 for each additional thousand or fraction thereof, up to and including $500,000.00.
$500,000.00 and up	$998.00 for the first $500,000.00 plus $0.75 for each additional thousand or a fraction thereof.

At the time of application it is understood that the permit fee will be based upon an estimate of project costs. Upon completion of the project, the applicant must provide the actual cost of completion and an additional permit fee must be paid if the actual cost exceeds the estimate prior to a certificate of occupancy being issued by the building inspector.

(4) *Mobile and manufactured homes.*

a. The fee for mobile/ manufactured homes, blocked, skirted, tie downs, plumbing and parking in compliance with chapter 11, sections 11-1 through 11-17 of this Code, shall be a combined fee of forty dollars ($40.00).

b. [For] the electrical service fees see B.1[section 5-22]—"Electrical permit fees".

(5) *Antennas—Dish and tower, roof and ground installation.*

a. Residential installation where towers are of such height that they cannot be contained on an owner's property if they fall: Twenty dollars ($20.00).

b. Commercial installations shall be based on the estimated cost as follows: Five dollars ($5.00) per one thousand dollars ($1,000.00) or fraction thereof, of estimated cost up to twenty thousand dollars ($20,000.00), plus four dollars ($4.00) per one thousand dollars ($1,000.00), or a fraction thereof; of estimated cost in excess of twenty thousand dollars ($20,000.00) up to one hundred thousand dollars ($100,000.00), plus three dollars ($3.00) per one thousand dollars ($1,000.00), or fraction thereof; of estimated cost in excess of one hundred thousand dollars ($100,000.00), or fraction thereof.

(6) *Moving of buildings or structures.*

a. For the moving of any building or structure, the fee shall be fifty dollars ($50.00).

b. *Application.* Permit application must be received by city inspector at least twenty-four (24) hours in advance of the proposed beginning time on route plan.

c. *Bond.* The city requires a bond in the amount of ten thousand dollars ($10,000.00) prior to the inspector issuing a permit. Bond shall secure the city against any damages to street, curbs, sidewalks, shade trees, highways and any other property which may be affected, caused by moving the building or the structure. Issuance of the bond is conditional upon strict compliance with the terms of the permit as to the route to be taken, the time allowed to move the buildings and the time frame in which any repairs of damages must be completed. A fee of fifty dollars ($50.00) will be charged by the city inspector of each day's delay for each day's delay of repairing damages to property or in clearing all public streets, alleys, or highways of all debris caused by moving the building or the structure.

d. *Escort.* All buildings or structures being moved within the city limits of Greenville must be escorted front and rear, and must meet the public safety requirements set forth in Section 3313.6 of the Southern Building Code. If escort is not provided by applicant, the city will provide the same fee of fifty dollars ($50.00) for the first hour and thirty dollars ($30.00) for each additional hour or a fraction thereof.

(7) *Demolition of buildings.* For the demolition of any building or structure, the fee shall be twenty dollars ($20.00) for the first two thousand dollars ($2,000.00) square feet or fraction thereof, plus eight dollars ($8.00) per two thousand (2,000) square feet for all over two thousand (2,000) square feet.

(8) *Processing fee.* Each individual permit processed is ten dollars ($10.00) and nonrefundable.

(9) *Penalty fee.* Any work which commences prior to obtaining the appropriate permit or permits shall be charged at a rate double the permit fee. But the payment of such

double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

(10) *Reinspection fee.* A reinspection fee of twenty dollars ($20.00) will be charged per occurrence.

(Ord. No. 1998-9, 11-24-98; Ord. No. 2010-03, § 1A, 9-27-10)

Note—See the editor's note following § 5-2.

Sec. 5-4. Mechanical code adopted; enforcing officer; penalty for violation.

(a) For prescribing regulations governing the installation and maintenance of mechanical equipment, the 1994 edition with revisions, of the *Standard Mechanical Code*, prepared by the Southern Building Code Congress International, Inc., a copy of which shall be maintained in the office of the city inspector, is hereby adopted and incorporated as fully as if set out at length herein. The provisions thereof shall be controlling within the corporate limits of the city.

(b) It shall be the duty and responsibility of the building inspector to enforce and administer the provisions of the code mentioned in subsection (a).

(c) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall severally, for each and every violation and noncompliance respectively, be guilty of a misdemeanor punishable as provided in section 1-9. The imposition of one (1) penalty for violation shall not excuse the violation or permit it to continue. The application of the penalty shall not be held to prevent enforced removal of prohibited conditions.

(Ord. No. 1998-9, 11-24-98)

Note—See the editor's note following § 5-2.

Sec. 5-5. Mechanical permit fees.

(a) *Heat and air conditioning unit (including heat pump):*

(1) Up to five (5) tons: Twenty-five dollars ($25.00).

(2) Over five (5) tons: Three dollars ($3.00) for each additional ton.

(3) Refrigeration system: Fifteen dollars ($15.00).

(4) Commercial grease hood system: Twenty dollars ($20.00).

(5) Incinerators or boilers: Twenty dollars ($20.00).

(b) *Processing fee.* Each individual permit processed is ten dollars ($10.00) and nonrefundable.

(c) *Penalty fee.* Any work which commences prior to obtaining the appropriate permit or permits shall be charged at a rate double the permit fee. But the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

(d) *Reinspection fee.* A reinspection fee of twenty dollars ($20.00) will be charged per occurrence.

(Ord. No. 1998-9, 11-24-98; Ord. No. 2010-03, § 1B, 9-27-10)

Note—See the editor's note following § 5-2.

Sec. 5-6. Housing code adopted; enforcing officer; penalty for violation.

(a) For prescribing regulations governing the use, maintenance, and occupancy of existing residential buildings, the 1985 edition of the *Standard Housing Code,* prepared by the Southern Building Code Congress International, Inc., a copy of which shall be maintained in the office of the city clerk, is hereby adopted and incorporated as fully as if set out at length herein. The provisions thereof shall be controlling within the corporate limits of the city.

(b) It shall be the duty and responsibility of the building inspector to enforce and administer the provisions of the code mentioned in subsection (a).

(c) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor punishable as provided in section 1-9. The imposition of one (1) penalty for violation shall not excuse the violation or permit it to continue. The application of the penalty shall not be held to prevent enforced removal of prohibited conditions.

(Code 1968, § 5-63)

State law reference—Minimum housing standards, Code of Ala. 1975, § 11-53-1 et seq.

Sec. 5-7. Excavation and grading code adopted; enforcing officer.

(a) For prescribing regulations to control excavation, grading, and earthwork construction including earth fills and embankments, there is hereby adopted the 1975 edition of the *Standard Excavation and Grading Code,* prepared by the Southern Building Code Congress International, Inc.

(b) A copy of the code mentioned in subsection (a) shall be maintained in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein. The provisions thereof shall be controlling within the corporate limits of the city.

(c) It shall be the duty and responsibility of the building inspector to enforce and administer the provisions of the code mentioned in subsection (a).

(d) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall severally, for each and every violation and noncompliance respectively, be guilty of a misdemeanor punishable as provided in section 1-9. The imposition of one (1) penalty for violation shall not excuse the violation or permit it to continue. The application of the penalty shall not be held to prevent enforced removal of prohibited conditions.

(Code 1968, § 5-70)

Sec. 5-8. Reserved.

Editor's note—Ord. No. 1998-9, adopted Nov. 24, 1998, repealed § 5-8 in its entirety. Formerly, § 5-8 pertained to the erection of temporary signs and derived from § 1 of Ord. No. 1992-9, adopted April 6, 1992.

Secs. 5-9—5-20. Reserved.

ARTICLE II. ELECTRICITY

Sec. 5-21. Electrical code adopted; enforcing officer; penalty for violation.

(a) For prescribing regulations governing the installation of electrical wiring and fixtures, the 1987 edition of the *National Electrical Code,* prepared by the National Fire Protection Association, a copy of which shall be maintained in the office of the city clerk, is hereby adopted and incorporated as fully as if set out at length herein. The provisions thereof shall be controlling within the corporate limits of the city.

(b) It shall be the duty and responsibility of the building inspector to enforce and administer the provisions of the code mentioned in subsection (a).

(c) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall severally, for each and every violation and noncompliance respectively, be guilty of a misdemeanor punishable as provided in section 1-9. The imposition of one (1) penalty for violation shall not excuse the violation or permit it to continue. The application of the penalty shall not be held to prevent enforced removal of prohibited conditions.
(Code 1968, § 5-13)

Sec. 5-22. Electrical permit fees.

(a) *Service.*

(1) Temporary and construction service through one hundred (100) amperes: Fifteen dollars ($15.00).

(2) Service up to 100 amperes: Twenty dollars ($20.00).

(3) 101 amperes through 200 amperes: Twenty-five dollars ($25.00).

(4) 201 amperes through 400 amperes: Thirty dollars ($30.00).

(5) 401 amperes through 600 amperes: Forty dollars ($40.00).

(6) 601 amperes through 800 amperes: Fifty dollars ($50.00).

(7) 801 amperes and over: One cent ($0.01) for each additional amp.

(b) *Improvements or modifications to existing electrical systems.*

(1) Light switch: One dollar and fifty cents ($1.50) per outlet.

(2) Electrical outlet: One dollar and fifty cents ($1.50) per outlet.

(c) Swimming pools, including grounds, pumps, and underwater lights: Ten dollars ($10.00).

(d) *Processing fee.* Each individual permit processed is ten dollars ($10.00) and nonrefundable.

(e) *Penalty fee.* Any work which commences prior to obtaining the appropriate permit or permits shall be charged at a rate double the permit fee. But the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

(f) *Reinspection fee.* A reinspection fee of twenty dollars ($20.00) will be charged per occurrence.
(Ord. No. 1998-9, 11-24-98; Ord. No. 2010-03, § 2, 9-27-10)

Sec. 5-23. Electrical connection.

The electric utility shall not energize the wiring to the premises until such utility has received a certificate of inspection from the building inspector.
(Code 1968, § 5-15)

Secs. 5-24—5-40. Reserved.

ARTICLE III. PLUMBING

Sec. 5-41. Code adopted; enforcing officer; penalty for violation.

(a) For prescribing regulations governing the installation of plumbing and plumbing fixtures, the 1994 edition with revisions, of the *Standard Plumbing Code*, prepared by the Southern Building Code Congress International, Inc., a copy of which shall be maintained in the office of the city inspector is hereby adopted and incorporated as fully as if set out at length herein. The provisions thereof shall be controlling within the corporate limits of the city. For prescribing regulations governing the installation of gas piping and fixtures, the 1994 edition with revisions of the *Standard Gas Code*, prepared by the Southern Building Code Congress International, Inc., a copy of which shall be maintained in the office of the city inspector, is hereby adopted and incorporated as fully as if set out at length herein. The provisions thereof shall be controlling within the corporate limits of the city.

(b) It shall be the duty and responsibility of the building inspector to enforce and administer the provisions of the code mentioned in subsection (a).

(c) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall severally, for each and every violation and noncompliance respectively, be guilty of a

misdemeanor punishable as provided in section 1-9. The imposition of one (1) penalty for violation shall not excuse the violation or permit it to continue. The application of the penalty shall not be held to prevent enforced removal of prohibited conditions.
(Ord. No. 1998-9, 11-24-98)

Editor's note—Ord. No. 1998-9, adopted Nov. 24, 1998, amended §§ 5-41 and 5-42 in their entirety, in effect repealing said sections and enacting similar new provisions in lieu thereof as herein set out. Formerly, §§ 5-41 and 5-42 derived from §§ 5-34 and 5-34.1 of the 1968 Code.

Sec. 5-42. Plumbing and gas permits and fees.

(a) *Plumbing, sewer and gas including piping and vents.*

(1) Each plumbing fixture, floor drain, or trap, including water and drainage piping: Three dollars ($3.00).

(2) For each house sewer—New, replaces, or repaired: Seven dollars ($7.00).

(3) For each cesspool: Ten dollars ($10.00).

(4) For each septic tank and drain field: Fifteen dollars ($15.00).

(5) For each water heater and/or vent: Three dollars ($3.00).

(6) For each gas piping system of one (1) to four (4) outlets: Two dollars and fifty cents ($2.50).

(7) For each additional gas outlet over four (4): Seventy-five cents ($0.75).

(8) For installation, alteration, or repair of water piping: Ten dollars ($10.00).

(9) For repair or alteration of drainage or vent piping: Ten dollars ($10.00).

(b) *Fire sprinkler system.*

(1) For each individual head roughed in: Seventy-five cents ($0.75).

(c) *Processing fee.* Each individual permit processed is ten dollars ($10.00) and nonrefundable.

(d) *Penalty fee.* Any work which commences prior to obtaining the appropriate permit or permits shall be charged at a rate double the permit fee. But the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

(e) *Reinspection fee.* A reinspection fee of twenty dollars ($20.00) will be charged per occurrence.
(Ord. No. 1998-9, 11-24-98; Ord. No. 2010-03, § 3, 9-27-10)

Note—See the editor's note following § 5-41.

Sec. 5-43. Building inspector under council supervision, right of entry, authority; certificate of compliance.

The building inspector shall be subject to the order and direction of the council, and building inspectors are hereby vested with full authority to enter any building or premises at any time

in the discharge of their duties and to pass upon and decide any question arising under the provisions of this chapter, relative to the manner of construction or materials and devices to be used in the erection, alteration or repair of gas piping. The gas company shall not place a meter until the work is satisfactory to the city building inspector and until he has issued a certificate therefor, as provided for in this article.
(Code 1968, § 5-35)

Sec. 5-44. Regulation and supervision of piping.

The building inspector is hereby authorized, empowered and directed to regulate, determine and have general supervision over all gas piping now or hereafter placed in, or in any manner directly attached to, any building in the city.
(Code 1968, § 5-36)

Secs. 5-45—5-47. Reserved.

Editor's note—Ord. No. 1998-9, adopted Nov. 24, 1998, repealed §§ 5-45—5-47 in their entirety. Formerly, §§ 5-45—5-47 pertained to gas inspections derived from §§ 5-34 and 5-34.1 of the 1968 Code.

Sec. 5-48. Certificate of inspection before meter connection, no oral release.

The gas company will not be allowed to connect a meter on any job of piping until the certificate of inspection is on file in its office. Oral clearances will not be considered as a release.
(Code 1968, § 5-40)

Secs. 5-49—5-60. Reserved.

ARTICLE IV. DANGEROUS BUILDINGS AND DANGEROUS UNIMPROVED PROPERTY*

Sec. 5-61. Defined.

All buildings or structures and all unimproved property which have any or all of the following defects shall be deemed "dangerous buildings" or "dangerous unimproved properties":

(1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumbline passing through the center of gravity falls outside of the middle third of its base;

***Cross references—**Fire prevention and protection, Ch. 7; licenses and business regulations, Ch. 10.

State law references—Power of council to condemn and abate dangerous structures, Code of Ala. 1975, § 11-43-59; regulation of unsafe buildings, Code of Ala. 1975, § 11-53-1 et seq.

(2) Those which, exclusive of the foundation, show thirty-three (33) percent, or more, damage or deterioration of the nonsupporting, enclosing or outside walls or coverings;

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

(4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city;

(5) Those which have become or are so dilapidated, decayed, unsafe or unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety, morals or general welfare of those living therein or adjacent thereto;

(6) Those having light, air and sanitation facilities which are inadequate to protect the health, safety, morals or general welfare of human beings who live or may live therein;

(7) Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of communication;

(8) Those which have parts thereof that are so attached that they may fall and injure members of the public or other property;

(9) Those which, because of their condition, are a fire hazard, unsafe, unsanitary or dangerous to the health, safety, morals or general welfare of the people of the city.

(Code 1968, § 5-82)

Sec. 5-62. Purpose.

The purpose of this article is to provide for the repair, vacation, removal or demolition of any building or structure and the clearing of any unimproved property that is or threatens to be a public nuisance, which is dangerous, unsafe, unsanitary, or a menace to health, safety or the general welfare, or which constitutes a fire hazard, in order to protect the health, safety, morals, welfare, well-being and comfort of the citizens of the city.
(Code 1968, § 5-81)

Sec. 5-63. Declared nuisance.

All dangerous buildings and unimproved properties within the provisions of section 5-62 and as defined in section 5-61 are hereby declared to be public nuisances, and shall be repaired, vacated, removed, demolished or cleared as provided hereinafter.
(Code 1968, § 5-83)

Sec. 5-64. Standards for repair, vacation, removal, demolition, or clearance.

The building inspector, in ordering repairs, vacation, removal, demolition or clearance of dangerous buildings and unimproved properties, shall be governed by the following standards:

(1) If the dangerous building can reasonably be repaired or the unimproved lot cleared so that it will no longer exist in violation of the provisions of this article, it shall be ordered repaired or cleared;

(2) If a dangerous building is in such condition as to make it dangerous to the health, safety, morals or general welfare of its occupants, it shall be ordered vacated;

(3) In any case where a dangerous building is fifty (50) percent damaged, decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will not longer exist in violation of the provisions of this article, it shall be demolished;

(4) In all cases where a dangerous building or unimproved property is a health or fire hazard, existing or erected in violation of the provisions of this article or the statutes of the state, it shall be demolished or cleared.

(Code 1968, § 5-84)

Sec. 5-65. Duties of building inspector.

The building inspector shall:

(1) Periodically inspect or cause to be inspected all public buildings, schools, halls, churches, theaters, hotels, tenements, and commercial, manufacturing or loft buildings and unimproved properties for the purpose of determining whether any conditions exist that render such places dangerous buildings or unimproved properties within the provisions of section 5-61 hereof;

(2) Inspect any building, wall, structure or unimproved property about which complaints are filed by any person, to the effect that a building, wall, structure or unimproved property is or may be existing in violation of this article;

(3) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such buildings, as shown by the land records of the county probate judge of any building or unimproved property found by him to be a dangerous building or unimproved property, in accordance with the following:

a. Following his inspection thereof, in all cases where the building inspector finds a dangerous building or unimproved property as defined in section 5-61 hereof, the building inspector shall provide a copy of his inspection report and a statement of the facts and conclusions resulting from his inspection as to the condition of such building or unimproved property to the council and shall request that notice be sent to the owner, occupant, lessee, mortgagee, agent and all other persons known to have an interest in such building or property;

b. Within fifteen (15) days thereafter, the council shall approve or disapprove the request that notice be sent;

c. If approved by the council, such notice shall state:

1. The description of the dangerous building or dangerous unimproved property;
2. The particulars that make the building or structure or unimproved property a dangerous building or dangerous unimproved property;
3. The particulars that must be accomplished, repaired or removed in order for such building or property to comply with the terms of this article;
4. That the owner must vacate, repair, remove or demolish such building or clear such unimproved property in accordance with the terms of the notice and this article;
5. That the mortgagee, agent or other persons having an interest in such building or property, as shown by the land records of the county probate judge, may, at his own risk, vacate, repair, remove or demolish such building or clear such property or have such work done;
6. That any person notified to repair, vacate, remove or demolish any building or clear any unimproved property shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do or have done the work or act required by such notice;
7. That any person notified to repair, vacate, remove or demolish any building may apply to the council for one (1) additional extension of such time to do or have done the work or act required by such notice, for a period of up to ninety (90) days; and
8. That a reconsideration of, and a hearing before the council on, the order contained in such notice may be obtained by a written request made to the city clerk within ten (10) days of the date of such notice;

(4) Place a notice on all dangerous buildings, reading as follows:

"This building has been found to be a dangerous building by the Building Inspector."

Such notice shall remain on the building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mort-

gagee or agent of the building and all other persons having an interest in such building, as shown by the land records of the county probate judge. It shall be unlawful to remove the same until such notice is complied with;

(5) Appear at all hearings conducted by the council and testify as to the condition of dangerous buildings or unimproved properties;

(6) Report to the council any noncompliance with notice given under subsection (4) hereof.

(Code 1968, § 5-85)

Sec. 5-66. Duties of council.

(a) Where the owner, occupant, mortgagee, lessee, agent or other interested person shall fail to comply with any notice given by the building inspector, as provided for in section 5-65, the council shall give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building, as shown by the land records of the county probate judge, to appear before it on the date determined by the council specified in such notice to show cause why the building or structure or unimproved property reported to be a dangerous building or dangerous unimproved property should not be repaired, vacated, demolished or cleared in accordance with the statement of particulars set forth in the notice provided under section 5-65 hereof.

(b) The council shall provide a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having as interest in such building or property, as shown by the land records of the county probate judge, shall offer relative to the dangerous building or property.

(c) The council shall determine from the testimony offered whether or not the building or unimproved property in question is a dangerous building or property within the terms of section 5-61 hereof.

(d) Where the building or unimproved property is determined to be a dangerous building or dangerous unimproved property, the council shall issue an order commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building or property, as shown by the land records of the county probate judge, to repair, vacate or demolish any building found to be a dangerous building, or clear any dangerous unimproved property, provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing such dangerous building. Further, any person not the owner of such dangerous building or property, but having an interest in such building or property, as shown by the land records of the county probate judge, may demolish such dangerous building or clear such property at his own risk, to prevent the acquiring of a lien by the city against the land upon which such dangerous building stands, or property lies, as provided in subsection (e).

(e) If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in subsection (d) within the time limit set by the order to so do, the council shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under

the standards provided in section 5-64, and shall, with the assistance of the city attorney, assess the costs of such repair, vacation or demolition with the cost of clearing to be charged against the land as a municipal lien, the same to be recovered in a suit at law against the owner, provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety, morals or general welfare of the people of this city, the council shall notify the city attorney to take legal action to force the owners to make all necessary repairs or demolish the building or clear the unimproved property.
(Code 1968, § 5-86)

Sec. 5-67. Emergency cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person, unless a dangerous building is immediately repaired, vacated, removed or demolished or unless a dangerous unimproved property is cleared, the building inspector shall report such facts to the council and the council shall cause the immediate repair, vacation, removal or demolition of such dangerous building or clearance of such dangerous property. The costs of such emergency repair, vacation, removal, demolition or clearance shall be collected in the same manner as provided in section 5-66 (e).
(Code 1968, § 5-87)

Sec. 5-68. Where owner absent from city.

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city, all notices or orders shall be sent by certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in such building or property, as shown by the land records of the county probate judge, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building or dangerous unimproved property to which it relates. Such mailing and posting shall be deemed adequate service.
(Code 1968, § 5-88)

Sec. 5-69. Violations—Enumerated; penalties for disregarding notices, etc.

(a) The owner of any dangerous building or property who shall fail to comply with any notice or order to repair, vacate, remove or demolish the building or clear the property given by any person authorized by this article; shall be guilty of a misdemeanor.

(b) The occupant or lessee in possession who fails to comply with any notice to vacate, or to repair the building or to clear such property in accordance with any notice given, as provided for in this article, shall be guilty of a misdemeanor.

(c) Any person removing the notices provided for in this article shall be guilty of a misdemeanor.

(d) Each day's violation of the provisions hereof shall constitute a separate offense.
(Code 1968, § 5-89)

Sec. 5-70. Same—Duties of city attorney.

In cases of violation of this article, it shall be the duty of the city attorney to:

(1) Cause the building inspector to prosecute all persons failing to comply with the terms of the notices provided for in section 5-65(3)c. and the orders provided for in section 5-66(d);

(2) Appear at all hearings before the council in regard to dangerous buildings or unimproved properties;

(3) Bring suit to collect all municipal liens, expenditures or costs incurred by the city in repairing or causing to be vacated or to be demolished dangerous buildings and the clearing of dangerous unimproved properties;

(4) Take such other legal action as is necessary to carry out the terms, provisions and intent of this article.

(Code 1968, § 5-90)

Secs. 5-71—5-80. Reserved.

ARTICLE V. SIGNS, OUTDOOR DISPLAYS AND HANDBILLS*

Sec. 5-81. Purpose.

The purpose of these sign regulations is: to encourage the effective use of signs as a means of communication in the City of Greenville; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; and to minimize the possible adverse effect of signs on nearby public and private property. Further, that because unrestricted proliferation of signs can and does detract from the scenic, economic, and aesthetic values of the community, it is the intent of this article to provide limiting controls, where necessary to preserve and upgrade these community values.

(Ord. No. 1999-8, 1-11-00)

Sec. 5-82. Applicability and effect.

A sign may be erected, placed, established, painted, created, or maintained in the City of Greenville only in conformance with the standards, procedures, exemptions, and other requirements of this article. The effect of this article, as more specifically set forth herein, is:

(1) To establish a permit system to allow a variety of sign types in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this article.

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*__Cross references__—Flammable liquids' sign requirements, § 7-106; posting signs on public or utility-owned property, § 13-9; park regulations relative to posting of signs, § 14-23(3); zoning requirements for signs, App. A.

(2) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article, but without a requirement for permits.

(3) To provide for temporary signs without commercial messages in limited circumstances.

(4) To prohibit all signs not expressly permitted by this article; and

(5) To provide for the enforcement of the provisions of this article.

(Ord. No. 1999-8, 1-11-00)

Sec. 5-83. Definitions.

Words and phrases used in this Article shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in Article III of the Zoning Ordinance of the City of Greenville shall be given the meanings set forth in said Zoning Ordinance.

Animated sign means any sign that uses movement or a change of light to depict action or create a special effect or sense.

Banner means any sign of lightweight fabric or similar material, mounted by attachment at one or more edges. National, state, or municipal flags, or the official flag of any institution, business, or nonprofit organization shall not be considered a banner.

Building marker means any sign indicating the name of a building and the date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building sign means any sign attached to any part of a building, as contrasted to a freestanding sign.

Canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Commercial messages means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Director means the Director of the Department of Building and Planning for the City of Greenville or his or her designee.

Flag means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Freestanding sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Ground sign means a sign with the entire bottom edge in contact with or in close proximity to the ground and separated from the building.

Incidental sign means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "loading zone", "telephone", or other directive message. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign Any sign attached to, in any manner, or made a part of a marquee.

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, A or T frame signs, menu and sandwich boards, balloons used as signs, and signs attached to or painted on vehicles parked and visible from the public way, unless said vehicle is used in the normal day-to-day operations of the business.

Projecting sign means any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Residential sign means any sign located in a district zoned for residential uses that contains no commercial message except advertising goods or services legally offered on the premises in accordance with Article V, section 502.6 of the Zoning Ordinance of the City of Greenville.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Sign means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Suspended sign means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign means any sign that is used for brief periods and is not permanently mounted.

Wall sign means any sign attached parallel to, and within six inches of wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window sign means any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Zone lot means a parcel of land in single ownership that is of sufficient size to meet minimum lot requirements of Article IX of the City of Greenville Zoning Ordinance, and complies with the requirements set forth in said ordinance.
(Ord. No. 1999-8, 1-11-00)

Sec. 5-84. General regulations and prohibited signs.

Signs shall be allowed on private property in the City of Greenville in accordance with the following. The City of Greenville shall be empowered to remove or cause to be removed at the owners expense all prohibited signs.

(1) No sign shall be located so that it substantially interferes with the view or vision necessary for motorists to proceed safely through intersections or to enter or exit from public streets or private roads and parking areas.

(2) Signs incorporating any noisy mechanical device are expressly prohibited.

(3) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. This restriction does not apply to signs indicating the time, date, community events, or weather conditions.

(4) No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(5) Signs located within the public right-of-way except those erected by or on behalf of a governmental body or public utility are prohibited.

(6) Signs posted on any utility pole, tree, rock, road sign, or other existing feature not intended to support such sign are prohibited.

(7) Each sign must contain a complete message or display.

(8) No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs, or other vegetation within any right-of-way, or any area where landscaping is required by the landscaping ordinance (1999-02) of the City of Greenville except as allowed for off premise advertising along interstate highways.

(9) Signs shall not be attached to or painted onto a vehicle parked on a public street, parking lot or thoroughfare for the sole purpose of advertising.

(10) Signs that obstruct ingress or egress to any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any room or building as required by law or code are prohibited.

(11) Exposed backs of single faced signs shall be painted a single color and shall present a clean and finished appearance.

(12) Signs fixed or mounted directly on or in windows shall not require a permit and shall not count against the signage allocation for the premises, provided that such signs do not cover mote than twenty (20) percent of the total window area.

(13) Portable signs shall be allowed as temporary signs by obtaining the required permit from the Department of Building and Planning. Such signs may remain for a period not to exceed thirty (30) days and may not be replaced on the same zone lot for a period of sixty (60) days. Portable signs may not be illuminated.

(14) Banners shall be allowed as temporary signs. Such signs may remain in place for no more than sixty (60) days, and must be affixed to a permanent structure.

(15) Any sign not expressly permitted by this article is prohibited.

(Ord. No. 1999-8, 1-11-00)

Sec. 5-85. Electrical service and sign illumination.

Unless otherwise prohibited, signs may be supplied with electrical power and may be illuminated in accordance with this article.

(1) Electrical power, if supplied, must be by means of attached battery pack or underground wiring.

(2) Signs within one hundred and fifty (150) feet of a residential zone may only be illuminated during the hours of operation of the business on the zone lot to which they pertain. No sign within one hundred and fifty (150) feet of a residential zone may be illuminated between the hours of midnight and 6:00 unless the impact of such sign lighting beyond the boundaries of the zone lot on which it is located is entirely inconsequential.

Exception:

a. Subdivision identification signs where permitted.

b. Signs located within the Downtown Overlay Zone.

c. Church bulletin boards

(3) Illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.

Exception: Subsection (3) does not apply to temporary signs and displays erected in connection with observance of legal holidays.

(4) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

(5) No sign or outdoor display lighted in accordance with this section shall be located in such a manner as to obscure or interfere with the effectiveness of official traffic signs,

signals, or devices, or in such a manner to obstruct or interfere with the view of the driver of any motor or other vehicle traveling upon any public road or approaching, merging with, or intersecting into traffic.

(6) Except as herein provided, illuminated signs are not permissible in residential zoning districts. This section shall not apply to the following types of signs:

a. Signs that constitute an integral part of a vending machine, telephone booth, device that indicates only the time, date, or weather conditions, or similar device whose principle function is not to convey a commercial message.

b. Church bulletin boards may be illuminated in residential districts subject to the restrictions contained in subsection (4).

(Ord. No. 1999-8, 1-11-00)

Sec. 5-86. Computation of sign area.

(a) The surface area of a sign shall be computed by including the entire area within a single, continuous, perimeter, or a circle enclosing the extreme limits of the writing, representation, emblem, or other display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing incidental to the display itself.

(b) If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

(c) With respect to two-sided, multi-sided, or three-dimensional signs, the surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign.

(Ord. No. 1999-8, 1-11-00)

Sec. 5-87. Signs permitted in Residential Districts.

The following section applies to all residential zoning districts including RTH zones and residential P.U.D.'s. The maximum sign surface area permitted on any zone lot in any residential district, or the residential portions of a planned unit development used for single family residences is six (6) square feet unless otherwise stated. The following sign types are permitted:

(1) Temporary non-illuminated real estate signs used to offer the property on which it is located for sale, lease or rent, not to exceed six (6) square feet in area.

(2) Signs not exceeding four (4) square feet in area that are customarily associated with residential use and not of a commercial nature, including, but not limited to, signs

giving property identification, signs on mailboxes or newspaper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals are permitted.

(3) Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and twenty-four (24) square feet in area.

(4) Signs erected in connection with elections or political campaigns. Such signs shall be removed within three (3) days following the election or conclusion of the campaign.

(5) Temporary construction site identification signs erected during construction period, for the purpose of identifying the project, the owner or developer, architect, engineer, contractor, funding sources, and related information. Such signs shall not exceed two (2) per abutting street and six (6) square feet in area.

(6) Signs at entrances to a residential development or subdivision that do not exceed the following: A total of two (2) signs at each entrance identifying such development. A single side of any such side may not exceed twenty (20) square feet, nor may the total surface area of all such signs located at a single entrance exceed forty (40) square feet. All such signs require a permit and must receive prior approval by the Planning Commission.

(7) Signs pertaining to a customary incidental home occupation complying with Article V, Section 502.6 of the Zoning Ordinance not exceeding two (2) square feet in area.

(8) Institutional uses allowed in residential districts by the Zoning Ordinance of the City of Greenville are allowed one (1) freestanding or monument sign not to exceed thirty-two (32) square feet in area per abutting street, and any number of building signs not to exceed ten (10) percent of the area of the building face.

(Ord. No. 1999-8, 1-11-00)

Sec. 5-88. Signs permitted in Commercial Districts.

The following regulations apply to signs located in the various commercial districts including commercial PUD's and commercial areas of residential PUD's within the corporate limits of the City of Greenville. Permits are required for all signs in these districts other than temporary, incidental and building markers. Permit approval may be obtained at time of planning commission review or by making application to the Department of Building and Planning twenty-four (24) hours prior to erection of said signs.

(1) Subject to the other provisions of this Article, the following regulations apply to signs located in C1 (Neighborhood Commercial) zones and commercial portions of residential PUD's.

a. *Freestanding sign:* Permanent, pole mounted or monument on-premise signs must conform to the following:

Single occupant:

1. Each zone lot may contain one (1) freestanding sign per abutting street.

2. The surface area of such signs may not exceed forty (40) square feet per two hundred fifty (250) linear feet of street frontage or fraction thereof.
3. The maximum height measured from grade to the highest point shall not exceed twenty (20) feet.
4. Such signs must setback ten (10) feet from the pavement or roadway edge to which it is directed and may not be placed on or project over the right-of-way.

Multiple occupants:

1. Each zone lot may contain one freestanding sign per two hundred fifty (250) feet of street frontage or fraction thereof, provided however, that where additional signs are permitted because of frontage in excess of two hundred fifty (250) feet, such signs shall not be closer to another freestanding sign on the same zone lot than one hundred (100) feet. If such zone lot has frontage on more than one street, one additional freestanding sign may be erected for each abutting street segment which equals or exceeds one hundred (100) feet in length, and shall be erected and located on the property immediately abutting such additional street segment.
2. The surface area of such signs shall not exceed sixty-four (64) square feet per two hundred fifty (250) linear feet of frontage or fraction thereof. The maximum height measured from grade to the highest point may not exceed twenty (20) feet.
3. Such signs must setback ten (10) feet from the pavement or roadway edge to which it is directed and may not be placed on or project over the right of way.

b. *Building signs:* Any number of attached on-premise-building signs shall be allowed provided that the total area of all such signs as located per wall face shall not exceed ten (10) percent of the total of such wall face area, to a maximum of two hundred (200) square feet.

c. *Development entrance signs:* Signs at entrances to a commercial development or subdivision that do not exceed the following: A total of two (2) signs at each entrance identifying such development. A single side of any such side may not exceed twenty (20) square feet, nor may the total surface area of all such signs located at a single entrance exceed forty (40) square feet.

All such signs require a permit and must receive prior approval by the Planning Commission.

d. *Church identification signs:* Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and twenty-four (24) square feet in area.

e. *Temporary construction site signs:* Temporary construction site identification signs erected during construction period, for the purpose of identifying the project, the owner or developer, architect, engineer, contractor, funding sources, and related information. Such signs shall not exceed two (2) per abutting street and thirty-six (36) square feet in area.

f. *Real estate signs:* Temporary non-illuminated real estate signs used to offer the property on which it is located for sale, lease, or rent, not to exceed thirty-two (32) square feet in area, and two per abutting street.

(2) Subject to the other provisions of this Article, the following regulations apply to signs located in C2 (General Commercial) zones and Commercial PUD's.

a. *Freestanding sign:* Permanent, pole mounted or monument on-premise signs must conform to the following:

Single occupant:

1. Each zone lot may contain one (1) freestanding sign per abutting street.
2. The surface area of such signs may not exceed forty (40) square feet per two hundred fifty (250) linear feet of street frontage or fraction thereof.
3. The maximum height measured from grade to the highest point shall not exceed twenty (20) feet.
4. Such signs must setback ten (10) feet from the pavement or roadway edge to which it is directed and may not be placed on or project over the right-of-way.

Multiple occupants:

1. Each zone lot may contain one freestanding sign per two hundred fifty (250) linear feet of street frontage or fraction thereof, provided however, that where additional signs are permitted because of frontage in excess of two hundred fifty (250) feet, such signs shall not be closer to another freestanding sign on the same zone lot than one hundred (100) feet. If such zone lot has frontage on more than one street, one additional freestanding sign may be erected for each abutting street segment which equals or exceeds one hundred (100) feet in length, and shall be erected and located on the property immediately abutting such additional street segment.
2. The surface area of such signs shall not exceed sixty-four (64) square feet per two hundred fifty (250) linear feet of frontage or fraction thereof.
3. The maximum height measured from grade to the highest point may not exceed twenty (20) feet.
4. Such signs must setback ten (10) feet from the pavement or roadway edge to which it is directed and may not be placed on or project over the right of way.

b. *Building signs:* Any number of attached on-premise-building signs shall be allowed provided that the total area of all such signs as located per wall face shall not exceed ten (20) percent of the total of such wall face area, to a maximum of two hundred (200) square feet. Such sign may be illuminated or non-illuminated and shall be attached flush with the building face. Such sign shall not extend above the roofline or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof, nor more than two (2) feet above the eave line on other roof styles. In no instance shall a wall sign extend beyond any corner of a building face

upon which said sign is mounted. A wall sign shall not project outward more than eight (8) inches from the building face. An illuminated sign shall have a minimum clearance of eight (8) feet above sidewalk or ground level as measured from the ground to the lowest point of the sign.

c. *Projecting signs:* A projecting sign which is attached to the wall of the building it serves shall not project more than forty-eight (48) inches from the face of the building upon which it is mounted, shall not exceed forty-eight (48) square feet in area, and shall have a minimum clearance of ten (10) feet above the ground level. Such sign shall not project above the roofline on a flat roof or above the eave line on other roof styles.

d. *Marquee and marquee sign:* Theaters are permitted one marquee sign which may be in addition to all other signs permitted by this section.

e. *Development entrance signs:* Signs at entrances to a commercial development or subdivision that do not exceed the following: A total of two (2) signs at each entrance identifying such development. A single side of any such side may not exceed twenty (20) square feet, nor may the total surface area of all such signs located at a single entrance exceed forty (40) square feet.

All such signs require a permit and must receive prior approval by the Planning Commission.

f. *Church identification signs:* Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and twenty-four (24) square feet in area.

g. *Temporary construction site signs:* Temporary construction site identification signs erected during construction period, for the purpose of identifying the project, the owner or developer, architect, engineer, contractor, funding sources, and related information. Such signs shall not exceed two (2) per abutting street and thirty-six (36) square feet in area.

h. *Real estate signs:* Temporary non-illuminated real estate signs used to offer the property on which it is located for sale, lease, or rent, not to exceed thirty-two (32) feet in area, and two per abutting street.

(3) The following regulations apply to signs located in the Downtown Overlay Zone. For the purposes of this Article, the Downtown Overlay Zone shall consist of all lots abutting Commerce Street within the section beginning at the Butler County Courthouse and extending West to the Railroad Bridge adjacent to Bolling Street. All signs located in the above-described zone shall comply with the following:

a. *Freestanding sign:* Permanent, pole mounted or monument on-premise signs must conform to the following:

1. Each zone lot may contain one (1) freestanding sign per abutting street where the principal building is set back a minimum of ten 10) feet from the right of way of said street.

2. The surface area of such signs may not exceed forty (40) square feet.
3. The maximum height measured from grade to the highest point shall not exceed twenty (20) feet.
4. Such signs must setback ten (10) feet from the pavement or roadway edge to which it is directed and may not be placed on or project over the right-of-way.

b. *Building signs:* Any number of attached on-premise building signs shall be allowed provided that the total area of all such signs as located per wall face shall not exceed ten (20) percent of the total of such wall face area, to a maximum of two hundred (200) square feet. Such sign may be illuminated or non-illuminated and shall be attached flush with the building face. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof, nor more than two (2) feet above the eave line on other roof styles. In no instance shall a wall sign extend beyond any corner of a building face upon which said sign is mounted. A wall sign shall not project outward more than eight (8) inches from the building face. An illuminated sign shall have a minimum clearance of eight (8) feet above sidewalk or ground level as measured from the ground to the lowest point of the sign.

c. *Projecting signs:* A projecting sign which is attached to the wall of the building it serves. Such sign shall not project more than forty-eight (48) inches from the face of the building upon which it is mounted, shall not exceed forty-eight (48) square feet in area, and shall have a minimum clearance of ten (10) feet above the ground level. Such sign shall not project above the roofline on a flat roof or above the eave line on other roof styles.

d. *Marquee and marquee sign:* Theaters are permitted one marquee sign which may be in addition to all other signs permitted by this article.

e. *Real estate signs:* Temporary non-illuminated real estate signs used to offer the property on which it is located for sale, lease or rent, not to exceed six (6) square feet in area.

f. *Temporary signs:* Freestanding temporary signs are prohibited unless special permission is received by the Department of Building and Planning.

(4) Subject to the other provisions of this Article, the following regulations apply to signs located in C3 (Highway Commercial) zones.

a. *Freestanding sign:* Permanent, pole mounted or monument on-premise signs must conform to the following:

Single occupant:

1. Each zone lot may contain one (1) freestanding sign per abutting street.
2. The surface area of such signs may not exceed 0.8 square feet per linear foot of street frontage or fraction thereof.
3. The maximum height measured from grade to the highest point shall not exceed thirty-five (35) feet.

4. Such signs must setback ten (10) feet from the pavement or roadway edge to which it is directed and may not be placed on or project over the right-of-way.
5. Zone lots located within the interstate overlay zone (figure 8.0) shall also be permitted a second freestanding on-premise sign which may not exceed two hundred fifty-six (256) square feet in area provided that such sign is supported by an engineer designed, noncombustible, monopole structure, and is in compliance with all other provisions of this article.

Multiple occupants:

1. Each zone lot may contain one freestanding sign per two hundred fifty (250) feet of street frontage or fraction thereof, provided however, that where additional signs are permitted because of frontage in excess of two hundred fifty (250) feet, such signs shall not be closer to another freestanding sign on the same zone lot than one hundred (100) feet. If such zone lot has frontage on more than one street, one additional freestanding sign may be erected for each abutting street segment which equals or exceeds one hundred (100) feet in length, and shall be erected and located on the property immediately abutting such additional street segment.
2. The surface area of such signs shall not exceed 0.8 square feet per linear foot of frontage or fraction thereof of the adjacent street.
3. The maximum height measured from grade to the highest point may not exceed thirty-five (35) feet.
4. Such signs must setback ten (10) feet from the pavement or roadway edge to which it is directed and may not be placed on or project over the right-of-way.
5. Zone lots located within the interstate overlay zone (figure 8.0) shall also be permitted a second freestanding on-premise sign which may not exceed and two hundred, fifty-six (256) square feet in area provided that such sign is supported by an engineer designed, noncombustible, monopole structure, and is in compliance with all other provisions of this article.

b. *Building signs:* Any number of attached on-premise-building signs shall be allowed provided that the total area of all such signs as located per wall face shall not exceed ten (20) percent of the total of such wall face area, to a maximum of two hundred (200) square feet. Such sign may be illuminated or non-illuminated and shall be attached flush with the building face. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof, nor more than two (2) feet above the eave line an other roof styles. In no instance shall a wall sign extend beyond any corner of a building face upon which said sign is mounted. A wall sign shall not project outward more than eight (8) inches from the building face. An illuminated sign shall have a minimum clearance of eight (8) feet above sidewalk or ground level as measured from the ground to the lowest point of the sign.

c. *Projecting signs:* A projecting sign which is attached to the wall of the building it serves. Such sign shall not project more than forty-eight (48) inches from the face

of the building upon which it is mounted, shall not exceed forty-eight (48) square feet in area, and shall have a minimum clearance of ten (10) feet above the ground level. Such sign shall not project above the roofline on a flat roof or above the eave line on other roof styles.

d. *Marquee and marquee sign:* Theaters are permitted one marquee sign which may be in addition to all other signs permitted by this section.

e. *Development entrance signs:* Signs at entrances to a commercial development or subdivision that do not exceed the following: A total of two (2) signs at each entrance identifying such development. A single side of any such side may not exceed twenty (20) square feet, nor may the total surface area of all such signs located at a single entrance exceed forty (40) square feet. All such signs require a permit and must receive prior approval by the Planning Commission.

f. *Church identification signs:* Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and twenty-four (24) square feet in area.

g. *Temporary construction site signs:* Temporary construction site identification signs erected during construction period, for the purpose of identifying the project, the owner or developer, architect, engineer, contractor, funding sources, and related information. Such signs shall not exceed two (2) per abutting street and thirty-six (36) square feet in area.

h. *Real estate signs:* Temporary non-illuminated real estate signs used to offer the property on which it is located for sale, lease, or rent, not to exceed thirty-two (32) feet in area, and two per abutting street.

(Ord. No. 1999-8, 1-11-00)

Sec. 5-89. Signs permitted in Industrial Districts.

The following regulations apply to signs located in the various industrial districts within the corporate limits of the City of Greenville. Permits are required for all signs in these districts other than temporary, incidental and building markers. Permit approval may be obtained at time of planning commission review or by making application to the Department of Building and Planning twenty-four (24) hours prior to erection of said signs.

(7) Subject to the other provisions of this Article, the following regulations apply to signs located in M1 (Light Industrial) and M2 (General Industrial) zones.

a. *Freestanding sign:* Permanent, pole mounted or monument on-premise signs must conform to the following:

Single occupant:

1. Each zone lot may contain one (1) freestanding sign per abutting street.
2. The surface area of such signs may not exceed 0.8 square feet per linear foot of street frontage or fraction thereof.

3. The maximum height measured from grade to the highest point shall not exceed thirty-five (35) feet.
4. Such signs must setback ten (10) feet from the pavement or roadway edge to which it is directed and may not be placed on or project over the right-of-way.
5. Zone lots located within the interstate overlay zone (figure 8.0) shall also be permitted a second freestanding on-premise sign which may not exceed two hundred fifty-six (256) square feet in area provided that such sign is supported by an engineer designed, noncombustible, monopole structure, and is in compliance with all other provisions of this article.

Multiple occupants:

1. Each zone lot may contain one freestanding sign per two hundred fifty (250) feet of street frontage or fraction thereof, provided however, that where additional signs are permitted because of frontage in excess or two hundred fifty (250) feet, such signs shall not be closer to another freestanding sign on the same zone lot than one hundred (100) feet. If such zone lot has frontage on more than one street, one additional freestanding sign may be erected for each abutting street segment which equals or exceeds one hundred (100) feet in length, and shall be erected and located on the property immediately abutting such additional street segment.
2. The surface area of such signs shall not exceed 0.8 square feet per linear foot of frontage or fraction thereof of the adjacent street.
3. The maximum height measured from grade to the highest point may not exceed thirty-five (35) feet.
4. Such signs must setback ten (10) feet from the pavement or roadway edge to which it is directed and may not be placed on or project over the right of way.
5. Zone lots located within the interstate overlay zone (figure 8.0) shall also be permitted a second freestanding on-premise sign which may not exceed two hundred, fifty-six (256) square feet in area provided that such sign is supported by an engineer designed, noncombustible, monopole structure, and is in compliance with all other provisions of this article.

b. *Building signs:* Any number of attached on-premise-building signs shall be allowed provided that the total area of all such signs as located per wall face shall not exceed ten (10) percent of the total of such wall face area, to a maximum of two hundred (200) square feet. Such sign may me illuminated or non-illuminated and shall be attached flush with the building face. Such sign shall not extend above the roof line or parapet line, whichever is higher, on a flat roof, nor above the top of a mansard roof, nor more than two (2) feet above the eave line on other roof styles. In no instance shall a wall sign extend beyond any corner of a building face upon which said sign is mounted. A wall sign shall not project outward more than eight (8) inches from the building face. An illuminated sign shall have a minimum clearance of eight (8) feet above sidewalk or ground level as measured from the ground to the lowest point of the sign.

c. *Projecting signs:* A projecting sign which is attached to the wall of the building it serves. Such sign shall not project more than forty-eight (48) inches from the face of the building upon which it is mounted, shall not exceed forty-eight (48) square feet in area, and shall have a minimum clearance of ten (10) feet above the ground level. Such sign shall not project above the roofline on a flat roof or above the eave line on other roof styles.

d. *Development entrance signs:* Signs at entrances to a commercial development or subdivision that do not exceed the following: A total of two (2) signs at each entrance identifying such development. A single side of any such side may not exceed twenty (20) square feet, nor may the total surface area of all such signs located at a single entrance exceed forty (40) square feet. All such signs require a permit and must receive prior approval by the planning commission.

e. *Church identification signs:* Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and twenty-four (24) square feet in area.

f. *Temporary construction site signs:* Temporary construction site identification signs erected during construction period, for the purpose of identifying the project, the owner or developer, architect, engineer, contractor, funding sources, and related information. Such signs shall not exceed two (2) per abutting street and thirty-six (36) square feet in area.

g. *Real estate signs:* Temporary non-illuminated real estate signs used to offer the property on which it is located for sale, lease, or rent, not to exceed thirty-two (32) feet in area, and two (2) per abutting street.

(Ord. No. 1999-8, 1-11-00)

Sec. 5-90. Freestanding off-premise signs.

The following regulations apply to freestanding off-premise signs within the corporate limits of the City of Greenville. Permits are required for all such signs. Permit approval may be obtained by making application to the department of building and planning twenty-four (24) hours prior to erection of said signs. The application for a permit shall be on a form provided by the department of building and planning and shall contain such information as the director may require. Upon receipt of an application containing all required information, the director shall issue a permit to the applicant for the sign, provided such sign does not violate any provisions of this or any other city ordinance. A fee of fifty dollars ($50.00) will be required for each location. Permits shall be for the calendar year, and shall be renewed annually upon payment of the required fee without the necessity of filing a new application. The fee shall not be prorated for fractions of the year.

All off-premise signs are limited to that area zoned Industrial or Highway Commercial within the city limits, and any commercial or industrial zone located in the interstate overlay zone (figure 8.0), in accordance with the following:

(1) Subject to the other provisions of this article, the following restrictions apply to off-premise signs located in Highway Commercial and Industrial zoning districts outside of the interstate overlay zone.

a. Signs shall have a maximum area of two hundred and fifty (250) square feet per side.

b. Such signs must not exceed the height limits set forth for freestanding signs within the zoning district in which they are located measured from the roadbed to the highest portion of the sign.

c. Such signs shall not be located closer than two hundred (200) feet from the border of any residential district.

d. Such signs shall not be located closer than one hundred (100) feet from the intersection of any public highways or streets.

e. Such signs shall not be located closer than five hundred (500) feet from another off-premise sign measured on the same right-of-way line.

f. There shall be no more than one (1) such sign an any one (1) pole, support, or sign structure.

g. Such sign must be supported by an engineer designed, non-combustible, mono-pole structure.

h. Such signs must not be located on or project over the right of way.

i. Freestanding off-premise signs with no commercial message for a period of ninety (90) days shall deemed abandoned and subject to the provisions of section 10.0 unless the owner of such sign makes the space available for public service announcements through the Greenville Area Chamber of Commerce free of charge until such time as the space is again occupied.

(2) Subject to the other provisions of this article, the following restrictions apply to freestanding off-premise signs within the commercial and industrial zoned portions of the interstate overlay zone (figure 8.0).

a. Such signs shall not be located closer than two hundred (200) feet from the border of any residential district.

b. Such signs shall not be located closer than five hundred (500) feet from another off premise sign measured on the same right-of-way line.

c. There shall be no more than one (1) such sign on any one (1) pole, support, or sign structure.

d. Such sign must be supported by an engineer designed, non-combustible, mono-pole structure.

e. Such signs must not be located on or project over the right-of-way.

f. Signs displaying no commercial message for a period of ninety (90) days shall deemed abandoned and subject to the provisions of section 5-92 unless the owner of such sign makes the space available for public service announcements through the Greenville Area Chamber of Commerce free of charge until such time as the space is again occupied.

g. Vegetation control must comply with any and all state guidelines for trimming and cutting along interstate highways, as the same may be amended.

(Ord. No. 1999-8, 1-11-00; Ord. No. 2009-07, § 1, 9-28-09)

Sec. 5-91. Non-conforming signs.

It is the intent of this article to eventually eliminate all non-conforming signs within the City of Greenville either through measures designed to bring them into compliance or by their removal. The following provisions shall apply to all non-conforming signs.

All non-conforming signs that existed at the time of the adoption of this Article shall be allowed to remain as they existed at the time of adoption subject to the following:

(1) No non-conforming sign that had been erected in violation of any previously existing sign ordinance shall become conforming by virtue of this article.

(2) Subject to the remaining restrictions of this section, non-conforming signs that were otherwise lawful on the date of this article may be continued until such time as they may be removed or destroyed, as provided under the non-conforming provisions stipulated in Article XII of the Zoning Ordinance.

(3) No person may engage in any activity that causes an increase in the extent of non-conformity of a non-conforming sign. No non-conforming sign may be enlarged or altered in such a manner as to increase the non-conformity, nor may illumination be added to any non-conforming sign.

(Ord. No. 1999-8, 1-11-00)

Sec. 5-92. Unsafe and abandoned signs.

Any sign deemed to be structurally unsafe or abandoned by the following section shall be removed by the owner of the sign or the owner of the premises on which the sign is located, upon notification by the department of building and planning. If the owner of the sign or display refuses or neglects to remove or repair the same within ten (10) days after service of such notice, then the city inspector or his designee shall enter on the premise and cause the removal of the sign. (Such notice is not required for temporary signs placed on the public right-of-way.) The cost of such removal shall be taxed against the owner of record of the real property from which the sign is removed, such costs to constitute a lien against said real property which shall be enforced in the manner in which other liens in favor of the city are enforced. A sign shall be deemed abandoned by any of the following:

(1) The sign face is blank, in disrepair, or no longer applicable.

(2) The purpose or event to which the sign applies in no longer applicable. Such signs shall be removed within forty-eight (48) hours after the purpose or event is held.

(3) The business to which the sign applies is no longer operating.

(4) Permanent signs applicable to a business temporarily suspended because of change of ownership or management shall not be deemed abandoned unless the property remains vacant for a period exceeding ninety (90) days. In the event the business to which the sign applies is destroyed by fire, or other natural disaster, but the sign itself is not harmed, such sign may remain in place provided the building is undergoing permitted repairs or renovations.

(Ord. No. 1999-8, 1-11-00)

Sec. 5-93. Maintenance of signs.

All signs and outdoor displays and the premises surrounding the same shall be maintained at all times by the owner or user thereof in a clean, sanitary, safe, and non-offensive condition, free and clear of rubbish and weeds and in compliance with the following:

(1) All signs and components thereof, including without limitation, supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

(2) If the message portion of a sign is removed, leaving only the supporting shell of the sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located shall, within thirty (30) days of the removal of said message portion of the sign, either replace the entire message portion or remove the remaining components in compliance with section 10.0 above. This subsection shall not be construed to allow replacement of non-conforming signs, nor to prevent the changing of the message or a sign.

(Ord. No. 1999-8, 1-11-00)

Sec. 5-94. Enforcement and remedies.

Any prohibited temporary sign may be removed by the building inspector or his or her designee and disposed of after a period of twenty-four (24) hours. Any expense incurred from said removal shall be paid by the owner of said sign.

Any violation or attempted violation of this article or of any condition or requirement adopted pursuant hereto by any person, firm, or corporation, shall constitute a misdemeanor, punishable by a fine of up to five hundred dollars ($500.00) as provided in the Code of Alabama, as amended. Each and every day during which illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense, provided the department of building and planning gives a written notice of the violation or violations.

Any violation of this article shall constitute a violation of the Zoning Ordinance of the City of Greenville and the city shall be afforded such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning ordinance. (Ord. No. 1999-8, 1-11-00)

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Chapter 6

EMERGENCY MANAGEMENT*

Sec. 6-1. Defined.

As used in this chapter the term "emergency management" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage or other hostile action, or by fire, flood, earthquake or other natural cause. These functions include without limitation, firefighting services; police services; medical and health services; rescue, engineering, air raid warning services; communications; radiological, chemical and other special weapons of defense; evacuation of persons from stricken areas; emergency welfare services (civilian war aid); emergency transportation; plant protection; temporary restoration of public utility services; and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.
(Code 1968, § 2-100)

State law reference—"Emergency management" defined, Code of Ala. 1975, § 31-9-3.

Sec. 6-2. Organization—Composition.

Officers and employees of the city, with volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who make emergency management agreements or on operation of law, shall constitute the organization and be charged with the duties necessary for the protection of life and property in the city during an emergency.
(Code 1968, § 2-101)

State law references—Local emergency management organizations generally, Code of Ala. 1975, § 31-9-10; emergencies and disasters described, Code of Ala. 1975, § 31-9-2.

Sec. 6-3. Same—Powers and duties.

The emergency management organization shall:

(1) Develop a municipal emergency management operational survival plan. This plan shall provide for the effective mobilization of all resources of the city, both private and public, and shall be based upon plans formulated by and in the state emergency management plan and program.

***Cross references**—Administration, Ch. 2; alcoholic beverages, Ch. 3; fire prevention and protection, Ch. 7; flood damage prevention, Ch. 8; health, Ch. 9; licenses and business regulations, Ch. 10; motor vehicles and traffic, Ch. 12; police department, Ch. 15; rescue squad, Ch. 16; emergency powers of mayor, § 2-41 et seq.

State law references—Alabama Emergency Management Act of 1955, Code of Ala. 1975, § 31-19-1 et seq.; local emergency management organizations, Code of Ala. 1975, § 31-9-9 et seq.

(2) Prepare and recommend for consideration by the council ordinances necessary to implement the emergency management operational survival plan.

(3) Consider and recommend to the council for approval all mutual aid plans and agreements.

(4) Inform and instruct each agency of the city as to its functions and duties in the event of mobilization.

(Code 1968, § 2-102)

State law reference—Local mutual aid agreements, Code of Ala. 1975, § 31-9-9.

Sec. 6-4. Volunteers.

All persons, other than officers and employees of the city volunteering in service pursuant to compliance with this article, shall serve without compensation. While engaged in such service, they shall have the same immunities as persons and employees of the city performing similar duties.

(Code 1968, § 2-105)

State law reference—Immunity of emergency management workers, etc., Code of Ala. 1975, § 31-9-16.

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Chapter 6.5

EMERGENCY SERVICES

Art. I. In General, §§ 6.5-1—6.5-30
Art. II. Advanced Life Support/Emergency Ambulance Services, §§ 6.5-31—6.5-37

ARTICLE I. IN GENERAL

Secs. 6.5-1—6.5-30. Reserved.

ARTICLE II. ADVANCED LIFE SUPPORT/EMERGENCY AMBULANCE SERVICES*

Sec. 6.5-31. Purpose.

In order to lessen congestion caused by emergency vehicles on the public streets, to facilitate the prompt dispatch of emergency ambulances when needed to protect life and health, and to further promote the health, safety and welfare of its citizens, it is hereby declared that the City of Greenville designates the Greenville Fire Department as the Advanced Life Support/Emergency Ambulance Provider for 911 calls within the city limits pursuant to the procedures hereinafter stated. After careful consideration and in order to lessen congestion by emergency vehicles on the public streets, to secure the safety of pedestrians and vehicles using the public streets and thoroughfares and, additionally, because the public necessity requires that such regulations be adopted to preserve and enhance the health, safety, welfare, and the good order and security of the city and its inhabitants, the rules and regulations governing private ambulances and municipal emergency ambulances in the city are hereby established by the city council exercising sound legislative judgment.
(Ord. No. 1993-7, § 1, 9-20-93)

Sec. 6.5-32. Definitions.

For the purposes of this article, the following words, terms, phrases and their derivations shall have the meanings respectively ascribed thereto by this section:

Advanced life support (ALS) means the use of equipment and procedures customarily used for advanced cardiac life support and basic trauma life support.

Ambulance means any motor vehicle constructed, reconstructed, arranged, equipped or used for the purpose of transporting ill, sick, injured or other individuals in need of or re-

***Editor's note**—Ordinance No. 1993-7, adopted Sept. 20, 1993, did not specifically amend this Code; hence, inclusion of §§ 1—7 as Ch. 6.5, Art. II, §§ 6.5-31—6.5-37 was at the discretion of the editor.

questing medical attention and which meets or exceeds the standards and requirements of the State of Alabama, Department of Public Health, Emergency Medical Services Division.

Ambulance attendant means any person licensed as an EMT (I, II, or III) who has the duty of performing or assisting in the response to an ambulance call.

Ambulance call means the act of responding to a call for ambulance services with an ambulance in order to transport any person, for compensation, for the following purposes:

(1) *Emergency* - A response to a call in which it is believed that the imminent loss of life or limb or serious physical injury exists. Such calls will be answered using all warning devices and lights.

(2) *Nonemergency* - A response that does not require the use of warning devices, including but not limited to: inter-hospital transfers, discharges to home or to any other place, visits to physicians' offices and the transport of the deceased to funeral homes.

(3) *Urgent* - A response to a call which does not require the use of all haste but which does not need to be responded to expeditiously. Warning devices may be used judiciously.

Basic life support ("BLS") means a level of prehospital care involving noninvasive life support measures collectively, including all aspects of cardiopulmonary resuscitation (CPR) techniques and the application of anti-shock trousers.

City means all areas within the corporate limits of the City of Greenville, Alabama.

City council means the duly elected members comprising the city council of the city of Greenville, Alabama.

Driver means a person who drives or attempts to drive any ambulance, who is responsible for the safe transport of patients and ambulance attendants and who has a valid emergency vehicle operator's license.

Emergency medical technician (EMT) means ambulance personnel certified and licensed by the State of Alabama as a basic or specially skilled emergency medical technician. Such individual may also be referred to as an ambulance attendant if at EMT Level I, II or III.

Emergency medical services advisory committee (EMSAC) means an advisory board established hereby which will recommend medical protocols, regulations and performance standards related to the medical and clinical aspects of ambulance service in the city and who shall be appointed by the mayor of the City of Greenville as set out in section 6.5-36(b) of this article.

Emergency physician's advisory board ("EPAB") means that committee appointed by the State of Alabama to develop rules and regulations for the provision of EMS services.

EMSAC director means that member of the EMSAC approved by the EMSAC to serve as its administrative officer in carrying out the duties and powers of the EMSAC.

Firemedic ambulance means any motor vehicle operated by the city fire department which meets the State of Alabama criteria for emergency ambulance transport.

Franchise means authority granted by the city to operate an ambulance service in the city.

Franchisee means owner to whom an ambulance franchise has been issued by the city council.

Interfacility emergency ALS transfer means the transfer of a patient requiring advanced paramedic skill from one facility to another where more advanced procedures are to be performed.

Medical control, on-line means direction given ambulance personnel by a base station physician through direct voice contact, with or without vital signs and/or telemetry, as required by applicable medical protocols.

Medical control physician ("MCP") means a physician holding a current license from the medical license commissioner of Alabama, knowledgeable in the applicable medical protocols, radio procedure and general operating policies of the Southeast Alabama Regional Emergency Medical Services Region, the City and the Alabama Department of Public Health. The MCP is the person from whom ambulance personnel shall, subject to provisions of this article, take medical direction in person, by radio, or by remote communications devices.

Medical protocol means any diagnosis-specific or problem-oriented written statement of standard procedure, or algorithm, promulgated by the EPAB and approved by the state EMS committee as the normal standard of prehospital care for a given clinical condition or such other protocols as may be developed by the EMSAC.

Medical review means a periodic review of ambulance reports and procedures by the EMSAC director and the EMSAC, or any appropriate subcommittee thereof.

Mutual aid call means request for emergency ambulance service issued by an ambulance dispatcher in one political jurisdiction to an ambulance dispatcher or ambulance crew in a neighboring political jurisdiction.

Owner means a person, partnership, corporation or other entity engaged in business as the owner, manager, officer or proprietor of a company, firm or organization providing private ambulance service within the city, and any of his or its employees, agents and servants.

Paramedic means a person licensed by the State of Alabama as an emergency medical technician-paramedic.

Patient transport:

(1) *Emergency* - Patient whose condition is life-threatening or which could cause serious, permanent physical impairment if not treated immediately.

(2) *Nonemergency* - Patient with minor medical condition where the time to treatment is not a critical factor. Such patient will be directed to alternative forms of transportation.

(3) *Urgent* - Patient whose condition would not cause loss of life or serious permanent physical impairment if treatment is deferred or delayed but whose condition is such that the transportation to a medical facility is warranted.

Private ambulance means any motor vehicle meeting the criteria designated by this article and by the State of Alabama for ambulances which are operated by an owner doing business within the city under a franchise issued by the city council.

Southeast Alabama Emergency Medical Services, Inc. (SEAEMS) means the regional EMS committee mandated by state law.

State means the State of Alabama.

State EMS committee means the committee appointed by the state department of public health for the purpose of regulating emergency medical services in the state.
(Ord. No. 1993-7, § 2, 9-20-93)

Sec. 6.5-33. Ambulance service—Generally.

(a) *Franchise, license and fee required.* After September 30, 1993, no owner, with the exception of owners conducting business under an existing franchise with the city on the day of the adoption of this article, shall operate an ambulance for hire on any street of the city without first having obtained from the city council a franchise declaring that public convenience and necessity requires such an operation, and a business license obtained from the city clerk, except as provided herein. Franchises and licenses issued pursuant to the provisions of this article shall not be transferable. The annual franchise fee shall be three (3) percent of gross receipts received by such owner for services rendered within the city between October 1 and September 30 of each year.

(b) *City firemedic ambulance exceptions.* The city firemedic ambulance emergency operations shall be exempt from all franchises, permits, business licenses and fees required by this article.

(c) *Other exceptions.* Ambulance companies may operate in the city without first obtaining a franchise and business license only as follows:

(1) When rendering assistance during any catastrophe or major emergency if all ambulances authorized to operate in the city are either insufficient in number or inadequate for any other reason, as determined by the EMSAC director, dispatch supervisor or the fire chief or his designee.

(2) When operating an ambulance brought in solely for the purpose of a drill or training exercise.

(3) When operating any ambulance rendering requested assistance currently authorized by the city in cases of disaster or major emergency pursuant to provisions of a mutual aid agreement approved by the city.

(4) When transporting emergency ambulance call patients from a location outside of the corporate limits of the city to L.V. Stabler Memorial Hospital or any other hospital within the city.

(5) When transporting patients with whom the owner has a written and current contract for the provision of ambulance transport services, if such owner has a valid business license with the City of Greenville, Alabama, is at all times in compliance with the provisions of section 6.5-34(c)(1) through (8) of this article and pays a gross receipts fee equal to three (3) percent of all income collected by the owner within the city limits of the City of Greenville, Alabama.

(d) *Firemedic ambulance service.* Beginning at 12:01 a.m. on the 1st day of October, 1993, and except as otherwise provided herein, the Greenville Fire Department shall be the primary responder to all 911 calls of a medical nature.

(1) The fire department will determine the patient category of all individuals at the time of response based upon medical protocols. Those individuals not requiring ALS or BLS emergency transport shall be so informed, and instructed to procure an alternate form of transportation, such as a private ambulance service, privately owned vehicle or a taxi service, which must be chosen by the patient.

(2) The fire department shall not refuse transport of any patient requiring ALS or BLS emergency treatment to a hospital within the city, and shall provide emergency medical treatment and transportation without regard to the patient's ability to pay.

(3) Firemedical ALS or BLS emergency ambulance fees shall apply within the city and shall be established by ordinance from time to time. The city clerk shall collect such fees. The list of Procedure Codes, Ambulance Procedures, and Fee Amounts to be assessed for emergency ambulance services rendered are as follows:

Procedure Code No.	*Ambulance Procedure*	*Fee Amount*
A0428	Basic Life Support	$450.00
A0429	Basic Life Support Emergency	500.00
A0426	Advanced Life Support Level I	450.00
A0427	Advanced Life Support Level I Emergency	600.00
A0433	Advanced Life Support Level II	850.00
A0434	Specialty Care Transport	1,000.00
A0425	Ground Mileage Per Mile	15.00

(4) Under unusual and extraordinary circumstances, the firemedic ambulance may transport within the city any patient deemed appropriate by the firemedic and/or on-line medical control physician, regardless of the patient's transport category. Under such circumstances, the standard ALS or BLS emergency fee shall be assessed to the individual.

(e) *Duties of the EMSAC director.* The EMSAC director shall:

(1) Administer the provisions of this article; and,

(2) Investigate, or cause his designee to investigate, all applications for a franchise and all complaints involving any type of ambulance service within the city and to refer the results of such investigation forthwith to the EMSAC.

(Ord. No. 1993-7, § 3, 9-20-93; Ord. No. 1996-1, § 1, 1-8-96; Ord. No. 2001-02, 1-22-01; Ord. No. 2009-02, 2-23-09)

Sec. 6.5-34. Same—Private.

(a) *Franchise.*

(1) *Application for franchise.* Applications for a franchise for the operation of an ambulance by an owner within the city shall be in writing, signed by the owner, sworn before a notary public and filed with the city clerk. The application shall be on a form prescribed by the city clerk, with the advice of the EMSAC, and shall contain at least the following:

a. The name and address of the owner and the trade name under which the owner does or proposes to do business. If the owner is an individual, the application shall contain the name, age and address of the owner. If the owner is a partnership or association, the application shall contain the business name thereof and the name, age and address of each partner. If the owner is a corporation, the application must contain the names and addresses of all officers and directors of such corporation, the state in which the corporation is registered, the complete address of the corporation, and a certificate of good standing from the State of Alabama.

b. A list of ambulance attendants to be employed by the owner within the city, together with a copy of the current license of each, and a description of the uniform to be worn by each including the color, badges, insignia and other markings to be shown or displayed thereon.

c. The number of ambulances the owner intends to operate within the city and the class, size, design and color scheme of each, together with a copy of the current registration and license tag receipt therefor and the state approval certificate for each.

d. Whether or not the owner, his associates or employees have claims or judgments against them for damages resulting from the negligent operation of an ambulance, or any other vehicle.

e. Information satisfactory to the city council concerning the financial ability of the owner to comply with the provisions of this article.

f. The nature and character of the service that the owner proposes to render; the facts showing the demand for such service; and, the experience that the owner has in rendering such service.

g. Documentation from the owner's insurance carrier, stating that the insurance required hereunder is available to the applicant and that such coverage is or will be provided prior to the issuance by the city council of the franchise to operate hereunder.

h. Whether or not the owner's or any of the owner's employees license as an ambulance attendant has been suspended or revoked by the state department of public health, and, if so, when and why.

i. Whether or not the owner or any of the owner's employees have been convicted or is presently under charges or indictment of or for a crime involving moral turpitude and, if so, when, where, for what offense and what sentence was imposed.

(2) *Investigation of applications.* Upon receipt of a properly filled application for a franchise, the EMSAC director shall cause an investigation to be made of the application and of the information provided in the application and to report the results of the investigation within a reasonable time after the filing of the application to the city council.

(3) *Public hearings upon the franchise.* Within a reasonable time after receipt of the written investigative report from the EMSAC, the council shall schedule a public hearing. Notice of such public hearing by the council shall be given by publishing said notice once in a newspaper of general circulation within the city at least ten (10) days prior to the date set for such hearing. The purpose of such public hearing shall be to determine, among other things, the following:

a. Whether or not the public convenience and necessity require the issuance of the franchise for the operation of such ambulance or ambulances;
b. Whether the applicant will be able to provide ambulance service of such permanence and quality as will best serve the public interest;
c. The experience that the owner has in rendering ambulance service;
d. The past experience of the owner in satisfying judgments, if any, against the owner as a result of injuries inflicted by reason of negligent operation of an ambulance;
e. The financial ability of the owner to respond to damages to persons and property resulting from the negligent operation of an ambulance by the owner;
f. The character and condition of the ambulance(s) and capabilities of ambulance attendant(s) to be employed in its operations by the owner in the city; and
g. Adequacy of the owner's communication system.

In the event the city council finds that the public convenience and necessity require the issuance of a franchise and that the owner meets the required qualifications and will be able to give proper and adequate service to the inhabitants of the city, the mayor shall direct the city clerk to issue a franchise and business license to the applicant and such franchise shall state any reasonable restrictions to be included in the franchise as may be mandated by the city council.

(4) *Form, contents, issuance and term of franchise.* Every franchise issued hereunder shall be authorized by the city council, signed by the city clerk, attested by the mayor, and shall contain, in addition to the name and address of the owner, the number of ambulances authorized to be operated in the city by the owner pursuant to such franchise along with any time limits which may be applicable and any other conditions imposed upon the franchisee.

The city clerk, upon receiving direction from the mayor to issue a franchise and business license to an owner for the operation of ambulances hereunder, shall issue such franchise and business license to the owner. A copy of every franchise issued shall be filed with and maintained by the fire department and the city clerk's office.

Franchises shall be issued for no longer than one (1) year and all franchises issued by the city council shall expire on September 30th of each year. Franchisees desiring to renew existing franchises shall submit a complete application under the terms hereof no later than September 1st of each year.

(5) *Causes of revocation, alteration or suspension of franchise.* Every franchise issued hereunder shall be subject to revocation, alteration or suspension by the city council if any of the following conditions should occur:

a. The public convenience and necessity no longer warrants such operation;
b. The owner has refused to render the full service authorized by the franchise;
c. The owner or any of the owner's employees has been convicted of a crime which directly relates to the duties and responsibilities of the owner or of his employees under the franchise;
d. The franchise was obtained by an owner's application in which any material fact was intentionally omitted or falsely stated;
e. The owner has persisted in permitting ambulances under the control of the owner to be operated in violation of any law;
f. The owner has willfully and knowingly violated or failed to comply with any of the provisions hereof or of the franchise or has failed to procure and pay for a business license;
g. The owner has, without good cause, induced or sought to induce a change of destination to or from a hospital or other place specified by the person hiring the owner for the purpose of transporting the person;
h. The owner has operated in a negligent manner;
i. The insurance coverage required herein has been canceled, reduced, withdrawn, suspended or terminated;
j. The owner has allowed its ambulances or equipment to become damaged, deteriorated or unclean to the extent that such is unsatisfactory for public use;
k. The owner fails to maintain the financial ability necessary in the opinion of the city council to comply with the terms of this article;
l. The owner has failed to comply with applicable federal, state or local laws, rules or regulations; or
m. The quality of care provided by the owner or its employees has deteriorated to unacceptable levels based on the findings of the EMSAC and of the city council.

(6) *Procedure for revocation, alteration or suspension of franchise.* For any complaint filed in writing with the EMSAC which the EMSAC shall determine warrants suspension or revocation of a franchise, the city clerk's office must be notified that a complaint has been filed. The city clerk shall then give notice in writing to the franchisee that a complaint has been filed and that the franchise has been suspended or revoked. The notice shall outline the reason or reasons for suspension or revocation. The notice of suspension or revocation shall become final unless on or before the expiration of ten (10) days from the date of the notice the franchisee shall file with the city clerk's office a written notice of appeal of such suspension or revocation. The notice of appeal shall operate as a stay of suspension or revocation of the franchise until such time as the city council shall grant a hearing and make a final adjudication. The hearing before the city council will be held within a reasonable time, but in no event less than fifteen (15) days following receipt by the city of the notice of appeal.

(7) *Other state laws and regulations.* No portion of this article shall be construed in a manner which is inconsistent with any federal, state or local law, rule, or regulation.

(8) *Private ambulance ALS.* Franchisees shall have the following duties and responsibilities:

a. The transport of those nonemergency patients who have a current and written contract with and who desire private ambulance service and who call the franchisee for transport to the destination of the patient's choice.

b. The transport of emergency patients as and when dispatched under the provisions of subsection (c)(6)b hereof.

(b) *Nonemergency transport.*

(1) *Payment of nonemergency ambulance transport.* Franchisees shall be responsible for the billing and collection of fees from privately transported individuals. The city will not compensate an owner for private ambulance transportation services rendered, or otherwise.

(2) *Disposition of the deceased.*

a. Transport of the dead, where the death is not of a suspicious nature and not under investigation by any law enforcement agency, shall be the responsibility of the family of the deceased. Arrangements may be made with a franchisee or funeral home for transport. Where the family of the deceased cannot be located, the transport of the body shall be coordinated with the Butler County Coroner. When the death of a person is of a suspicious nature or is under investigation by any law enforcement agency, the body shall not be transported without first being released for transport by a law enforcement authority of the Butler County Coroner.

b. Transport of a deceased individual whose death is being investigated by a local or state law enforcement agency shall be the responsibility of that agency.

(c) *Private ambulance service general rules and regulations for franchisees.* Each franchisee shall maintain a central place of business with at least one properly listed telephone for receiving calls for ambulance service and where all business records and daily manifests herein required shall be maintained and available upon request. Franchisees shall be generally responsible for the conduct and operation of its ambulance attendants and ambulances. Each franchisee shall, in writing, immediately notify the city clerk, the fire department and the police dispatcher of any change in its business address or telephone number.

Franchisees must operate on a twenty-four (24) hours per day, seven (7) days per week basis. Each franchisee shall have on call at all times in the city two (2) ambulance attendants per ambulance, one of whom must have attained the level of EMT, certified in ALS, per ambulance.

(1) *Franchisee's records and reports.* Each franchisee shall maintain a daily manifest upon which shall be recorded the date and time each ambulance call is received and

the name of the individual calling, the time of dispatch and of the arrival at the requested location, place or origin, patient's name and address, prehospital reports, the destination and the charges assessed for each trip. Each such owner shall retain and preserve all daily manifests for at least twenty-four (24) months, and such manifests shall be available for inspection by the EMSAC director, or his duly authorized representative, the city clerk's office and the fire department upon request. Each franchisee hereunder shall keep accurate records of the receipts and expenses from operations and such other operating information as may be required by the EMSAC director, the city clerk or the fire chief. Voice tapes of all dispatches and instructions shall be retained for a period of not less than sixty (60) days. The owner shall maintain the records required herein at a place readily accessible for examination by the EMSAC director, the city clerk or the fire chief.

In addition, each franchisee shall provide to the EMSAC director an annual statement which shall include the following:

a. A list of the franchisee's current service fees;
b. A list of any legal claims pending, or resolved, in the past year;
c. A statement showing the total number of calls made in the previous calendar year in which either the point of origin or the point of termination were within the city; and
d. A statement showing the total number of calls made in the previous calendar year in which either the point of origin or the point of termination were outside the city.

(2) *Operating regulations.*

a. All operations, equipment, durable and other medical supplies, linens, and all other supplies and equipment employed by the owner in the city shall at all times be in compliance with all applicable rules and regulations now or hereafter adopted by the Occupational Safety and Health Administration of the U.S. Department of Labor, the state department of public health and the city.
b. Each ambulance shall have a minimum of two (2) ambulance attendants who hold current licenses as emergency medical technicians from the Alabama Department of Public Health. At least one (1) of the ambulance attendants must be at minimum an EMT certified in ALS, who shall remain in attendance with the patient, while the other may serve as the driver.

(3) *Standards for ambulance and equipment.*

a. All ambulances responding to emergency ambulance calls must be equipped with advanced life support equipment as such term is defined by the state department of public health, emergency medical services division.
b. All ambulances used for the purpose of providing ambulance service hereunder shall be designed and constructed to transport ill, sick or injured persons in comfort and safety, and must meet the requirements of subsection (c)(2)a of this section.

(4) *Inspection of ambulance and equipment.*

a. All ambulance and mechanical, safety and special equipment shall be subject to inspection at any time by the city fire department.

b. Prior to issuance of any initial or renewal franchise, each owner requesting approval of an ambulance for use in the city shall provide proof of certification of such ambulance within the past ninety (90) days by the state department of public health, EMS division.

c. No ambulance that has been substantially damaged or altered shall be again placed in service until it has been reinspected by the state department of public health and a copy of the re-certification certificate has been delivered by the owner to the city fire department and the office of the city clerk.

(5) *Fees.* A reasonable fee shall be charged to the franchisee for all ambulance inspection or related services rendered to the franchisee by the city.

(6) *Radio dispatch procedure.*

a. In the event a franchisee receives an emergency ambulance call, the franchisee shall immediately report such call to the city 911 dispatcher, giving the location and the nature of the call, and requesting the city 911 dispatcher to grant or deny clearance for the franchisee to respond to such emergency ambulance call. Clearance will be denied only when a city or another franchisee's ambulance has already been dispatched in response to such call.

b. It shall be unlawful for an ambulance owner to respond to an emergency ambulance call using the city streets, alleys and public ways without having been requested or cleared to so do by the city 911 dispatcher.

(7) *Use of emergency warning devices.*

a. All ambulances responding to emergency calls outside the city must immediately notify the city 911 dispatcher of the nature and location of the call and of the intent to use the city streets to respond thereto.

b. After a private ambulance has responded to a nonemergency call and arrived at the point of pickup, it shall be unlawful for the ambulance to proceed to the hospital or other destination with the use of emergency warning equipment except where life or limb threatening medical conditions exist. In such event, the city 911 dispatcher must be notified by the franchisee of the circumstances surrounding the call and of the franchisee's need to use emergency warning equipment upon the city streets.

(8) *Insurance.* During the term of the franchise, the franchisee shall provide and maintain public liability and property damage insurance and umbrella coverage in the following amounts:

Public Liability	-	$1,000,000 per any one occurrence
Automotive Liability	-	$1,000,000 bodily injury and property damage, combined single limit per occurrence
Property Liability	-	$1,000,000 per any one occurrence
Umbrella Liability	-	$1,000,000 per any one occurrence

to protect itself, its agents and its employees from claims for damages arising from personal injury, including wrongful and accidental death, and property damage which may result from operations under the franchise, whether such operations be performed by franchisee, its employees, agents or servants. The policy or policies shall name the city as an additional insured and shall contain a clause that the insurer will not cancel, alter, amend, modify or decrease the insurance coverage without first giving the city thirty (30) days notice in writing. A certificate of insurance shall be attached to the franchise attesting that franchisee has obtained and has in effect insurance required hereunder.

(Ord. No. 1993-7, § 4, 9-20-93)

Sec. 6.5-35. Unlawful operation and prohibited acts.

(a) It shall be unlawful for any person to intentionally or knowingly:

(1) Follow any police car or fire apparatus which is traveling in response to an emergency call, or to follow any ambulance to or near the scene of an emergency call, on the streets of the city.

(2) Solicit on the streets of the city the business of transporting injured or sick persons. This prohibition shall not be construed to prohibit lawful advertisements.

(3) Use a uniform, insignia, badge, title, identification card, vehicle marking or name that so closely resembles or mimics those of the Greenville Fire Department so as to confuse the public.

(4) Request the services of any private ambulance service which is not franchised or exempted therefrom in accordance with the provisions of this article.

(5) Perform duties as an ambulance attendant without a current license issued by the state department of public health, emergency medical services division.

(6) Permit or allow a person to perform duties as an ambulance attendant when such person does not possess a current permit as such issued to such person by the state department of public health, emergency medical services division.

(Ord. No. 1993-7, § 5, 9-20-93)

Sec. 6.5-36. Emergency medical control.

(a) *Emergency medical service advisory committee.* The city council hereby authorizes the establishment of an emergency medical service advisory committee (EMSAC) which shall

serve as an advisory and educational committee for the city council in regard to ambulance personnel qualifications, ambulance equipment and medical protocols for franchisees.

(b) *Committee qualifications.* The EMSAC shall consist of a nine (9) member committee to be appointed by the mayor and whose membership shall include:

(1) The director of the emergency department of L.V. Stabler Memorial Hospital, or its successors;

(2) The hospital administrator of L.V. Stabler Memorial Hospital, or its successors;

(3) The nursing home administrator of Crowne Health Care of Greenville, or its successors;

(4) The city fire chief, or his designee;

(5) The city police chief, or his designee;

(6) The city fire department medical director, or his designee;

(7) The city fire department EMS officer, or his designee;

(8) The city police department dispatch supervisor; and

(9) A member of the city council, to be selected by the city council.

Members of the EMSAC shall serve at the pleasure of the mayor.

(c) *Emergency medical services advisory committee director.* EMSAC shall appoint a director who shall be responsible for the day-to-day affairs of the EMSAC in carrying out its duties under this article. The director shall serve for such period of time as shall be prescribed by the EMSAC, but shall be removable at the discretion of the EMSAC, which decision shall be final. In the case of absence or disability of the EMSAC director, the EMSAC shall designate a similarly qualified person to perform the duties of the EMSAC director.

(d) *Responsibilities and duties of EMSAC; relationship to the fire department.*

(1) EMSAC shall serve without limitation to:

a. Develop and suggest criteria and make recommendations to the fire department and to the city council concerning the issuance, renewal, suspension and revocation of all franchises issued under this article;
b. Recommend standards for patient care, including standards for ambulances and on-board equipment;
c. Perform other advisory tasks as may be directed by the fire department, the mayor or the city council.

(2) All responsibilities and duties granted to the EMSAC by this article may also be performed by the fire department.

(e) *Conflict of interest.* No person shall serve as a voting member of the EMSAC, or as its director, if such person is an officer, director, employee, or is otherwise affiliated with, directly or indirectly, any owner whose activities are regulated hereunder.
(Ord. No. 1993-7, § 6, 9-20-93)

Sec. 6.5-37. Penalties.

(a) Any person who violates any of the provisions of this article shall be guilty of a misdemeanor punishable on conviction by a fine not to exceed five hundred dollars ($500.00) and a sentence of up to six (6) months incarceration in the Butler County jail.

(b) Each violation of this article shall constitute a separate offense.

(c) This section shall not serve to limit any other remedies available to the city, whether in law or equity.

(Ord. No. 1993-7, § 7, 9-20-93)

EXHIBIT "A"
to
ORDINANCE 1993-07

Fee Schedule

1.	*Basic Life Support Call*	$150.00
	Mileage (from scene to hospital)	3.00 per mile
	Oxygen Set-up	30.00
2.	*Advanced Life Support Call*	$200.00
	Mileage (from scene to hospital)	3.00 per mile
	Oxygen Set-up	30.00

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Chapter 7

FIRE PREVENTION AND PROTECTION*

Art. I. In General, §§ 7-1—7-20
Art. II. Fire Department, §§ 7-21—7-35
Art. III. Fire Prevention, §§ 7-36—7-174
Div. 1. Generally, §§ 7-36—7-60
Div. 2. Permits Generally, §§ 7-61—7-75
Div. 3. Garages, §§ 7-76—7-95
Div. 4. Flammable Liquids, §§ 7-96—7-135
Div. 5. Nitrocellulose Film, §§ 7-136—7-155
Div. 6. Explosives, §§ 7-156—7-170
Div. 7. Fireworks, §§ 7-171—7-174

ARTICLE I. IN GENERAL

Sec. 7-1. Pulling to curb or stopping on hearing fire siren.

From the instant a vehicle's fire siren is sounded, each driver of a vehicle on the streets in motion within hearing distance of the fire siren shall pull to the curb or shall halt his vehicle as close to his right-hand curb as possible.
(Code 1968, § 7-1)

Cross reference—Motor vehicles and traffic, Ch. 12.

Sec. 7-2. Drivers not to block streets.

No driver or vehicle shall block any street or intersection coming into a street or alley in the situation described in section 7-1.
(Code 1968, § 7-2)

***Cross references**—Administration, Ch. 2; buildings, Ch. 5; emergency management, Ch. 6; licenses and business regulations, Ch. 10; mobile homes, Ch. 11; motor vehicles and traffic, Ch. 12; parks and recreation, Ch. 14; police department, Ch. 15; rescue squad, Ch. 16; solid waste, Ch. 17; utilities, Ch. 20; dangerous buildings and dangerous unimproved property, § 5-61 et seq.; fuel and fire regulations in mobile home parks, § 11-12 et seq.; parades, § 12-21 et seq.; posting sign on fire alarm, § 13-9; weeds and debris, § 13-46 et seq.

State law references—Firemen, rescue squad members, etc., rendering first aid or emergency care at scene of accident, etc., Code of Ala. 1975, § 6-5-332; volunteer firemen or rescue squad members entering burning buildings, etc., to preserve property, etc., Code of Ala. 1975, § 6-5-335; municipal fire regulations, Code of Ala. 1975, § 11-43-59; fire department, Code of Ala. 1975, § 11-43-140 et seq.; adoption of fire prevention code, Code of Ala. 1975, § 11-45-8; water, sewer and fire protection authorities, Code of Ala. 1975, § 11-88-1 et seq.; chief of fire department and chief of police as assistants to state fire marshal, Code of Ala. 1975, § 36-19-3; fire fighters' personnel standards and education commission, Code of Ala. 1975, § 36-32-1 et seq.; fireworks, Code of Ala. 1975, § 8-17-210 et seq.; license tax paid by dealers in fireworks, Code of Ala. 1975, § 40-12-102.

Sec. 7-3. Fire area described; what vehicles may enter.

No vehicle other than those of fire, police, or city officials shall enter the fire area, which shall be one (1) complete city block in all four (4) directions from the location of the fire, riot, flood or storm section.
(Code 1968, § 7-7)

State law reference—Following emergency vehicle, Code of Ala. 1975, § 32-5A-58.

Sec. 7-4. Driving over fire hose.

No vehicle shall be driven across a fire hose.
(Code 1968, § 7-8)

Sec. 7-5. Blocking fireplug with vehicle.

No vehicle shall be driven over or left blocking a fireplug in the city.
(Code 1968, § 7-9)

Secs. 7-6—7-20. Reserved.

ARTICLE II. FIRE DEPARTMENT

Sec. 7-21. Department created, chief to direct.

There is created a fire department for the city, to be under the direction and control of the fire chief.
(Code 1968, § 2-70)

State law reference—Power of council to provide for a chief of the fire department, Code of Ala. 1975, § 11-43-5.

Sec. 7-22. Composition, chief to supervise.

The fire department shall consist of the fire chief, appointed by the council, an assistant fire chief, such number of salaried firemen as approved by the council and such volunteer firemen as may be now enrolled and as may from time to time be elected by the membership and approved by the fire chief.
(Code 1968, § 2-71)

Sec. 7-23. Chief and assistant chief to supervise.

The fire department shall be under the direct supervision and control of the fire chief, and the person second-in-command shall be the assistant fire chief. In the absence or inability of the fire chief to act, the assistant fire chief shall act as fire chief.
(Code 1968, § 2-72)

Sec. 7-24. Riding on fire trucks.

It shall be unlawful for any person to ride upon a fire truck belonging to the city at any time, unless such person is a member of the fire department of the city, or is granted special permission to do so by the fire chief.
(Code 1968, § 7-12)

Secs. 7-25—7-35. Reserved.

ARTICLE III. FIRE PREVENTION*

DIVISION 1. GENERALLY

Sec. 7-36. Approved devices and materials defined.

As used in this article the word "approved" as applied to devices or materials means acceptable to the chief of the fire department by reason of having been tested and examined by him or by some recognized testing laboratory and found to be properly safeguarded against fire hazard.
(Code 1968, § 7-45)

Sec. 7-37. Violations.

Any person who shall violate a provision of this article or fail to comply therewith, who shall violate or fail to comply with any order or regulation made thereunder, who shall build in violation of a detailed statement or plan submitted and approved hereunder, or of a permit issued hereunder shall severally for each violation and noncompliance, forfeit and pay a penalty as provided in section 1-9. The imposition of a penalty for violation of this article shall not excuse the violation, or permit it to continue; such violation shall be remedied within a reasonable time and each ten (10) days such violation is permitted to exist shall constitute a separate offense. The application of the above penalty shall not be held to protect the enforced removal of unlawful conditions.
(Code 1968, § 7-46)

Sec. 7-38. Standard Fire Prevention Code; Life Safety Code.

The *Standard Fire Prevention Code,* 1985 edition with 1986 revisions, and the *Code for Safety to Life from Fire in Buildings and Structures* (also known as the *Life Safety Code*), 1985 edition, shall be the reference material in assisting the fire department to enforce ordinances, codes and standards for safety to the public.

***Cross reference**—Activities in parks, § 14-22.

Sec. 7-39. Right of entry to inspect.

The chief of the fire department or any member of the fire department designated by him as an inspector may, at all reasonable hours, enter any building or premises for the purpose of making any inspection, which under the provisions of this article he deems necessary to be made.

(Code 1968, § 7-34)

State law reference—Similar provisions, Code of Ala. 1975, § 36-19-3 et seq.

Sec. 7-40. Inspections authorized and required.

It shall be the duty of the chief of the fire department to inspect or cause to be inspected by fire department officers or members, as often as may be necessary, all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance regarding fire hazards.

(Code 1968, § 7-35)

State law reference—Inspection of buildings generally, Code of Ala. 1975, §§ 36-19-3, 36-19-11.

Sec. 7-41. Order to abate dangerous condition—When issued.

Whenever there shall be found in any building, upon any premises or other place any combustible or explosive matter, dangerous accumulation of wastepaper, boxes, shavings, any highly flammable material, so situated as to endanger property, or there shall be found obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operation of the fire department, or egress of occupants in case of fire, the officer shall order the same to be removed or remedied.

(Code 1968, § 7-36)

State law reference—Similar provisions, Code of Ala. 1975, §§ 36-19-3, 36-19-11.

Sec. 7-42. Same—Compliance; appeal.

An order issued under section 7-41 shall forthwith be complied with by the owner or occupant of such premises or building, subject to appeal within twenty-four (24) hours to the mayor, who shall within ten (10) days review such order and file his decision thereon, and unless the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant. Any owner or occupant failing to comply with such order within ten (10) days after such appeal shall have been determined, or if no appeal is taken, within ten (10) days after the service of the order, shall be liable to a penalty as provided for other violations of this Code.

(Code 1968, § 7-37)

State law reference—Compliance with order to remedy conditions, Code of Ala. 1975, § 36-19-11.

Sec. 7-43. Same—Service on owner.

The service of any order authorized by section 7-41 shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant

personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to or leaving with the person a true copy of the order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.
(Code 1968, § 7-38)

Sec. 7-44. Storage of combustible materials.

Ashes, smouldering coals or embers, greasy or oily substances and other matter liable to spontaneous ignition shall not be deposited or allowed to remain within ten (10) feet of any combustible materials, or construction made of combustible materials, except in metal or other noncombustible receptacles. Such receptacles shall be placed on noncombustible stands, unless resting on a noncombustible floor or on the ground outside the building, and shall be kept at least two (2) feet away from any combustible wall or partition.
(Code 1968, § 7-48)

Sec. 7-45. Accumulations of combustible materials.

(a) *Not to remain in open:* It shall be unlawful to permit to remain on any roof or in any court, yard, vacant lot or open space any accumulation of wastepaper, hay, grass, straw, litter or combustible or inflammable waste or rubbish of any kind.

(b) *Storing or removing.* Every person making, using, storing or having charge or command of any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, or combustible trash, waste or fragments shall at the close of each day cause all such material that is not compactly stacked and bailed in an orderly manner to be removed from the premises or street or be stored in suitable vaults, in metal or in metal-lined and covered receptacles or bins. Suitable presses shall be installed in stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every two (2) days.
(Code 1968, § 7-49)

Sec. 7-46. Transporting gasoline on Commerce Street—Exceptions.

It shall be unlawful to transport gasoline or kerosene in bulk on Commerce Street between the intersection of Commerce Street and Conecuh Street and the intersection of Commerce Street and Bolling Street, except that gasoline and kerosene may be transported over the shortest and most convenient route to and from filling stations located on Commerce Street.
(Code 1968, § 7-51)

Sec. 7-47. Same—Location of standpipes.

It shall be unlawful for any owner or operator of a filling station on Commerce Street to maintain a standpipe or filling pipe within twelve (12) feet of the inside of the sidewalk, or to use such pipe for the purpose of unloading gasoline into a storage tank at such filling station.
(Code 1968, § 7-52)

Sec. 7-48. Same—Location of trucks.

It shall be unlawful to locate a tank truck or other vehicle used for the purpose of transporting, loading or unloading gasoline so as to interfere with vehicular traffic on Commerce Street or pedestrian traffic on the sidewalks along Commerce Street.
(Code 1968, § 7-53)

Secs. 7-49—7-60. Reserved.

DIVISION 2. PERMITS GENERALLY

Sec. 7-61. Public burning; permit.

It shall be unlawful to burn any material for any reason within the jurisdiction of the city's fire department without a permit issued by the fire inspector or his agent and under the safeguards as he may direct.

Application for a burning permit must be made to the fire inspector or his agent twenty-four (24) hours in advance of any burning activity. Permits will be issued at the discretion of the fire chief or fire inspector, and may include permits for the burning of wood products, paper products, and yard debris exclusively.
(Code 1968, § 7-47; Ord. No. 1998-10, 11-24-98)

Sec. 7-62. Treating materials.

Paper and other readily flammable materials shall not be used for decorative purposes in any place of public assembly, unless such materials have first been treated to render them fireproof to the satisfaction of the chief of the fire department.
(Code 1968, § 7-50)

Sec. 7-63. Revocation.

The chief of the fire department is authorized to revoke any permit whenever in his judgment any violation of this chapter warrants such revocation, but only after a fair and impartial hearing shall have been accorded the holder of the permit. Continued violations of the provisions of this chapter could result in a fine of fifty dollars ($50.00) per occurrence.
(Code 1968, § 7-42; Ord. No. 1998-10, 11-24-98)

Sec. 7-64. Appeal from adverse decision.

Appeal from any decision of the chief of the fire department in refusing to grant or in revoking any permit may be made to the mayor as outlined in section 7-42.
(Code 1968, § 7-43)

Secs. 7-65—7-75. Reserved.

DIVISION 3. GARAGES

Sec. 7-76. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garage means a building, shed or enclosure, or a part thereof, in which a motor vehicle containing volatile flammable oil in its fuel storage tank is stored, housed or kept, and shall include repair shops.

Private garage means a garage for not more than three (3) motor vehicles, in which no business or industry connected directly or indirectly with motor vehicles is carried on.

Public garage means a garage not included within the term "private garage."
(Code 1968, § 7-59)

Sec. 7-78. Plans approved.

Before constructing or altering any garage, complete plans of such proposed work shall be filed with and approved by the building inspector.
(Code 1968, § 7-60)

Sec. 7-79. Private garage.

(a) A private garage located in or attached to a building also occupied for some other purpose shall be separated from such other occupancy by walls, floors and ceilings having a fire resistance rating of not less than one (1) hour. Walls and partitions that effect such separation and all floors and ceilings shall be continuous and unpierced by openings, provided that in dwellings a door opening equipped with an approved self-closing fire door and having its sill raised not less than one (1) foot above the garage floor shall be permitted.

(b) There shall be no stove or other open-flame heating device in a private garage except in a room completely separated from the garage by construction having a fire resistance rating of not less than one (1) hour. One (1) door opening from this room into the garage may be provided if equipped with an approved self-closing fire door and having a sill raised not less than one (1) foot above the garage floor.

(c) Artificial light shall be incandescent electric light only.

(d) Not more than five (5) gallons of gasoline, exclusive of that in the tanks of vehicles, shall be kept in a private garage and only in approved safety cans.
(Code 1968, § 7-61)

Sec. 7-80. Public garage.

(a) Public garages shall be of fireproof, semifireproof or heavy timber construction and in compliance with all the provisions of the building code. One-story garages and higher garages of heavy timber construction may have a roof of built-up wood truss construction with no wooden member less than two (2) inches in minimum dimensions. Roofs of one-story garages may also be made of wood sheathing on unprotected steel trusses.

(b) A public garage located in or attached to a building occupied for any other purpose shall be separated from such other occupancy by walls, floors and ceilings having a fire resistance rating of not less than two (2) hours. Walls, floors and ceilings that effect such separation shall be continuous and unpierced by openings, provided that door openings equipped with self-closing fire doors leading to a salesroom or offices operated in connection with such garages shall not be prohibited; also, provided that elevators and stairways to other stories accessible only by vestibules or balconies constructed and arranged as required by fire

towers shall be permitted. Public garages in which carbon and lead burning, welding, or other processes involving open-flame or spark-emitting devices, the use of machine tools, or in which automobile engine fuel is sold shall not be connected with any residence building.

(c) Garages located in buildings with parts above the garages used for other purposes shall be protected by automatic sprinklers when such garages have a capacity of twenty (20) or more automobiles, when they are used as bus terminals with a capacity of more than two (2) buses or they are used for the storage and loading of two (2) or more trucks.

(d) Basements used as public garages shall be continuously ventilated by mechanical ventilating systems designed so as to assure suitable dilution and removal of gasoline vapors and motor exhaust flames.

(e) Carbon and lead burning, welding and other processes involving direct application of flame shall be carried on in the open air not less than ten (10) feet from any building or in a special room separated from the rest of the garage by two-hour partitions.

(f) Volatile flammable liquids shall not be used for cleaning purposes in a garage unless in a special closed machine of approved type or in a special room separated from the rest of the garage by two-hour partitions. Gasoline and other volatile flammable liquids shall not be allowed to run upon the floor or to fall or pass into the drainage system of the premises. Self-closing metal cans shall be used for all oily waste or wasted oils. Garages shall be swept frequently and kept clean.

(g) Exclusive of that in the tanks of vehicles, gasoline shall be kept at a public garage only in underground tanks, in approved safety cans, or in approved portable wheeled tanks not exceeding a capacity of sixty (60) gallons each. The tanks of vehicles shall be filled directly through a hose from pumps attached to portable tanks to permanent filling stations connected to underground storage tanks. Gasoline shall not be handled in any open container.

(h) Two (2) or more approved chemical fire extinguishers shall be kept in every public garage.

(Code 1968, § 7-62)

Cross reference—Building code, § 5-2 et seq.

Secs. 7-81—7-95. Reserved.

DIVISION 4. FLAMMABLE LIQUIDS

Sec. 7-96. Applicability of division.

This division applies to all liquids having a flash point below two hundred (200) degrees Fahrenheit closed cup tester. The flash point shall be as determined by the Tagliabue closed cup tester.

(Code 1968, § 7-68)

Sec. 7-97. Classifications.

For the purpose of this division, flammable liquids are classified as follows:

(1) *Class I.* Liquids having a flash point below twenty-five (25) degrees Fahrenheit closed cup tester. Examples: Ether, gasoline, naphtha and benzol.

(2) *Class II.* Liquids having a flash point above that for Class I and below seventy (70) degrees Fahrenheit closed cup tester. Examples: Alcohol and amyl acetate.

(3) *Class III.* Liquids having a flash point above that for Class II and below two hundred (200) degrees Fahrenheit closed cup tester. Examples: Kerosene and fuel oil.

(Code 1968, § 7-69)

Sec. 7-98. Permits—When required.

A permit shall be obtained from the chief of the fire department for the storage or handling of flammable liquids in excess of one (1) gallon, where such storage or handling is for the purpose of sale, for use in some business or industry or for the storage of flammable liquids in excess of fifty-five (55) gallons in connection with oil-burning equipment.

(Code 1968, § 7-70)

Sec. 7-99. Same—Approval of installations.

(a) Before any flammable liquid tank or piping is covered from sight, the installation shall be inspected and approved by the chief of the fire department.

(b) The chief of the fire department shall prohibit the sale or use of any heating or lighting appliance using flammable liquids, which has not be tested by Underwriter's Laboratories, Inc., or some other competent authority, and found to be properly safeguarded against fire hazard.

(Code 1968, § 7-71)

Sec. 7-100. Storage and use—Classes I and II generally.

(a) Class I and class II liquids shall not be kept or stored in any building used as a place of public assembly, except in laboratories for experimental purposes.

(b) In establishments where class I or class II liquids are used in manufacturing, cleaning or other processes, the chief of the fire department shall require such preventive and protective measures as will reasonably safeguard life and property against fire.

(Code 1968, § 7-72)

Sec. 7-101. Same—Class I liquids in buildings.

(a) Class I liquids shall not be kept inside of buildings except in sealed containers or approved safety cans of not more than one (1) gallon capacity each, provided that in rooms conforming to section 7-103, safety cans up to ten (10) gallons in size may be used, and in garages and manufacturing plants the chief of the fire department may permit the use of approved portable wheeled tanks, where the nature of the business requires such storage.

(b) Storage systems with arrangements for discharging class I liquids inside of buildings shall have discharge outlets located only in rooms conforming to section 7-103.

(Code 1968, § 7-73)

Sec. 7-102. Same—Class II liquids in buildings.

Class II liquids shall not be kept inside of buildings, except in sealed containers or approved safety cans of not over five (5) gallons capacity each, or in closed drums, barrels or tanks. Containers of class II liquids of over five (5) gallons capacity shall not be used to fill other containers inside of buildings, unless in a room conforming to section 7-103.
(Code 1968, § 7-74)

Sec. 7-103. Storage room construction.

(a) Rooms for storage and handling of flammable liquids shall be constructed with walls, floors and ceilings having a fire resistance rating of not less than one (1) hour, provided that where in the opinion of the chief of the fire department the hazard is more than moderate, based upon a consideration of the quantity and nature of the liquids involved and the extent of mixing operations together with the construction of the building and its exposures, construction having a fire resistance rating of not less than two (2) hours shall be required.

(b) Door openings to the room shall be equipped with approved automatic or self-closing fire doors and shall have sills raised at least six (6) inches above the room floor.
(Code 1968, § 7-75)

Sec. 7-104. Fuel oil storage in buildings.

The storage of class III liquids in buildings, in connection with oil-burning equipment, shall be in accordance with the following requirements: Tanks of not over two hundred seventy-five (275) gallons capacity each and having an aggregate capacity not in excess of five hundred fifty (550) gallons may be installed without enclosures. Other tanks shall be completely enclosed with a heat insulation equivalent to reinforced concrete not less than eight (8) inches in thickness, with at least a six-inch space on sides between the tank and the concrete insulation filled with sand or well-tamped earth, and with twelve (12) inches of sand on top of the tank, either between the tank and the concrete slab or above the concrete slab. Instead of an enclosure as above described the tank may be enclosed in reinforced concrete not less than six (6) inches in thickness, applied directly to the tank so as to completely eliminate any air space.
(Code 1968, § 7-76)

Sec. 7-105. Drawing liquids from containers.

(a) Flammable liquids shall not be drawn or handled in the presence of any open flame or fire. Except as permitted below, flammable liquids shall be drawn from tanks at points inside buildings only by pumps or other methods approved by the chief of the fire department. Drawoff pipes terminating inside buildings shall have a valve at the discharge end. When delivery is by gravity, the shutoff valve should be preferably of the automatically closing type and in addition an emergency valve shall be provided. Drawoff devices for classes I and II liquids shall not be located on floors below grade.

(b) An approved domestic-type oil burner may be supplied by gravity from a tank of two hundred seventy-five (275) gallons maximum capacity. A second tank may be provided if connected by an approved three-way valve so that not more than two hundred seventy-five (275) gallons can be discharged at any one (1) time.

(c) The chief of the fire department may permit gravity flow of flammable liquids in manufacturing and jobbing plants where the nature of the business requires it.
(Code 1968, § 7-77)

Sec. 7-106. Smoking, matches; signs.

Smoking, the carrying of matches other smoking material into rooms where flammable liquids are handled is prohibited. Suitable "NO SMOKING" signs shall be displayed.
(Code 1968, § 7-78)

Sec. 7-107. Outside, aboveground storage.

The storage of flammable liquids in outside, aboveground tanks is prohibited within fire district number one (1).
(Code 1968, § 7-79)

Cross reference—Fire districts, § 5-1.

Sec. 7-108. Abandoned tanks, capacity and location; truck loading tanks.

(a) The distance from each outside, aboveground tank to the line of adjoining property or nearest building shall not be less than set forth in the table below. For tanks exceeding forty-five thousand (45,000) gallons capacity, and in particular installations for tanks of any size, these distances shall be increased at the discretion of the chief of the fire department after consideration of the special features such as topographical conditions, nature of occupancy of and proximity to buildings on adjoining property, and height and character of construction of such buildings, capacity and construction of proposed tanks and character of liquids to be stored, degree of private fire protection to be provided, and facilities of the fire department to cope with oil fires.

MINIMUM DISTANCE OF OUTSIDE, ABOVEGROUND TANKS TO LINE OF ADJOINING PROPERTY OR NEAREST BUILDING

Capacity of Tank (Gallons)	*Minimum Distance (Feet)*
0 to 600	5
601 to 1,000	10
1,001 to 3,000	20
3,001 to 21,000	25
21,001 to 31,000	30
31,001 to 45,000	40

(b) At marketing stations and elsewhere, truck loading racks shall be separated from tanks by distances at least equivalent to those specified in the above table.
(Code 1968, § 7-80)

Sec. 7-109. Underground tanks, depth, weighting.

(a) Underground tanks shall have the top of the tank not less than two (2) feet below the surface of the ground, except that, in lieu of the two-foot cover, tanks may be buried under twelve (12) inches of earth and a cover of reinforced concrete at least five (5) inches in thickness provided, which shall extend at least one (1) foot beyond the outline of the tank in all directions. The concrete cover shall be placed on a firm, well-tamped earth foundation. Where necessary to prevent floating, tanks shall be securely anchored or weighted.

(b) Where a tank cannot be entirely buried, it shall be covered over with earth to a depth of at least two (2) feet with a slope on all sides not steeper than one and one-half (1½) feet horizontally to one (1) foot vertically.

(c) For liquids with a flash point below one hundred (100) degrees Fahrenheit, underground tanks having a capacity in excess of five hundred (500) gallons shall be at least ten (10) feet, and tanks having a capacity in excess of two thousand (2,000) gallons shall be at least twenty (20) feet, from every building, the lowest floor, basement, cellar or pit of which is below the top of the tank.
(Code 1968, § 7-81)

Sec. 7-110. Tank construction.

The design and construction of tanks shall conform to generally accepted good practice and shall be approved by the chief of the fire department. Tanks labeled by Underwriters' Laboratories, Inc., and tanks conforming to the standards of the American Petroleum Institute shall be deemed to conform to generally accepted good practice.
(Code 1968, § 7-82)

Sec. 7-111. Tank support.

Tanks shall be set on firm foundations.
(Code 1968, § 7-83)

Sec. 7-112. Venting tanks.

(a) An open galvanized iron vent pipe arranged for proper draining, or an automatically operated vent, shall be provided for every tank which may contain flammable vapor. The lower end of the vent pipe shall not extend through the top into the tank for a distance of more than one (1) inch.

(b) Vent openings and vent pipes shall be of sufficient size to prevent abnormal pressure in the tank during filling and, excepting automatically operated vents, shall not be smaller than one and one-half-inch pipe size. Vent pipes shall be provided with weatherproof hoods and shall terminate outside the building twelve (12) feet above the top of fill pipe, or if a tight connection is made in the filling line, to a point one (1) foot above the level of the top of the highest reservoir from which the tanks may be filled and if possible not less than three (3) feet, measured horizontally and vertically, from any window or other building openings. Where a power pump is used in filling storage tanks and a tight connection is made to fill pipe, the vent pipe shall not be smaller than the fill pipe.
(Code 1968, § 7-84)

Sec. 7-113. Pressure reliefs.

With the exception of vertical, cone-roof tanks having a roof slope of less than two and one-half (2½) inches in twelve (12) inches and in which the strength of the joint between roof and shell is no greater than that of the weakest vertical joint in the shell, all tanks shall have some form of relief for preventing the development of excessive internal pressure. The method of relief shall be acceptable to the chief of the fire department.
(Code 1968, § 7-85)

Sec. 7-114. Dikes.

(a) Tanks containing crude oil or other liquids that have a tendency to boil over and tanks exceeding fifty thousand (50,000) gallons capacity shall be surrounded with a dike having a capacity not less than that of the tank or tanks surrounded. The minimum height of earth dikes shall be three (3) feet and that of masonry dikes, thirty (30) inches.

(b) Tanks of less than fifty thousand (50,000) gallons capacity and of other than vertical-type mounted on proper foundations and with attached piping protected against mechanical injury shall, when deemed necessary by the chief of the fire department on account of proximity to streams, character of topography or nearness to buildings of high value, be diked or the entire yard provided with a curb or retaining wall or other suitable means taken to prevent the discharge of liquids onto other property in case of a rupture in the tank or piping.

(c) Dikes or walls required by the preceding subsections shall be of earth or masonry so constructed as to afford adequate protection. When dikes surround tanks containing crude oil, they shall have a suitable coping or deflector projecting inward, properly constructed to minimize the effect of a "boil over" wave. Dikes surrounding crude oil tanks shall not be less than fifty (50) feet from the shell of the tank or tanks surrounded.
(Code 1968, § 7-86)

Sec. 7-115. Distinctive markings for portable containers.

Portable containers for class I and class II liquids shall be painted red (entire container or conspicuous band or stripe) and be conspicuously lettered in black, "DANGEROUS-KEEP LIGHTS AND FIRE AWAY."
(Code 1968, § 7-87)

Sec. 7-116. Piping.

(a) Piping used for flammable liquids shall be standard full-weight wrought iron, steel or brass pipe or approved brass or copper tubing. For working pressures in excess of one hundred (100) pounds per square inch, extra heavy fittings shall be used. No pipe or tubing less than one-half inch internal diameter shall be used. Outside piping shall be protected against mechanical injury.

(b) Piping carrying class I and class II liquids, unless without joints or connections, shall not extend through any room that contains any open light or fire.
(Code 1968, § 7-88)

Sec. 7-117. Valves.

In systems using pumps to supply auxiliary tanks or headers which feed internal combustion engines or fuel-oil burners, provision shall be made to return surplus oil to the supply tank. Any valve installed in the line shall be of the pressure-relief type.
(Code 1968, § 7-89)

Sec. 7-118. Filling tank.

(a) Deliveries of flammable liquids of classes I and II shall be made directly to the storage tank through the filling pipe by means of a hose or pipe between the filling pipe and barrel, tank wagon or tank car from which such liquid is being drawn.

(b) The end of the filling pipe for underground storage tanks for classes I and II liquids shall be carried to a location outside of any building, but not within five (5) feet of any entrance door or cellar opening; this filling pipe shall be closed by a cap.
(Code 1968, § 7-90)

Sec. 7-119. Extinguishers.

Where flammable liquids are kept, used or handled, chemical extinguishers or other extinguishing devices or materials shall be provided in such quantity as may be directed by the chief of the fire department.
(Code 1968, § 7-91)

Sec. 7-120. Storing liquefied petroleum gases.

Nonportable containers for the storage of liquefied petroleum gases (propane and butane are the principal constituents) shall be constructed in accordance with section 8 of the boiler code of the American Society of Mechanical Engineers. Such containers, when aboveground, shall be located not less than fifty (50) feet from the nearest building, other than those devoted exclusively to gas manufacturing and distributing operations, and not less than fifty (50) feet to the adjoining line of property which may be built upon.
(Code 1968, § 7-92)

Sec. 7-121. Standard guidelines and requirements.

All installation, tank construction and placement fuel dispensing and fuel-loss monitoring of flammable liquids shall meet National Fire Protection Association and state and federal environmental protection agency guidelines and requirements.

Secs. 7-122—7-135. Reserved.

DIVISION 5. NITROCELLULOSE FILM

Sec. 7-136. Applicability of division, definition, exemption.

This division applies to motion picture film having a cellulose nitrate base. The word "film," wherever referred to in this division, refers to such film. Cellulose acetate film, marked safety film, is exempt from these provisions.
(Code 1968, § 7-98)

Sec. 7-137. Permit required.

(a) No person shall store, keep or have on hand more than twenty-five (25) pounds (about five thousand (5,000) feet of one and three-fourths (1¾) inch film) of nitrocellulose motion picture film without a permit from the chief of the fire department.

(b) No person shall sell any toy or miniature motion picture machine containing nitrocellulose motion picture film, or sell, lease or otherwise dispose of any nitrocellulose motion picture film to any person not having a permit to handle, use or display such film.
(Code 1968, § 7-99)

Sec. 7-138. Projector enclosure.

(a) Motion picture projectors using nitrocellulose film shall be operated or set up for operation only within an approved enclosure, not less than forty-eight (48) square feet in size and seven (7) feet high. If more than one (1) machine is to be operated, an additional twenty-four (24) square feet shall be provided for each additional machine.

(b) The enclosure shall be built of brick, tile, or plaster blocks, plastered on both sides, of concrete, or of a rigid metal frame, properly braced, and sheathed and roofed with sheet iron of not less than number twenty (20) U.S. gauge metal, or with one-inch hard asbestos board, securely riveted or bolted to the frame, of two (2) inches of solid metal lath and cement or gypsum plaster. All joints shall be sufficiently tight to prevent the discharge of smoke.

(c) The entrance door into the enclosure shall be at least two (2) feet by five (5) feet, of construction equivalent to the sheathing permitted above for rigid frame construction, and shall be so arranged as to close automatically, and shall be kept closed at all times when not used for egress or ingress.

(d) Two (2) orifices or openings for each picture machine may be provided: One (1) for the operator's view which shall not be larger than ten (10) inches by twenty (20) inches, and the other through which the picture is projected and which shall not be larger than eight (8) inches in its greatest dimension. Where separate stereo-operation, spot or floodlight machines are installed in the same enclosure with picture machines, not more than one (1) opening for each such machine shall be provided for both the operator's view and for the projection of the light, but two (2) or more machines may be operated through the same opening; such openings shall be as small as practicable and shall be capable of being protected by approved shutters.

(e) Each opening shall be provided with a gravity shutter of approved fireproof material. Shutters shall be suspended, arranged and interconnected so that all openings will close upon the operating of some suitable fusible or mechanical releasing device, designed to operate automatically in case of fire or other contingency requiring the immediate and complete isolation of the contents of the enclosure from other portions of the building. There shall also be provided suitable means for manually closing all shutters simultaneously from a point near the door. The shutters or openings not in use shall be kept closed.

(f) All shelves, furniture and fixtures within the enclosure shall be constructed of incombustible material. No combustible material of any sort whatever shall be permitted or allowed

to be within such enclosure, except the films used in the operation of the machine and film cement.

(g) Ventilation shall be provided by means of a vent pipe having inlets at one (1) or more points in the ceiling and also connecting to each arc-lamp housing. The vent pipe shall lead to the outside of the building or to a special noncombustible flue. All vent pipes shall be kept at least one (1) inch from combustible material or separated therefrom by approved noncombustible heat-insulating material not less than one-quarter inch in thickness. Draft in each booth vent pipe shall be maintained by an exhaust fan having a capacity of at least two hundred (200) cubic feet per minute for each eighty (80) square feet of floor area of the booth.

(h) An approved film cabinet shall be provided in enclosures where the amount of film exceeds forty (40) pounds per eight thousand (8,000) feet of thirty-five (35) mm film. All films not being used shall be kept in the cabinet or in Interstate Commerce Commission shipping containers, but not over forty (40) pounds of film shall be permitted to remain in the shipping containers.
(Code 1968, § 7-100)

Sec. 7-139. Outside vent for large cabinets.

Cabinets having a capacity of over fifty (50) pounds of film shall be provided with a vent from each compartment to the outside of the building. The vent shall have a minimum effective sectional area of fourteen (14) square inches per one hundred (100) pounds of film capacity.
(Code 1968, § 7-101)

Sec. 7-140. Smoking.

Smoking or carrying of a lighted pipe, cigar, cigarette or other form of smoking material into rooms where film is stored or handled is prohibited.
(Code 1968, § 7-102)

Secs. 7-141—7-155. Reserved.

DIVISION 6. EXPLOSIVES*

Sec. 7-156. Applicability of division.

This division applies to all explosives except small arms ammunition and pyrotechnic devices covered in division 7.
(Code 1968, § 7-108)

***Cross reference**—Discharging explosives, § 13-3.

State law references—Authority of council to regulate explosives, Code of Ala. 1975, § 11-43-60; municipal storage of explosives, Code of Ala. 1975, § 11-47-12; transportation of explosives, Code of Ala. 1975, § 37-8-180 et seq.

Sec. 7-157. Manufacture prohibited; permit to handle.

The manufacture of explosives is prohibited. A permit shall be obtained from the chief of the fire department to have, keep, use, store or transport any explosives.
(Code 1968, § 7-109)

Sec. 7-158. Transportation.

(a) Except as authorized by law, explosives shall not be transported or carried on or in any vehicle carrying passengers for hire.

(b) Every vehicle, while carrying explosives, shall display upon an erect pole, at the front end of such vehicle and at such height that it shall be visible from all directions, a red flag with the word "DANGER" printed, stamped or sewed thereto in white letters at least six (6) inches in height. In lieu of such flag, the word "EXPLOSIVES" must be painted on or attached to the rear end and each side of such vehicle in letters at least four (4) inches in height.

(c) It shall be unlawful for any person in charge of a vehicle containing explosives to smoke in, upon or near such vehicle, to drive, load or unload such vehicle in a careless or reckless manner.

(d) It shall be unlawful for any person to place or carry, or cause to be placed or carried, any metal tool or other similar piece of metal in the bed or body of a vehicle containing explosives.

(e) It shall be unlawful for any person to place or carry, or cause to be placed or carried, in the bed or body of a vehicle containing explosives any exploders, detonators, blasting caps, or other similar explosive material, or to carry in or upon any such vehicle any matches.
(Code 1968, § 7-110)

Sec. 7-159. Storage.

(a) Explosives shall be stored only in magazines made of fireproof material or of wood covered with sheet iron and conspicuously marked "MAGAZINE-EXPLOSIVES-DANGEROUS."

(b) Magazines containing explosives shall be located at distances from neighboring buildings, highways and railroads in conformity with the American Quantity and Distance Table, provided that a portable magazine containing not more than fifty (50) pounds of explosives may be allowed in a building not occupied as a dwelling place of public assembly, if placed on wheels and located not more than ten (10) feet from, on the same floor with and directly opposite to the entrance on the floor nearest the street level; and one (1) magazine containing not more than five thousand (5,000) blasting caps may be allowed, if placed on wheels and located on the floor nearest the street level.

(c) Blasting caps or detonators of any kind shall not be placed or kept in the same magazine with other explosives.

(d) Magazines shall be kept locked, except when being inspected or when explosives are being placed therein or being removed therefrom.

(e) Magazines shall be kept clean and free from grit, rubbish and empty packages.
(Code 1968, § 7-111)

Secs. 7-160—7-170. Reserved.

DIVISION 7. FIREWORKS*

Sec. 7-171. Defined.

The term "fireworks," as used in this division, refers to firecrackers, rockets, torpedos, Roman candles, toy pistols or cannons, detonating canes, blank cartridges, and other devices designed and intended for pyrotechnic display.
(Code 1968, § 7-117)

State law reference—Definitions relating to fireworks, Code of Ala. 1975, § 8-17-210.

Sec. 7-172. Manufacture or sale.

The manufacture of fireworks and the possession or display of fireworks for sale is prohibited.
(Code 1968, § 7-118)

Sec. 7-173. Use.

The use and discharge of fireworks is prohibited except that pyrotechnical displays may be authorized when said displays are under the control of qualified individuals and the time, place and manner of such displays are approved by the chief of police and the chief of the fire department pursuant to a written application submitted to both departments at least two (2) weeks prior to said display.
(Code 1968, § 7-119)

State law reference—Approval of fireworks displays by fire and police departments, Code of Ala. 1975, § 8-17-216.

Sec. 7-174. Seizure, destruction.

All fireworks kept, stored or deposited in any place in the city for the purpose of sale, or other unlawful disposition, furnishing or distribution, and the vessels and receptacles in which such fireworks are contained, are declared to be contraband and are forfeited to the city when seized and may be condemned for destruction by order of the mayor; and shall, upon such order being issued, be publicly destroyed.
(Code 1968, § 7-120)

State law reference—Authority of state fire marshal to seize and destroy illegal fireworks, Code of Ala. 1975, § 8-17-225.

***State law references**—Fireworks, Code of Ala. 1975, § 8-17-210 et seq.; powers of council as to explosives and dangerous substances, Code of Ala., § 11-43-60; license tax paid by dealers in fireworks, Code of Ala. 1975, § 40-12-102.

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Chapter 8

FLOOD DAMAGE PREVENTION FOR NON-COASTAL/RIVERINE COMMUNITIES*

Art. I. In General, §§ 8-1—8-10
Art. II. General Provisions, §§ 8-11—8-30
Art. III. Administration, §§ 8-31—8-40
Art. IV. Provisions for Flood Hazard Reduction, §§ 8-41—8-50
Art. V. Variance Procedures, §§ 8-51—8-60
Art. VI. Definitions, § 8-61

ARTICLE I. IN GENERAL

Sec. 8-1. Statutory authorization.

The Legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1-24, Chapter 45, Sections 1-11, Chapter 52, Sections 1-84, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Greenville, Alabama, does ordain as follows.
(Ord. No. 2009-06, (Art. 1, § A), 8-31-09)

Sec. 8-2. Findings of fact.

(1) The flood hazard areas of Greenville, Alabama are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
(Ord. No. 2009-06, (Art. 1, § B), 8-31-09)

Sec. 8-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

***Editor's note—**Ord. No. 2009-06, adopted Aug. 31, 2009, deleted the former Ch. 8, Art. I, §§ 8-1—8-13, Art. II, §§ 8-31—8-34, Art. III, §§ 8-51—8-55, and enacted a new Ch. 8 as set out herein. The former Ch. 8 pertained to flood damage prevention and derived from Ord. No. 1987-2, Art. 1, §§ A—D, Art. 2, Art. 3, §§ A—H, Art. 4, §§ A—D, Art. 5, §§ A—E, adopted Mar. 23, 1987.

(2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

(3) Control filling, grading, dredging and other development which may increase flood damage or erosion, and;

(4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;

(5) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

(Ord. No. 2009-06, (Art. 1, § C), 8-31-09)

Sec. 8-4. Objectives.

The objectives of this chapter are:

(1) To protect human life and health;

(2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(3) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;

(4) To minimize expenditure of public money for costly flood control projects;

(5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(6) To minimize prolonged business interruptions, and;

(7) To insure that potential home buyers are notified that property is in a flood area.

(Ord. No. 2009-06, (Art. 1, § D), 8-31-09)

Secs. 8-5—8-10. Reserved.

ARTICLE II. GENERAL PROVISIONS

Sec. 8-11. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of Greenville, Alabama.

(Ord. No. 2009-06, (Art. 2, § A), 8-31-09)

Sec. 8-12. Basis for area of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), dated May 1, 1980, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this chapter. For those land areas acquired by a municipality through annexation, the current

effective FIS and data for Butler County are hereby adopted by reference. Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.
(Ord. No. 2009-06, (Art. 2, § B), 8-31-09)

Sec. 8-13. Establishment of development permit.

A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.
(Ord. No. 2009-06, (Art. 2, § C), 8-31-09)

Sec. 8-14. Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.
(Ord. No. 2009-06, (Art. 2, § D), 8-31-09)

Sec. 8-15. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. No. 2009-06, (Art. 2, § E), 8-31-09)

Sec. 8-16. Interpretation.

In the interpretation and application of this chapter all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.
(Ord. No. 2009-06, (Art. 2, § F), 8-31-09)

Sec. 8-17. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord. No. 2009-06, (Art. 2, § G), 8-31-09)

Sec. 8-18. Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars ($500.00) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful actions as is necessary to prevent or remedy any violation.
(Ord. No. 2009-06, (Art. 2, § H), 8-31-09)

Sec. 8-19. Savings clause.

If any section, subsection, sentence, clause, phrase, or word of this chapter is for any reason held to be noncompliant with 44 Code of Federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this chapter.
(Ord. No. 2009-06, (Art. 2, § I), 8-31-09)

Secs. 8-20—8-30. Reserved.

ARTICLE III. ADMINISTRATION

Sec. 8-31. Designation of ordinance administrator.

The department of building and planning of the city is hereby appointed to administer and implement the provisions of this chapter.
(Ord. No. 2009-06, (Art. 3, § A), 8-31-09)

Sec. 8-32. Permit procedures.

Application for a development permit shall be made to the director of the department of building and planning on forms furnished by the community prior to any development activities, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions of existing or proposed structures, fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(1) *Application stage.*

a. Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;

b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

c. Design certification from a registered professional engineer or architect that any proposed nonresidential floodproofed structure will meet the floodproofing criteria of subsection 8-42(2) and subsection 8-45(2) of this chapter;

d. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(2) *Construction stage.* For all new construction and substantial improvements, the permit holder shall provide to the director of building and planning an as-built certification of the regulatory floor elevation or floodproofing level using appropriate FEMA elevation or floodproofing certificate immediately after the lowest floor or floodproofing is completed. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The director of building and planning shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
(Ord. No. 2009-06, (Art. 3, § B), 8-31-09)

Sec. 8-33. Duties and responsibilities of the administrator.

Duties of the director of building and planning shall include, but shall not be limited to:

(1) Review all development permits to assure that the permit requirements of this chapter have been satisfied; and, assure that sites are reasonably safe from flooding.

(2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.

(3) When base flood elevation data or floodway data have not been provided in accordance with section 8-12 of this chapter, then the director of building and planning shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer the provisions of article IV of this chapter.

(4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with subsection 8-32(2) of this chapter.

(5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been floodproofed, in accordance with subsection 8-42(2) and subsection 8-45(2) of this chapter.

(6) When floodproofing is utilized for a structure, the director of building and planning shall obtain certification of design criteria from a registered professional engineer or architect in accordance with subsection 8-32(1)c and subsection 8-42(2) or subsection 8-45(2) of this chapter.

(7) Notify adjacent communities and the state department of natural resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the state department of economic and community affairs/office of water resources/NFIP state coordinator's office.

(8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA and state to ensure accuracy of community flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

(9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the director of building and planning shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(10) All records pertaining to the provisions of this chapter shall be maintained in the office of the director of building and planning and shall be open for public inspection.

(Ord. No. 2009-06, (Art. 3, § C), 8-31-09)

Secs. 8-34—8-40. Reserved.

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 8-41. General standards.

In all areas of special flood hazard the following provisions are required:

(1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

(3) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

(4) *Elevated buildings.* All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by

foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood waters.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one (1) foot above grade; and,

3. Openings may be equipped with screens, louvers, valves and other coverings and devices provided they permit the automatic flow of floodwater in both directions.

b. So as not to violate the "lowest floor" criteria of this chapter, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(6) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(9) Onsite waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;

(10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this chapter, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

(Ord. No. 2009-06, (Art. 4, § A), 8-31-09)

Sec. 8-42. Specific standards.

In all areas of special flood hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required:

(1) *New construction and substantial improvements.* Where base flood elevation data are available, new construction and substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection 8-41(4), "elevated buildings", of this chapter.

(2) *Nonresidential construction.* New construction and substantial improvement of any nonresidential structure located in A1-30, AE, or AH zones, may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in subsection 8-33(6) of this chapter.

(3) *Standards for manufactured homes and recreational vehicles.* Where base flood elevation data are available:

a. All manufactured homes placed and substantially improved on: (i) individual lots or parcels, (ii) in new or substantially improved manufactured home parks or subdivisions, (iii) in expansions to existing manufactured home parks or subdivisions, or (iv) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement elevated no lower than one (1) foot above the base flood elevation.

b. Manufactured homes placed and substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

1. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation, or

2. Where no base flood elevation exists, the manufactured home chassis and supporting equipment is supported by reinforced piers or other foundation elements of at least equivalent strength and is elevated to a maximum of sixty (60) inches (five (5) feet) above grade.

c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Refer: section 8-41 of this chapter.)

d. All recreational vehicles placed on sites must either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days, fully licensed and ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or

2. The recreational vehicle must meet all the requirements for "new construction," including the anchoring and elevation requirements of subsections (3)a and c. of this section.

(4) *Standards for subdivisions.*

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

d. Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser.

(Ord. No. 2009-06, (Art. 4, § B), 8-31-09)

Sec. 8-43. Floodways.

(1) *Floodway.* Located within areas of special flood hazard established in section 8-12 of this chapter, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

a. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one (1) foot at any point;

b. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted, however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

c. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12 [NFIP], and receives the approval of the administrator;

d. Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community;

e. Only if subsections (1)b, c, or d. of this section are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this article.

(Ord. No. 2009-06, (Art. 4, § C), 8-31-09)

Sec. 8-44. Building standards for streams without established base flood elevations (approximate A-zones).

Located within the areas of special flood hazard established in section 8-12 of this chapter, where streams exist but no base flood data have been provided (approximate A-zones), the following provisions apply:

(1) When base flood elevation data or floodway data have not been provided in accordance with section 8-12 of this chapter, then the director of building and planning shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of this article. Only if data are not available from these sources, then the following subsections (2) and (4) of this section shall apply:

(2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty-five (25) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(3) All development in zone A must meet the requirements of section 8-41 and subsections 8-42(1) through (4) of this chapter.

(4) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Also, in the absence of a base flood elevation, a manufactured home must also meet the elevation requirements of subsection 8-42(3)b.2. of this chapter in that the structure must be elevated to a

maximum of sixty (60) inches (five (5) feet). Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection 8-41(4), "elevated buildings", of this chapter.

The director of building and planning shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(Ord. No. 2009-06, (Art. 4, § D), 8-31-09)

Sec. 8-45. Standards for areas of shallow flooding (AO zones).

Areas of special flood hazard established in section 8-12 of this chapter, may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. The following provisions apply:

(1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the flood insurance rate map (FIRM) above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection 8-41(4), "elevated buildings", of this chapter.

The director of building and planning shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(2) New construction and the substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level or two (2) feet (if no map elevation is listed), above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in subsection 8-32(1)c. and [subsection 8-32(2)] of this chapter.

(3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. No. 2009-06, (Art. 4, § E), 8-31-09)

Secs. 8-46—8-50. Reserved.

ARTICLE V. VARIANCE PROCEDURES

Sec. 8-51. Variances.

(a) The board of adjustment of the city as established by the city council shall hear and decide requests for appeals or variance from the requirements of this chapter.

(b) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the director of building and planning in the enforcement or administration of this chapter.

(c) Any person aggrieved by the decision of the board of adjustment may appeal such decision to the county circuit court, as provided in the Code of Alabama, 1975.

(d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(e) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(g) In reviewing such requests, the board of adjustment shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this chapter.

(h) Conditions for variances:

(1) A variance shall be issued only when there is:

a. A finding of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) The provisions of this chapter are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(4) The director of building and planning shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the state department of economic and community affairs/office of water resources upon request.

(i) Upon consideration of the factors listed above and the purposes of this chapter, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
(Ord. No. 2009-06, (Art. V), 8-31-09)

Secs. 8-52—8-60. Reserved.

ARTICLE VI. DEFINITIONS

Sec. 8-61. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "new construction".

Appeal means a request for a review of the director of building and planning's interpretation of any provision of this chapter.

Area of shallow flooding means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in section 8-12 of this chapter.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Basement means that portion of a building having its floor sub grade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or materials.

Elevated building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, pilings, posts, columns, piers, or shear walls.

**Existing construction.* Any structure for which the "start of construction" commenced before May 1, 1980. [* i.e., the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)].

**Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before May 1, 1980 . [* i.e., the effective date of the first floodplain management regulations adopted by a community].

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters; or

b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been designated as zone A.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study/flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

Floodplain means any land area susceptible to being inundated by water from any source.

Floodway (regulatory floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facility that are necessary for the loading and unloading of cargo or passengers, and shipbuilding, and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the secretary of the interior; or

d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

    1. By an approved state program as determined by the secretary of the interior; or

    2. Directly by the secretary of the interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

Manufactured home means a building, transportable in one or more section, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or other datum.

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**New construction* means any structure (see definition) for which the "start of construction" commenced after May 1, 1980 and includes any subsequent improvements to the structure. [* i.e., the effective date of the first floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)] and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 1, 1980. [* i.e., the effective date of the first floodplain management regulations adopted by a community].

Repetitive loss means flood-related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred.

Recreational vehicle means a vehicle which is:

a. Built on a single chassis;

b. Four hundred (400) square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Remedy a violation means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Section 1316. No new flood insurance shall be provided for any property which the administrator finds has been declared by a duly constituted state or local zoning authority or

other authorized public body, to be in violation of state or local laws, regulations or ordinances which are intended to discourage or otherwise restrict land development or occupancy in floodprone areas.

Start of construction means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure.) (Note: Accessory structures are not exempt from any ordinance requirements.) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial damage also means flood related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The market value of the building should be: (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Code of Federal Regulations (CFR) § 44, Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) and corresponding parts of this chapter is presumed to be in violation until such time as that documentation is provided.
(Ord. No. 2009-06, (Art. VI), 8-31-09)

[The next page is 475]

Chapter 9

HEALTH*

Art. I. In General, §§ 9-1—9-20
Art. II. Smoking in Municipal-Owned Facilities, §§ 9-21—9-39
Art. III. Cemeteries, §§ 9-40—9-45

ARTICLE I. IN GENERAL

Sec. 9-1. Vending meat and fish on streets.

It shall be unlawful to hawk, peddle, sell or offer for sale on the streets of the city any meat, game, fish or seafood without first obtaining a permit from the county health department and a business license from the city.

(Code 1968, § 8-3)

State law references—Meat and poultry inspection, Code of Ala. 1975, § 2-171 et seq.; municipal powers as to food and food establishments, Code of Ala. 1975, § 11-47-136 et seq.; power of city to regulate the sale of fresh meats, Code of Ala. 1975, § 11-47-137 et seq.; food, drugs and cosmetics, Code of Ala. 1975, Title 20.

Sec. 9-2. Rat control.

(a) It shall be unlawful for any person to permit any storage of refuse or rubbish that may create a harborage for rats.

(b) It shall be unlawful for any person owning, controlling, managing, operating or occupying any building used for the purpose of selling, storing or manufacturing foods, foodstuffs, feeds or grain, used for the purpose of housing poultry or animals or used to conduct any other business, the operation of which affords food for rats, to fail to maintain the interior of the building and adjacent premises reasonably free from rats at all times by effective methods of rat control and ratproofing.

***Cross references—**Administration, Ch. 2; animals, Ch. 4; buildings, Ch. 5; emergency management, Ch.6; fire prevention and protection, Ch. 7; flood damage prevention, Ch. 8; licenses and business regulations, Ch. 10; mobile homes, Ch. 11; parks and recreation, Ch. 14; rescue squad, Ch. 16; solid waste, Ch. 17; utilities, Ch. 20; sanitation of places where animals and fowl are kept, § 4-5; insect and rodent control in mobile home parks, § 11-10; public nuisances, § 13-12; weeds and debris, § 13-46 et seq.; sanitation in parks, § 14-19.

State law references—Power of city to adopt ordinances to preserve public health, Code of Ala. 1975, § 11-45-1; municipal powers as to health, sanitation and quarantine, Code of Ala. 1975, § 11-47-130 et seq.; health, mental health and environmental control, Code of Ala. 1975, § 22-1-1 et seq.; general health and quarantine laws prevail over municipal corporation laws, Code of Ala. 1975, § 22-1-2; supervision of municipal health ordinances, Code of Ala. 1975, § 22-3-2; powers and duties of county health officers, Code of Ala. 1975, § 22-3-4 et seq.; municipal appropriations to safeguard the public health and promote sanitation, Code of Ala. 1975, § 22-3-11; payment of health department claims, etc., out of county or municipal budgets, Code of Ala. 1975, § 22-3-12.

(c) Upon notification by the health officer or by any of his authorized assistants that a rat infestation exists in any building owned, controlled, managed, operated, used or occupied by the person notified, it shall be unlawful for any such person to fail to comply, within the time specified in such notice, with all measures of rat control and ratproofing and with all steps to eliminate rat harborage specified in such notice. Each day's failure to comply with the foregoing notice shall constitute a separate offense.

(d) The health officer is authorized to inspect, between the hours of 8:00 a.m. and 5:00 p.m. any store, shop, building, residence, vacant lot or other premises in the city for the purpose of determining if any rat infestation or rat harborage exists, and it shall be unlawful for the owner, operator, person in charge, or any other person whatsoever to resist or in any manner interfere with the health officer or his authorized representative by word, deed or act, in the performance of such inspection.

(Code 1968, §§ 8-4—8-7)

Cross references—Buildings, Ch. 5; solid waste, Ch. 17.

State law reference—Alabama Pesticide Act of 1971, Code of Ala. 1975, § 2-27-1 et seq.

Sec. 9-3. Mosquito control.

(a) It shall be unlawful for any person to have, keep, maintain, cause or permit, within the city any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as to effectively prevent such breeding.

(b) This section shall apply to all collections of water, including those contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets or other similar water containers.

(c) The method of treatment of any collection of water directed toward the prevention of breeding of mosquitoes shall be approved by the health officer, and may be any one (1) or more of the following:

(1) Screening with wire netting of at least sixteen (16) meshes to the inch each way, or with any other material that will effectively prevent the ingress and egress of mosquitoes.

(2) Complete emptying every seven (7) days of unscreened containers, together with their thorough drying or cleaning.

(3) Using a larvicide and applied under the direction of the health officer.

(4) Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every seven (7) days.

(5) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish.

(6) Filling or draining to the satisfaction of the health officer.

(7) Proper disposal, by removal or destruction of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.

(d) The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there, and failure to prevent such breeding within three (3) days after notice by the health officer shall be deemed a misdemeanor.

(e) Should the person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the same, within three (3) days after due notice has been given to him, the health officer is hereby authorized to do so, and all necessary costs incurred by him for this purpose shall be a charge against the property owner or other person offending, as the case may be.

(f) For the purpose of enforcing the provisions of this section, the health officer, or his duly accredited agent acting under his authority, may at all reasonable times enter in and upon any premises within the city.
(Code 1968, §§ 8-8—8-11)

Cross references—Buildings, Ch. 5; utilities, Ch. 20.

State law reference—Municipal powers as to mosquito control, Code of Ala. 1975, § 11-47-140.

Secs. 9-4—9-20. Reserved.

ARTICLE II. SMOKING IN MUNICIPAL-OWNED FACILITIES

Sec. 9-21. Purpose.

The mayor and council of the City of Greenville recognize the right and need of those who wish to breathe smoke-free air and find and declare that smoking, as defined herein, is a hazard to the health of the general public. Accordingly, it has been determined that the health, safety and welfare of the residents of Greenville would be furthered by the regulation of smoking in certain city-owned facilities.
(Ord. No. 1991-5, 6-17-91)

Sec. 9-22. Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Pool area means the area inside the pool fence at Beeland Recreation Center and inside the pool fence at Dunbar Recreation Center.

Smoke or smoking means the act of burning any tobacco product, weed, filler, plant or other material of any kind in a cigarette, cigar, pipe, or in any other device.
(Ord. No. 1991-5, 6-17-91)

Sec. 9-23. Areas where prohibited.

It shall be unlawful for any person to smoke in the following municipal facilities: Beeland Community Center Building, Beeland Pool Area, Dunbar Recreation Center Building, Dunbar Pool Area, Greenville City Hall, except the second floor vending machine area, the City Hall Fire Station living quarters and kitchen, Greenville-Butler County Library, Ritz Theater, Sherling Lake Manager's Office and Meeting Complex.
(Ord. No. 1991-5, 6-17-91)

Sec. 9-24. Violation.

Any person who smokes in the areas designated as nonsmoking shall be advised by the person in charge of the facility of the prohibition against smoking. If such person continues to smoke, the person in charge of the facility shall ask the violator to immediately cease and desist from smoking in the facility. If the violator continues to smoke, the person in charge of the facility shall summon a law enforcement officer who shall advise the violator of the prohibition and order the violator not to smoke in the facility. If the violator then continues to smoke, the violator shall be ordered to leave the facility by the law enforcement officer and shall be prosecuted for violating the provisions hereof.
(Ord. No. 1991-5, 6-17-91)

Secs. 9-25—9-39. Reserved.

ARTICLE III. CEMETERIES

Sec. 9-40. Purpose.

The mayor and council of the City of Greenville recognize the need to provide regulations for the orderly location and operation of cemeteries, both public and private, within the corporate limits of the city to protect the health and welfare of the residents of Greenville.
(Ord. No. 2010-05, 11-22-10)

Sec. 9-41. Power of city as to cemeteries.

The city has full power to own, regulate and improve, to lay out and control as many city cemeteries and additions thereto as in the opinion of the council may be needed, either within the city or its police jurisdiction, to sell burial lots therein, and to regulate or prohibit private cemeteries, or to bind itself to the protection and maintenance of the latter by the passage of necessary ordinances, rules and regulations stating the terms and conditions of the location and operation of such cemeteries.
(Ord. No. 2010-05, 11-22-10)

State law reference—Code of Ala., § 11-47-40.

Sec. 9-42. Procedures for establishing private cemeteries.

No person, corporation, group or party shall establish or use any private cemetery or burying ground for the internment of dead human bodies within the city or its police jurisdiction unless the person or entity seeking to use such place, lot or parcel of land for a private cemetery or burying ground for the interment of dead bodies shall first apply for and obtain the permission of the city council to make use of such lot, place or parcel of land for such purposes or for the establishment of such cemetery, and such permission shall be given only by resolution or ordinance duly adopted to that end.

(1) Whenever it is proposed to locate a cemetery or to extend the boundaries of an existing cemetery, the party or parties so proposing shall make written application to the mayor and council, describing accurately the location and boundaries of the proposed cemetery or extension of a cemetery and a survey of the individual lots therein. Thirty (30) days' public notice shall be given by such party of the intention to make such application by publication of the same in some newspaper of general circulation published in the city.

(2) Before acting upon the application, the mayor and council shall refer the application to the county board of health for investigation in accordance with Alabama law. The county board of health shall review the application to ensure compliance with all requirements outlined in the Alabama Department of Public Health (ADPH) Guidelines for Cemetery Development (Policy ID #95-30) and any subsequent regulations and/or publications adopted by the state. Having completed its investigation, the county board of health shall submit a report to the mayor and council and either approve or disapprove the application.

Upon receipt of the report from the county board of health, the request to locate a cemetery or to extend the boundaries of an existing cemetery shall be referred to the city planning commission.

(3) Within thirty (30) days after receiving the report from the planning commission, the mayor and council shall hold a public hearing prior to final consideration of the application. Following the public hearing, the mayor and council shall either grant or deny the application, giving due weight in reaching its decision based upon the views expressed by the planning commission and the county board of health.

(4) Should the application be granted, the mayor and council shall issue to the party or parties making the application, and in such form as they may prescribe, a license to establish or extend the cemetery in question. The said license shall, upon the payment of one hundred fifty dollars ($150.00) by the party or parties making the application, be recorded in the office of the judge of probate of the county, at the expense of the applicant. In addition to said license, each person engaged in the business of selling, soliciting the sale, or of furnishing cemetery lots or mausoleum space shall pay an annual license fee as specified in the city's business license schedule.

(5) Nothing in this section shall be construed to prevent or interfere with the use of any cemetery in the city now in use as such, and named and recognized as a cemetery.

(Ord. No. 2010-05, 11-22-10)

State law reference—Code of Ala., § 22-20-4.

Sec. 9-43. Location of cemeteries.

Within the zoning districts permitting cemeteries, the following requirements shall apply for the orderly location and operation of cemeteries in the city:

(1) The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

(2) Any newly established cemetery shall be located on a site containing not less than two (2) acres.

(3) No interments shall be made until paved streets and basic landscaping have been completed, adequate water lines have been installed and all drainage problems eliminated. The entire cemetery property shall be landscaped and maintained, and satisfactory evidence of adequate perpetual care shall be furnished to the city council and to the state.

(4) An application must be made to the planning commission and the health department and thereafter approved by the city council under the procedures set out hereinabove for any extension of an existing cemetery.

(Ord. No. 2010-05, 11-22-10)

Note—Current zoning districts allowing cemeteries include RA-Residential Agricultural, M-1 Light Industrial District and M-2 General Industrial District - See Appendix A of this Code.

Sec. 9-44. Criminal legislation pertaining to cemeteries.

All persons are reminded that cemetery grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of the law, as provided by Alabama statute, will be strictly enforced in all cases of wanton injury, disturbance and disregard of the rules.

(1) Any person who willfully or maliciously injures, defaces, removes or destroys any tomb, monument, gravestone or other memorial of the dead, or any fence or any enclosure about any tomb, monument, gravestone or memorial, or who willfully and wrongfully destroys, removes, cuts, breaks or injures any tree, shrub, plant, flower, decoration or other real or personal property within any cemetery or graveyard will be guilty of a Class A misdemeanor.

(2) Any person who willfully or maliciously desecrates, injures, defaces, removes or destroys any tomb, monument, structure or container of human remains, and invades or mutilates the human corpse or remains shall be guilty of a Class C felony and upon conviction the person shall be punished as provided by law.

(Ord. No. 2010-05, 11-22-10)

State law reference—Code of Ala., 1975, § 13A-7-23.1.

Sec. 9-45. Neglected and abandoned cemeteries.

It shall be the express responsibility of any owner or lessee of a private cemetery located within the city to manage, operate and maintain the cemetery in good condition and in the event the cemetery is at any time designated as neglected or abandoned, the city shall have no legal obligation to assume either public ownership or maintenance of said cemetery.
(Ord. No. 2010-05, 11-22-10)

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Chapter 10

LICENSES AND BUSINESS REGULATIONS*

Art. I. In General, §§ 10-1—10-13
Art. II. General Business License, §§ 10-14—10-40
Art. III. Junk and Secondhand Dealers; Pawnbrokers, §§ 10-41—10-60
Art. IV. Precious Metal Dealers, §§ 10-61—10-100
Div. 1. Generally, §§ 10-61—10-80
Div. 2. License, §§ 10-81—10-100
Art. V. Ambulances, §§ 10-101—10-120
Art. VI. Taxicabs, §§ 10-121—10-135
Art. VII. License Tax on Transient Room Rentals, §§ 10-136—10-155
Art. VIII. License Tax on Tobacco Products, §§ 10-156—10-169

ARTICLE I. IN GENERAL

Sec. 10-1. Purpose.

The following landscape regulations are for the purpose of protecting and enhancing the ecological and esthetic environments of the City of Greenville and to implement the goals contained in the city's comprehensive plan. Proper landscaping benefits the city by reducing soil erosion and storm water runoff, glare from vehicles, wind, heat, noise, dust, and other offensive conditions. Furthermore, landscaping buffers and screens incompatible land uses, maintains and enhances the character of neighborhoods, serves to attract potential and developers to the city, and generally creates a safer, more attractive and more pleasant living and working environment for all residents of the City of Greenville.
(Ord. No. 1999-2, 5-11-99)

Sec. 10-2. Definitions.

The following words, terms and phrases, when used in the section, shall have the meaning ascribed to them in this section, except when the context clearly requires otherwise:

Accessory building: Any building designed to house a function or use recognized as customarily accessory to the use of the principle building, and as such, may be situated on the same lot, including [but not limited to] storage facilities, mechanical and equipment buildings, and repair or fabrication facilities when incidental to the principle building use.

***Cross references**—Alcoholic beverages, Ch. 3; animals, Ch. 4; buildings, Ch. 5; health, Ch. 9; mobile homes, Ch. 11; motor vehicles and traffic, Ch. 12; parks and recreation, Ch. 14; solid waste, Ch. 17; streets and sidewalks, Ch. 18; taxation, Ch. 19; zoning, App. A; subdivisions, App. B; emergency powers of mayor, § 2-41 et seq.; dangerous buildings and dangerous unimproved property, § 5-61 et seq.; noisy selling or advertising, § 13-10; fair housing, § 13-26 et seq.; weeds and debris, § 13-46 et seq.; obscene matter, § 13-66 et seq.; merchandising, advertising and signs in park, § 14-23.

State law references—Municipal license taxes, Code of Ala. 1975, § 11-51-90 et seq.; collection of certain municipal license taxes by state department of revenue, Code of Ala. 1975, § 11-51-180 et seq.; license generally, Code of Ala. 1975, § 40-12-1 et seq.

Caliper: Diameter of tree trunk. Caliper is used for tree less than twelve (12) inches in diameter. For trees less than four (4) inches in diameter it is measured six (6) inches from the ground. For trees between four (4) inches and twelve (12) inches in diameter it is measured twelve (12) inches from the ground.

City horticulturist: Refers to City of Greenville grounds keeping superintendent or designated authority.

D.B.H.: Diameter at breast height. D.B.H. is used for trees with a diameter greater than twelve (12) inches and is measured for four and one-half (4½) feet above the ground.

Developed area: All land area disturbed for the purpose of developing structures, parking facilities, landscaped areas, etc.

Developer: The legal or beneficial owner of a lot or parcel or any proposed for development and/or inclusion in a development, Including the owner of an option, contract to purchase, or lease.

Groundcover: An evergreen or deciduous planting less than twenty-four (24) inches in height, turf-grass is excluded.

Monoculture: A single type and species of planting. This type of planting is prohibited by this code.

Mulch: A natural planting material such as pine straw or tree bark used to control weed growth, reduce soil erosion and reduce water loss.

Parking lot planting: A planting required due to the construction of non-covered parking. When less than twenty-five (25) parking spaces are proposed, these plantings may be spaced around the perimeter of the parking lot. When more than twenty-five (25) spaces are proposed, these plantings shall be placed within "parking lot islands" and/or "parallel planting peninsulas."

Parking lot island: A planting island contained completely within the confines of a parking facility. These islands shall be elevated at least four (4) inches in height and bordered by concrete curbing. These are ideal places for required parking lot plantings (see Figures 1 and 2, § 10-6).

Parallel planting peninsula: Planting island that extends out into the parking area, and is bounded on at least one (1) side by the outer edge of the asphalt or building. These shall be elevated at least four (4) inches in height and bordered by concrete curbing. These are ideal places for required parking lot plantings (see Figures 1 and 2, § 10-6).

Recommended tree: Any one of the trees listed under section 10-9, recommended trees. These trees are well suited for the soils and climate of Greenville, Alabama.

Significant tree: Any tree with a caliper of six (6) inches or greater.

Shrub: An evergreen or deciduous planting no less than twenty-four (24) inches in height, which will remain attractive and full throughout the year.

Sec. 10-3. Applicability.

All rules, regulations, conditions, and requirements set forth in this section are applicable as follows:

(1) Any new development or construction in any zoning district which requires approval by the City of Greenville Planning Commission is subject to these regulations, with the exception of construction of accessory buildings.

(2) An alteration to an existing building(s), development(s), or construction which increases or decreases the amount of gross floor area of a structure or building on a lot by more than fifty (50) percent. The property which undergoes such alterations shall be required to come into compliance with all landscaping requirements in place at the time.

(3) Nothing herein shall affect in any way the rights of, or exercise by, any public utility of its present and future acquired rights, to clear trees and other growth from lands used by the public utility. The utility shall cooperate and coordinate with the City Horticulturist when clearing or pruning of the rights-of-way.

(4) Nothing herein shall reduce the lines of sight and traffic visibility standards adopted by the City in the Greenville (Utilities Ordinance). Due consideration should be given to plantings within twenty (20) feet of an intersection along a roadway. In such cases, certain height provisions of this code may be modified by the City Inspector.

(Ord. No. 1999-2, 5-11-99)

Sec. 10-4. General information.

(a) *Trees located within the right-of-way.*

(1) Trees located within a local right-of-way are property of the City of Greenville. The removal of significant trees within the right-of-way is prohibited without written permission of the City Horticulturist.

(2) Any "significant tree" located within a public right-of-way and abutting the subject property shall be shown on the Landscape Plan. "Significant trees" within the right-of-way and abutting the subject property may be applied toward existing tree credits with approval from the City Horticulturist.

(3) Any "significant tree" located within a right-of-way that is damaged by a developer, such as because of construction, shall contact the City Horticulturist immediately. It will be at the discretion of the City Horticulturist whether the developer must replace the tree. The replacement shall be a similar planting with a caliper of at least 2.5".

(4) All care of any "significant tree" within the right-of-way applied towards existing tree credits shall become the responsibility of the property owner. This includes limb pruning, tree removal, etc

(b) *Size and quality requirements.*

(1) Any large tree planted to meet requirements of this section shall have at least 2"—2.5" caliper. Any medium tree or understory tree planted to meet requirements of this

section shall have a caliper between 1.25" and 1.5", except that multi-stemmed understory trees shall be between six (6) and eight (8) feet in height. In addition, deviations from the "Recommended Tree List" may be approved through a written request to the City Horticulturist. These plantings may or may not count towards the point total for the property.

(2) Trees(s) shall be in a healthy condition at the time of planting.

(3) Shrubs planted to meet requirements of this section shall be at least 24" in height.

(4) Grass shall completely cover the soil after one full growing season.

(5) No bare ground shall be left exposed. Grass and other approved appropriate groundcover or mulch, such as pine straw or tree-bark, shall cover all non-paved and non-built "developed areas."

(6) Irrigation is not required but is highly recommended. Proper irrigation greatly improves the chances for survival.

(7) Any planting that dies shall be replaced.

(c) *Basic landscaping requirements.*

(1) Trees, plants, and shrubs shall be planted in sufficient quantities to obtain the required number of points for the parcel.

(2) One additional point is required for each parking space.

(3) "Residential buffers" and "parking lot buffers" may be required

(Ord. No. 1999-2, 5-11-99)

Sec. 10-5. Landscape plans.

(a) Landscape plans shall be submitted with other site plans at the time of application for consideration by the Planning Commission.

(1) Landscape plans shall be submitted on a separate drawing sheet(s) of a standard size (preferably 24" × 36") and drawn to a standard scale (preferably engineer's scale).

(2) Landscape plans shall show type, size and location of existing trees to be preserved, in addition to type, size and locations of proposed trees, shrubs, and groundcover in relation to any existing or proposed structures, roads, property lines, etc.

(3) Procedures for preserving existing tress during construction shall be submitted and followed accordingly.

(4) Landscape plans shall show statistics indicating that all point requirements have been met using the format illustrated in Template 1.

(5) Plants outside of the construction area need not be shown on the Landscape Plan.

(6) Landscape Plans shall be drawn by an architect, landscape architect, engineer, or licensed landscaper.

(7) Prior to approval by the Planning Commission, Landscape Plans shall be reviewed and approved by the City Horticulturist.

(Ord. No. 1999-2, 5-11-99)

Template 1.

Square footage of developed area _____ sq. feet

Base points required _____ (See table or formula § 10-6)

Base points obtained _____

Parking lot points required _____ (1 per parking space)

Parking lot points obtained _____

Residential buffer yard required. Yes or No

Parking lot buffers required. Yes or No

Notes:

Template 1. must be on the landscape plan with appropriate information entered.

Plant material that will be used for parking lot points must be labeled on drawings as such, i.e., P.P. (parking lot points) or double underline. Be sure to note the symbol used for designation.

Plant material that will be used for base points must be labeled on drawing as such, i.e., B.P. (base points). Be sure to note the symbol used for designation.

Separate plant materials on plant legend for separate uses. For example:

Scientific Name	*Common Name*	*Quantity*	*Size*
BASE POINTS			
Cornus florida	Flowering Dogwood	4	1¼—½"
Quercus phellos	Willow Oak	10	2—2½;inch
Ilex cornuta "Carissa"	Carissa Holly	30	3 gal.
PARKING LOT POINTS			
Pistacia chinesis	Chinese Pistache	10	1¼—1½"
Quercus alba	White Oak	5	2—2½;inch
Ilex vomitoria "Nana"	Dwarf Yaupon Holly	75	3 gal.
PARKING LOT BUFFER			
Ilex cornuta "Burfordi Nana"	Dwarf Burford Holly	75	3 gal.
RESIDENTIAL BUFFER			

Scientific Name	*Common Name*	*Quantity*	*Size*
Ternstroemia grynanthera	Japanese Cleyera	75	3 gal.

(Ord. No. 1999-2, 5-11-99)

Sec. 10-6. Landscape requirements.

(a) *Steps for approval*

(1) Determine the number of base points required via shade trees, shrubbery or a combination thereof; (see section 10-6(b))

(2) Determine the number of Parking Lot Trees/Shrubs, which must be planted. The quantity of plants required is based on the number of parking spaces proposed; (see section 10-6(c))

(3) Determine whether Residential and/or Parking Lot Buffers apply to the development; (see section 10-6(d))

(4) Develop a Landscape Plan with plantings in sufficient numbers to meet the point requirements and with any applicable buffer. (see section 10-5(a))

(b) *Numbers of points required for site.*

*Square footage of the Developed Area**	*Number of points Required*
0-10,000	40 (+1 per parking space)
10,001-20,000	60 (+1 per parking space)
20,000-30,000	80 (+1 per parking space)
30,000-40,000	100 (+1 per parking space)
40,001-50,000	120 (+1 per parking space)
50,001-60,000	140 (+1 per parking space)

• When only small portions of large lots are developed, (e.g only one acre of a ten acre lot) only the immediate construction area shall be considered when determining the number of points required. Contact the Planning Department to determine the immediate consideration area.

Alternative Formula for determining number of points required for sites greater than 60,000 square feet;

Base points = [(X-10,000)/500] + 40 (X=Construction Area)

Parking lot points = 1 per parking space

Points Values for Various Planting

Type of Plant Materials	*Minimum Size*	*Point value*
Large tree*	2.0"—2.5" caliper	11

Type of Plant Materials	*Minimum Size*	*Point value*
Medium tree*	1.25"—1.5" caliper	8
Understory tree*	(single trunk) 1.25"—1.5" caliper (multiple Trunk) 6' 8' Height	5
Shrub or Groundcover	Shrub 24" Groundcover 1 gallon minimum	1

*See section 10-9 Recommended Tree List

(c) *Parking lot requirements.*

All noncovered, street-level parking facilities established and governed by this Section shall be landscaped in accordance with the following requirements:

(1) In addition to the number of "base points" required with shade plantings, one (1) additional point is added to the site for each parking space proposed. These points must be used to plant "Parking Lot trees and/or Parking Lot Shrubs." (e.g. A 26,000 square foot lot requires 80 base points, however it also has 15 parking spaces. The additional 15 points bring the lot up to 95 points, with 15 of those points designated as Parking Lot Trees and/or shrubs.)

(2) On parking lots with less than 25 parking spaces, "Parking Lot Trees/Shrubs" may be spaced around the lot as desired to provide a uniform and attractive design.

(3) On lots with more than 25 parking spares, "Parking Lot Trees/Shrubs" shall be planted on "parking lot island(s)" and/or "parallel planting peninsulas" within the confines of the established parking lot. These plantings will minimize and break the expanse of asphalt and concrete. Acceptable island and parallel planting peninsulas are displayed in Figures 1 and 2.

(4) Each "parking lot island" or "parallel planting peninsula" shall have at least one tree.

(d) *Buffers and buffer zones.*

In addition to the required number of points above, a parcel may be required to buffer certain portions of the property.

Trees from the "Recommended Tree List" planted to meet either Residential or Parking Lot buffer requirements, may be applied toward the point requirements. Shrubs may not be applied toward the point requirements. This provision allows credit for plantings in the buffer area(s); however, is prevents a property from planting only in those areas.

In cases where a parking area abuts a residential zone, then the more stringent "Residential Zone Buffer" requirements supersede the parking lot buffer.

(1) Residential zone buffer. On any commercial, industrial, institutional, PUD or multi-family development, except duplexes, adjacent to or abutting a residential zoning

district, a buffer strip along the property line(s) of the development is required. The buffer shall run the entire length of the abutting lot line(s). The type of buffer may consist of any or all of the following: (see Residential Buffer Options in Figure 2).

a. An opaque fence not less than six feet in height, with horizontal or vertical openings not greater than three (3) inches per one (1) linear foot and a four (4) foot wide strip of Evergreen plantings, which will grow to at least six (6) feet in height within three full growing seasons planted on the inside of the fence or;

b. A staggered double row of Evergreen plantings as least (6) feet in width, which will grow to at least six (6) feet in height and spaced in a manner which after three years will provide an impervious visual barrier or;

c. Natural, undisturbed forest at least twenty (20) feet in width which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the City Horticulturist shall determine whether the barrier is satisfactory through a site inspection prior to plan approval. Barriers shall be erected during construction to ensure the area is protected from damage due to construction.

(2) Parking lot buffer. Asphalt closer than ten (10) feet to any property line shall be buffered with one of the following types of buffers:

a. A planting strip of no less than four (4) feet in width shall be provided between said property line and the off-street parking facilities (asphalt). A planting screen or hedge, of developers choice, and between two (2) and four (4) feet in height shall be provided and maintained on a continuing basis, except that such screen or hedge shall not obstruct or obscure sight lines, restrict vehicular movement, or block pedestrian walkways of sidewalks and/or,

b. A six (6) foot wide single row of understory, medium, or large trees located between said property line and the off-street parking facilities (asphalt). The

trees shall be spaced in a ratio of one understory tree every 15 feet, or one medium tree every 30 feet, or one large tree every 45 feet. Shrubbery shall be provided between the plantings.

The shrubs/trees shall be maintained on a continuing basis, except that such plantings shall not obstruct of obscure sight lines, restrict vehicular movement, or block pedestrian walkways or sidewalks. The trees may be applied toward the base point requirement; however, the shrubs may not be applied.

Figure 1

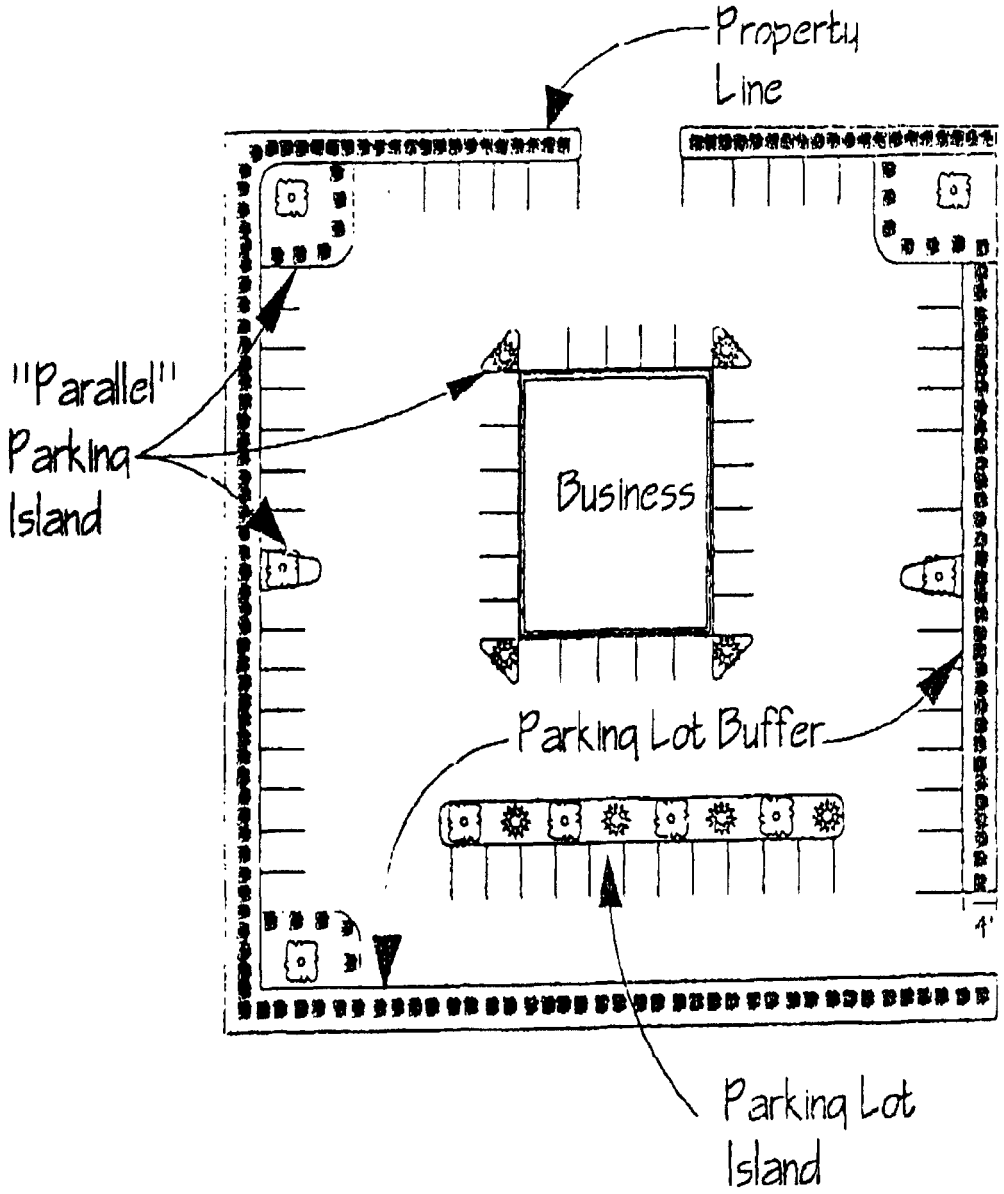

Figure 2

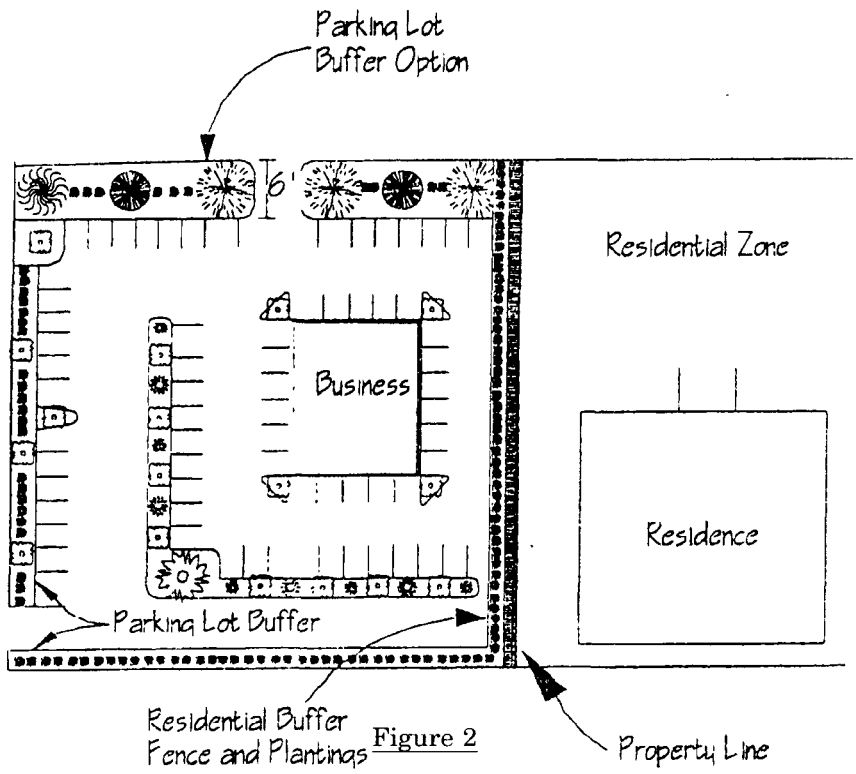

Figure 2

(Ord. No. 1999-2, 5-11-99)

Sec. 10-7. Existing tree credits.

In order to encourage the preservation of Greenville's older trees, certain requirements relating to the number and density of new trees may be waived in the event existing trees are preserved.

(1) For each existing "significant Tree" with a D.B.H. between 6" and 10", fifteen (15) fewer points are required. For each existing "Significant Tree" between 11" and 24", twenty (20) fewer points are required. For each existing "Significant Tree" with D.B.H. over 24", twenty-five (25) fewer points are required. However, precautions must be taken during construction to prevent damage to the existing tree(s), and any tree that dies during or because of construction must be replaced with a similar species or species approved by the City Horticulturist to equal lost points. (E.g. an Oak with a D.B.H. of 25" is claimed as an existing tree, but subsequently dies. The developer must replace the tree with tree plantings which exceed 25 points).

(2) Trees for which an owner/developer wishes to receive credit must be in the developed area and cannot be in undeveloped portions of the parcel. This stipulation prevents a developer with a large tract of land from claiming credit on portions left undeveloped and thus eliminating landscaping on the developed portion of the parcel.

(Ord. No. 1999-2, 5-11-99)

Sec. 10-8. Maintenance.

The owner is responsible for all maintenance and upkeep of planted trees in perpetuity within his/her development. After all plantings are finalized, the developer will schedule an inspection of the plantings with the city horticulturist will issue a certificate of completion to the developer and building official.

If plantings are subsequently damaged, in poor condition, diseased or dead, the city horticulturist may require the property owner to replace the plantings and bring the lot back into compliance. Failure to bring the lot into compliance could lead to the city withholding a city business license.
(Ord. No. 1999-2, 5-11-99)

Sec. 10-9. Tree protection during construction.

Every attempt shall be made to protect and save existing trees on a development site, except for those trees removed to allow for the erection of the building and/or improvements.

Whenever possible, a tree or group of trees that are being preserved must have a barrier constructed to the dripline of the tree, given the specific site considerations.
(Ord. No. 1999-2, 5-11-99)

Sec. 10-10. Recommended trees.

The following is a list of recommended trees. Generally, these trees are suitable for Greenville's environment. Developers may deviate from this with written approval from the city horticulturist. The city horticulturist shall determine the point values for plantings not listed.

Understory or Ornamental (25' tall or less). 1.25"-1.5" caliper, 5 points

(1) Eastern Redbud Cercis canadensis

(2) Flowering Dogwood Cornus florida

(3) Crape Myrtle Lagerstroemia indica faureii hybrids, var. Natchez, Muskogee

(4) Trident Maple Acer buergeranum

(5) Southern Wax myrtle Myrica cerifera

Medium Shade Tree (25' 45' tall), 1.25" 1.5" caliper, 8 points

(1) Red Maple Acer rubrum

(2) River Birch Betula nigra

(3) Ginkgo Tree Gingo biloba

(4) Southern Magnolia Magnolia grandiflora

(5) Sweetbay Magnolia Magnolia virginiana

(6) Ironwood Ostrya virginiana

(7) Sourwood Oxydendrum aboreum

Large Canopy Trees (45' tall or greater), 2.0" 2.5" caliper, 11 points

(1) Shumard Oak Quercus shummardii

(2) Live Oak Quercus virginiana

(3) White Oak Quercus alba

(4) Overcup Oak Quercus lyrata

(5) Willow Oak Quercus phellos

(6) Japanese Zelkova Zeldova serrata var. green vase, village green

(7) Nuttall Oak Quercus nuttalli

(8) Chinese Elm Ulmus parvifili var. drake, athena

(9) Laurel Oak Quercus hemisphaerica

(Ord. No. 1999-2, 5-11-99)

Secs. 10-11—10-13. Reserved.

ARTICLE II. GENERAL BUSINESS LICENSE*

Sec. 10-14. Levy of tax.

Pursuant to the Code of Ala. 1975, § 11-51-90 and the state's Municipal Business License Reform Act of 2006 which references the 2002 North American Industry Classification System (NAICS Code), the following is hereby declared to be and is adopted as the business license code and schedule of licenses for the year beginning January 1, 2008, and for each subsequent year thereafter. A business license fee is hereby levied and assessed for the privilege of doing any kind of business, trade, profession, exhibition, or other activity in the municipality. The city clerk is hereby authorized, empowered and directed to adopt all such rules and regulations as may be reasonably necessary to further implement and enforce the provisions of this article. (Ord. No. 2007-08, §§ 1, 2, 12-17-07)

***Editor's note**—Ord. No. 2007-08, §§ 1, 2, adopted Dec. 17, 2007, deleted the former Art. II, §§ 10-14—10-37, and enacted a new Art. II as set out herein. The former Art. II pertained to general business license and derived from the Code of 1968, §§ 9-33—9-35, §§ 9-37—9-43; Ord. No. 1986-8, 11-17-86; Ord. No. 1988-10, §§ 1, 2, 6-20-88; Ord. No. 1989-16, §§ 1—3, 12-4-89; Ord. No. 1990-1, § 1, 1-11-90; Ord. No. 1993-15, § 1, 12-20-93; Ord. No. 1994-1, § 1, 1-24-94; Ord. No. 1994-3, § 1, 2-7-94; Ord. No. 1994-4, §§ 1—9, 1-24-94; Ord. No. 1994-6, §§ 1—4, 2-21-94; Ord. No. 1994-7, § 1, 3-7-94; Ord. No. 1994-10, § 1, 7-18-94; Ord. No. 1996-2, § 1, 1-8-96; Ord. No. 1998-8, §§ I—III, 9-22-98; Ord. No. 1999-1, 1-12-99; Ord. No. 2000-1, 1-25-00.

Sec. 10-15. Definitions.

Unless the context clearly indicates otherwise, the following terms shall be defined as set forth below:

Business. All activities engaged in or caused to be engaged in within the municipality, including any commercial or industrial enterprise, trade, profession, occupation, calling, or livelihood, including the lease or rental of residential or nonresidential real estate, and every other kind of activity whether or not carried on for gain or profit, and whether or not engaged in as a principal or as an independent contractor, but shall not include services rendered by an employee to his or her employer.

Business license. An annual license(s) issued by the municipality for the privilege of doing any kind of business, trade, profession, or other activity in the municipality.

Corporate limits. Corporate limits mean the corporate limits of the municipality.

Gross receipts. The measure of any and all receipts of a business from whatever source derived, to the maximum extent permitted by applicable laws and constitutional provisions, to be used in calculating the amount due for a business license. Provided, however, that:

(1) Gross receipts shall not include any of the following taxes collected by the business on behalf of any taxing jurisdiction or the federal government: sales or seller's use tax; utility gross receipts taxes levied pursuant to Code of Ala., art.3, ch. 21, tit. 40; license taxes levied pursuant to Code of Ala., art. 2, ch. 21, tit. 40; state, county or municipal excise or sales taxes on the sale of gasoline or other motor fuels; or municipal sales or excise taxes on the sale of tobacco or tobacco products or liquor or alcoholic beverages.

(2) A different basis for calculating the business license may be used with respect to certain categories of taxpayers as prescribed herein.

(3) Gross receipts of those entities subject to levy and assessment of municipal license taxes under Code of Ala., § 11-51-129 shall be limited to the gross receipts derived from the furnishing of utility services within the municipality during the preceding year. The term "gross receipts" for purposes of this subsection (3) shall be defined, and construed, in accordance with Code of Ala., § 40-21-80(3).

License officer. The municipal employee charged by the municipality with the primary responsibility of administering this article.

License year. The calendar year.

Licensee. Any taxpayer or other persons issued a business license under this article and/or the person responsible for the payment of the license tax.

Schedule of licensees or schedule. Refers to the classifications included herewith which describes the various business activities subject to this article and specifies the applicable license tax rate for each activity.

Taxpayer. Any person, firm, corporation, or other legal entity liable under this article for any business license tax levied by the municipality.

Other terms. Other capitalized or specialized terms used in this article, and not defined above, shall have the same meanings ascribed to them in Code of Ala., § 40-2A-3 unless the context therein otherwise specifies.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-16. License terms and minimums.

The license term and the minimum amount for a business license are as follows:

(a) *Full year.* Every person who commences business before the first day of July shall be subject to and shall pay the annual license for such business in full. Unless otherwise specified in the stated schedules, the minimum annual license shall be one hundred dollars ($100.00).

(b) *Half year.* All licensees whose license fee is based on a flat rate and who commence business on or after July 1 shall be charged one-half (½) of the annual flat rate license fee.

(c) *Issuance fee.* For each printed license issued an issuance fee of ten dollars ($10.00) shall be collected in the same manner as the license tax.

(d) *Annual renewal.* Except as provided in subsections (d)(1) or (2) below, the business license shall be renewed annually on or before January 31 of each year.

(1) If the due date for payment of any business license falls on a weekend or a holiday recognized by the municipality from time to time, the due date shall automatically be extended until the next business day.

(2) Insurance company annual license renewals shall be renewed by March 1 of each year in accordance with Code of Ala., § 11-51-122, which states that each year each insurance company shall furnish the municipality a statement in writing duly certified showing the full and true amount of gross premiums received during the preceding year and shall accompany such statement with the amount of license tax due according to the licensing schedule. Failure to furnish such statement or to pay such sum shall subject the company and its agents to those penalties as prescribed for doing business without a license as provided for in the municipal code.

(3) On or before December 31 of each year, a renewal reminder shall be mailed to each licensee that purchased a business license during the current year. Said renewal notice shall be mailed via regular U.S. mail to the licensee's last known address of record with the municipality. Licensees are required to furnish the municipality any address changes for their business prior to December 1 in order to receive their notice.

(4) Business license renewal payments received by the municipality shall be applied to the current renewal only when any and all other debts the licensee owes to the municipality are first paid in full. No business license shall be issued if the current renewal payment does not meet said prior obligations and the current

renewal. Failure to pay such sums shall subject the licensee and its agents to those penalties as prescribed for doing business without a license provided for in the municipal code.

(e) *Exemption of senior citizens for purchase of business license.* Any senior citizen sixty-two (62) years of age or older at the time of license purchase shall be exempt from purchasing a business license from in-home services only, provided the gross receipts of such in-home business does not exceed ten thousand dollars ($10,000.00) annually. Such in-home services shall include, but are not limited to seamstress, in-home baker or caterer.

(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-17. Unlawful to do business without a license.

It shall be unlawful for any person to willfully engage in any business within the corporate limits unless such person has been issued and holds a current business license that has not been revoked or suspended. Each day that a person does business without such a license shall constitute a separate offense.

(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-18. License must be posted.

Every license shall be posted in a conspicuous place, where said business, trade, or occupation is conducted, and the holder of the license shall immediately show same to the designee of the city upon being requested so to do.

(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-19. Duty to file report.

(a) It shall be the duty of every person subject to such license tax to render to the city on such forms as may be required a sworn statement showing the total business done, amount of sales, gross receipts and gross sales, stock, value of furniture and other equipment, capital invested, number of helpers or employees, amount of space occupied, or other factors described in the schedule, one (1) or several as the case may require, for the ascertainment of the classification of such person for license taxation purposes and the correct amount of license tax to which he is subject.

(b) If the municipality determines that the amount of business license tax reported on or remitted with any business license remittance form is incorrect, if no business license remittance form is filed within the time prescribed, or if the information provided on the form is insufficient to allow the taxing jurisdiction to determine the proper amount of business license tax due, the municipality shall calculate the correct amount of the tax based on the most accurate and complete information reasonably obtainable and enter a preliminary assessment for the correct amount of business license tax, including any applicable penalty and interest.

(c) If the amount of business license tax remitted by the taxpayer is undisputed by the municipality, or if the taxpayer consents to the amount of any deficiency or preliminary assessment in writing, the municipality shall enter a final assessment for the amount of the tax due, plus any applicable penalty and interest.

(d) The municipality shall promptly mail a copy of any preliminary assessment to the taxpayer's last known address by either first class U.S. mail or certified U.S. mail with return receipt requested or, in the sole discretion of the municipality, deliver the preliminary assessment to the taxpayer by personal delivery.

(e) (1) If a taxpayer disagrees with a preliminary assessment as entered by the taxing jurisdiction, the taxpayer shall file a petition for review with the license officer within thirty (30) days from the date of entry of the preliminary assessment setting out the specific objections to the preliminary assessment. If a petition for review is timely filed, the license officer shall schedule a conference with the taxpayer for the purpose of allowing the taxpayer, or its representatives, and the representatives of the municipality to present their respective positions, discuss any omissions or errors, and to attempt to agree upon any changes or modifications to the assessment. The license officer shall issue findings of fact and law within sixty (60) days following the conference, which shall promptly upon issuance be mailed or delivered to the taxpayer, consistent with the procedures set forth in subsection (d) above.

(2) If the taxpayer disagrees with the license officer's findings of fact and law, the taxpayer may appeal to the city council by filing a notice of appeal with the city clerk within thirty (30) days after the findings have been issued. The appeal shall be in writing and shall set forth in reasonable detail the grounds on which the taxpayer disagrees with the license officer's findings of fact and law.

(3) If a petition for review a. Is not timely filed, or b. Is timely filed and upon further review the license officer or city clerk or city council, as the case may be, determines that the preliminary assessment is due to be upheld in whole or in part, the taxing jurisdiction shall make the assessment final in the amount of business license tax due as computed by the taxing jurisdiction with applicable penalty and interest.

(4) A copy of the final assessment shall promptly be mailed to the taxpayer's last known address by either first class U.S. mail or certified U.S. mail with return receipt requested in the case of assessments of business license tax of five hundred dollars ($500.00) or less; or by certified U.S. mail with return receipt requested in the case of assessments of business license tax of more than five hundred dollars ($500.00). Or in either case, at the option of the municipality, a copy of the final assessment may be delivered to the taxpayer by personal delivery.

(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-20. Duty to permit inspection and produce records.

Upon demand by the designee of the city, it shall be the duty of all licensees to:

(a) Permit the designee of the city to enter the business and to inspect all portions of his place or places of business for the purposes of enabling said city designee to gain such information as may be necessary or convenient for determining the proper license classification, and determining the correct amount of license tax;

(b) Furnish information during reasonable business hours at the licensee's place of business in the city all books of account, invoices, papers, reports, and memoranda containing entries showing amount of purchases, sales receipts, inventory and other information from which the correct license tax classification of such person may be ascertained and the correct amount of license tax to which he is subject may be determined, including exhibition of bank deposit books, bank statements, copies of sales tax returns to the state, copies of state income tax returns and federal income tax returns.

(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-21. License shall be location specific.

(a) For each place at which any business is carried on, a separate license shall be paid, and any person desiring to engage in any business for which a license is required shall designate the place at which business is carried on, and the license to be issued shall designate such place, and such license shall authorize the conducting of such business only at the place designated.

(b) Every person dealing in two (2) or more of the license classifications, or engaging in two (2) or more of the businesses, vocations, occupations, or professions scheduled herein, shall take out and pay for a license for each line of business.

(c) A taxpayer subject to the license authorized by this article that is engaged in business in other municipalities may account for its gross receipts so that the part of its gross receipts attributable to its branch offices will not be subject to the business license imposed by this article. To establish a bona fide branch office, the taxpayer must demonstrate proof of all following criteria:

(1) The taxpayer must demonstrate the continuing existence of an actual facility located outside the police jurisdiction in which its principal business office is located, such as a retail store, outlet, business office, showroom, or warehouse to which employees and/or independent contractors are assigned or located during regular normal working hours;

(2) The taxpayer must maintain books and records, which reasonably indicate a segregation or allocation of the taxpayer's gross receipts to the particular facility or facilities;

(3) The taxpayer must provide proof that separate telephone listings, signs, and other indications of its separate activity are in existence;

(4) Billing and/or collection activities relating to the business conducted at the branch office or offices are performed by an employee or other representative of the taxpayer who has such responsibility for the branch office;

(5) All business claimed by a branch office or offices must be conducted by and through said office or offices;

(6) The taxpayer must supply proof that all applicable business licenses with respect to the branch office or offices have been issued. The facility or facilities claiming to be

classified as a branch office or offices must have been operating continuously on a monthly basis for the twelve (12) months prior to the date on which business licenses are due and payable.

(d) Nothing herein shall be construed as exempting businesses from payment of a license on the basis of a lack of physical location.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-22. Restriction on transfer of license.

No license shall be transferred except with the consent of the municipal governing body and no license shall be transferred to reflect a change of address of the taxpayer within the municipality more than once per year and never from one business to another business. Provided that a mere change in the name or ownership of a taxpayer that is a corporation, partnership, limited liability company or other form of legal entity now or hereafter recognized by the laws of the state shall not constitute a transfer for the purposes of this section, unless the change requires the taxpayer to obtain a new federal employer identification number or state department of revenue taxpayer identification number.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-23. Unlawful to obstruct.

It shall be unlawful for any person, or for any agent, servant or employee of such person, to fail or refuse to perform any duty imposed by this article; nor shall any person, agent, servant, or employee of such person obstruct or interfere with the designees of the municipality in carrying out the purposes of this article.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-24. Privacy.

(a) It shall be unlawful for any person connected with the administration of this article to divulge any information obtained by him/her in the course of inspection and examination of the books, papers, reports, and memoranda of the taxpayer made pursuant to the provisions of this article, except to the mayor, the municipal attorney, or others authorized by law to receive such information described herein.

(b) It shall be unlawful for any person to print, publish, or divulge, without the written permission or approval of the taxpayer, the license form of any taxpayer or any part of the license form, or any information secured in arriving at the amount of tax or value reported, for any purpose other than the proper administration of any matter administered by the taxing jurisdiction, or upon order of any court, or as otherwise allowed in this article.

(c) Nothing herein shall prohibit the disclosure of the fact that a taxpayer has or has not purchased a business license. Statistical information pertaining to taxes may be disclosed to the city council upon their written request through the mayor's office. It shall be unlawful for any person to violate the provisions of this section.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-25. Failure to file assessment.

(a) In any case where a person subject to paying a license tax as provided herein fails to do so, the city designee shall be authorized to assess and determine the amount of license taxes due using the best information available either by return filed or by other means.

(b) The taxpayer shall be notified by registered or certified mail, or by personal service, of the amount of any such assessment, and of his right to appear before the city council on a day named not less than twenty (20) days from the date of notice and to show cause why such assessment shall not be made final. Such appearance may be made by agent or attorney.

(c) If no showing is made on or before the date fixed in such notice, or if such showing is not sufficient in the judgment of the municipality, such assessment shall be made final in the amount originally fixed, or in such other amount as is determined by the municipality to be correct. If upon such hearing the municipal designee finds a different amount due than that originally assessed, he/she shall make the assessment final in the correct amount, and in all cases shall notify the taxpayer of the assessment as finally fixed.

(d) A notice by the U.S. mail, addressed to the taxpayer's last known place of business, shall be sufficient. Any assessment made by the designee of the municipality shall be prima facie correct upon any appeal.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-26. Lien for nonpayment of license tax.

On all property, both real and personal, used in the business, the city shall have a lien for such license, which lien shall attach as of the date when the license is due, as allowed by Code of Ala. 1975, § 11-51-44.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-27. Criminal penalties.

Any person found guilty of violating any of the provisions of this article shall be fined in an amount not less than fifty dollars ($50.00), and not more than five hundred dollars ($500.00), and may also be sentenced to imprisonment for a period of not exceeding six (6) months, in the discretion of the court trying the case, and violations on separate days shall each constitute a separate offense.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-28. Civil penalties.

In addition to the remedies provided by Code of Ala. 1975, § 11-51-150 et seq., the continued or recurrent performance of any act or acts within the corporate limits for which a license may be revoked or suspended under this article is hereby declared to be detrimental to the health,

safety, comfort and convenience of the public and is a nuisance. The municipality, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-29. Penalties and interest.

(a) All licenses are due and payable by January 31 of each year, except insurance companies that are otherwise provided for by the Code of Alabama.

(b) All licenses not paid by January 31 are considered delinquent and shall be subject to a fifteen (15) percent penalty. All licenses not paid by March 2 shall be subject to a thirty (30) percent penalty.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-30. Prosecutions unaffected.

The adoption of this article shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this chapter shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture be in any manner affected by the adoption of this article; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this article be affected in any manner by its adoption.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-31. Procedure for denial of new applications.

(a) The city clerk shall have the authority to investigate all applications and may refer any application to the city council for a determination of whether such license should or should not be issued.

(b) If the city council denies the issuance of any license referred to it, the city clerk shall promptly notify the applicant of the governing body's decision.

(c) If said applicant desires to appear before the city council to show cause why said license should be issued, he shall file a written notice with the city clerk, said notice to be filed within two (2) weeks from the date of mailing by the city clerk of the notice of the denial of such license by the city council.

(d) Upon receipt of said notice the city clerk shall promptly schedule a hearing, to be held within fifteen (15) days from the date of receipt of such notice, before the city council and shall give the notice of the date, time and place of said hearing to the applicant.

(e) The applicant shall be given the opportunity to appear personally, or through his counsel or both, and the city council shall proceed to hear any evidence which may be presented both for and against the issuance of said license.

(f) If the city council determines from the evidence presented that in order to either provide for the safety, preserve the health, promote the prosperity, or improve the morals, order, comfort and convenience of the inhabitants of the municipality said license should not be granted, it shall enter an order to that effect; otherwise, said license shall be ordered issued upon payment of any required license fees.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-32. Procedure for revocation or suspension of license.

(a) Any lawful license issued to any person to conduct any business shall be subject to revocation by the city council for the violation by the licensee, his agent, servant, or employee of any provision of this article or of any ordinance of the city, or any statute of the state relating to the business for which such license is issued; and shall also be subject to revocation by the city council if the licensee, his agent, servant, or employee under color of such license violates or aids or abets in violating or knowingly permits or suffers to be violated any penal ordinance of the city or any criminal law of the state; and shall also be subject to revocation by the city council if, in connection with the issuance or renewal of any license, the licensee or his agent filed or caused to be filed any application, affidavit, statement, certificate, book, or any other data containing any false, deceptive or other misleading information or omission of material fact.

(b) The conditions hereinabove set forth as grounds for the revocation of a license shall also constitute grounds for refusing to renew a license.

(c) The city council shall set a time for hearing on the matter of revoking or refusing to renew a license; and a notice of such hearing shall be given to the licensee, or the applicant for renewal, as the case may be, at least ten (10) days before the day set for said hearing. At the hearing the city council shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation or the refusal of renewal, as the case may be.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-33. Refunds on overpayments.

(a) Any taxpayer may file a petition for refund with the city for any overpayment of business license tax erroneously paid to the city. If a final assessment for the tax has been entered by the city, a petition for refund of all or a portion of the tax may be filed only if the final assessment has been paid in full prior to or simultaneously with the filing of the petition for refund.

(b) A petition for refund shall be filed with the city within two (2) years from the date of payment of the business license tax, which is the subject of the petition.

(c) The city shall either grant or deny a petition for refund within six (6) months from the date the petition is filed, unless the period is extended by written agreement of the taxpayer and the city. The taxpayer shall be notified of the city's decision concerning the petition for

refund by first class U.S. mail or by certified U.S. mail, return receipt requested, sent to the taxpayer's last known address. If the city fails to grant a full refund within the time provided herein, the refund petition shall be deemed to be denied.

(d) If the petition is granted or the city or a court otherwise determines that a refund is due, the overpayment shall be promptly refunded to the taxpayer by the city, together with interest to the extent provided for in [Code of Ala. 1975], § 11-51-92. If the city determines that a refund is due, the amount of overpayment plus any interest due thereon may first be credited by the city against any outstanding tax liabilities due and owing by the taxpayer to the city, and the balance of overpayment shall be promptly refunded to the taxpayer. If any refund or part thereof is credited to any other tax by the city, the taxpayer shall be provided with a written detailed statement showing the amount of overpayment, the amount credited for payment to other taxes, and the resulting amount of the refund.

(e) A taxpayer may appeal from the denial in whole or in part of a petition for refund by filing a notice of appeal with the clerk of the county circuit court. Said notice of appeal must be filed within two (2) years from the date the petition was denied. The circuit court shall hear the appeal according to its own rules and procedures and shall determine the correct amount of refund due, if any. If an appeal is not filed with the county circuit court within two (2) years of the date the petition was denied, then the appeal shall be dismissed for lack of jurisdiction. (Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-34. Delivery license.

(a) In lieu of any other type of license, a taxpayer may at its option purchase for sixty-six dollars ($66.00) a delivery license for the privilege of delivering its merchandise in the city if the taxpayer meets all of the following criteria:

(1) Other than deliveries, the taxpayer has no other physical presence within the city;

(2) The taxpayer conducts no other business in the city other than delivering merchandise and performing the requisite set-up and installation of said merchandise;

(3) Such delivery and set-up and installation is performed by the taxpayer's employees or agents, concerns the taxpayer's own merchandise in that city, and is done by means of delivery vehicles owned, leased, or contracted by taxpayer;

(4) The gross receipts derived from the sale and any requisite set-up or installation of all merchandise so delivered shall not exceed seventy-five thousand dollars ($75,000.00) during the license year;

(5) Any set-up or installation shall relate only to:

a. That required by the contract between the taxpayer and the customer or as may be required by state or local law; and

b. The merchandise so delivered.

(6) If at any time during the current license year the taxpayer fails to meet any of the above stated criteria, then within ten (10) days after any of said criteria have been violated or exceeded, the taxpayer shall purchase all appropriate business licenses from the city for the entire license year and without regard to this section.

(b) Mere delivery of the taxpayer's merchandise by common carrier shall not allow the city to assess a business license tax against the taxpayer, but the gross receipts derived from any sale and delivery accomplished by means of a common carrier shall be counted against the seventy-five thousand dollar ($75,000.00) limitation described in the preceding section if the taxpayer also during the same license year sells and delivers into the taxing jurisdiction using a delivery vehicle other than a common carrier.

(c) A common carrier, contract carrier, or similar delivery service making deliveries on behalf of others shall not be entitled to purchase a delivery license.

(d) The delivery license shall be calculated in arrears, based on the related gross receipts during the preceding license year.

(e) The purchase of a delivery license shall not, in and of itself, establish nexus between the taxpayer and the city for purposes of the taxes levied by or under the authority of the Code of Ala., tit. 40 or other provisions of law, nor does the purchase of a delivery license conclusively determine that nexus does not exist between the taxpayer and the city.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-35. False oath to procure license.

It shall be unlawful for any person to knowingly and willfully make any false written affidavit, certificate or statement as to the amount of stock on hand, or volume of gross sales, professional fees and/or charges, receipts, revenues or business or amount of capital invested in business, or number of employees or vehicles used, and to file such affidavit with the city clerk or any license collector or inspector, or any deputy license inspector or collector for the purpose of defrauding the city by procuring a license for a less sum than is lawfully due by the affiant or affiant's principal.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-36. Penalty for violation.

Any person violating any provision of this article shall upon conviction be punished as provided in section 1-8 of this Code, within the limits of and as provided by Code of Ala. 1975, § 11-51-93.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-37. License classifications.

Every licensee required to purchase a business license, except as provided in Code of Ala., 1975, § 11-51-193 with respect to licensees who are subject to fees set by a state licensing board, shall be classified according to the 2002 North American Industrial Classification System (NAICS).

NAICS CODE	LICENSE CODE	BUSINESS LICENSE CODES BASED ON 2002 NAICS LICENSE CATEGORIES	RATE SCHEDULE
		CATEGORY 11 - AGRICULTURE, FORESTRY, FISHING AND HUNTING	
113		FORESTRY AND LOGGING	
		Foresters - see Professional-541990	
114		FISHING, HUNTING AND TRAPPING	
	114210	Hunting and Trapping — See Vocation Fee Schedule	VOCATION
115		SUPPORT SERVICES FOR AGRICULTURE AND FORESTRY	
	115114	Post Harvest Crop Activities (including pecans) Seasonal License All Year License	 $55.00 $132.00
		CATEGORY 22 - UTILITIES	
221		UTILITIES	§11-51-129
	221122	Public Utilities - For selling or distributing electrical current, water, or natural gas, an amount equal to three (3) percent of the gross receipts of the business transacted in the city or its police jurisdiction for the previous year for the sale or distribution of electrical current, water, or natural gas from any point in or into the city or its police jurisdiction. Each license application must be accompanied by a sworn statement attested by officer of utility that states name of utility, principal place of business and amount of gross income upon which license fee is being based.	State Regulated
		CATEGORY 23 - CONSTRUCTION	
236		BUILDING, DEVELOPING AND GENERAL CONTRACTING	
	236115	General Contractors	$99.00
	236118	Residential Remodelers	
	236210	Contractors Additional Job Fee — *shall be 1/5 of one-percent of each contract amount*	Additional contractor fee
	236220	Heavy Construction Contractors	$99.00
	236999	Contractors Additional Job Fee — *shall be 1/5 of one-percent of each contract amount*	Additional contractor fee
238		SPECIAL TRADE CONTRACTORS	
	238110	Poured Concrete Foundation and Structure Contractors	$99.00
	238120	Structural Steel and Precast Concrete Contractors	$99.00
	238130	Framing Contractors	$99.00
	238140	Masonry Contractors	$99.00
	238150	Glass Contractors and Installers *For sales other than installation retail license is required*	$99.00
	238160	Roofing Contractors	$99.00
	238170	Siding Contractors	$99.00
	238210	Electrical Contractors - Each person or entity in the business of contracting to install or installing house wiring or electrical appliances or performing electrical repair work of any kind of submitting estimates for such work, whether awarded the work or not including instances where the actual work is done by the person submitting the estimate.	$99.00
	238211	Electrician - Each person engaged in installing electrical fixtures or appliances or performing electrical repairs which do not require electrical inspections	$82.50
	238220	Plumbing, Heating and Air-Conditioning Contractors (Certificate Required)	$99.00

NAICS CODE	LICENSE CODE	BUSINESS LICENSE CODES BASED ON 2002 NAICS LICENSE CATEGORIES	RATE SCHEDULE
	238221	Heating and Air-Conditioning Contractors (Certificate required)	$99.00
	238290	Other Building Equipment Contractors	$99.00
	238310	Drywall and Insulation Contractors	$99.00
	238320	Painting and Wall Covering Contractors (subcontractors)	$99.00
	238321	Painter, Vocational	$66.00
		$30,000.00 but less than $50,000.00	$82.50
		$50,000.00 and over pays flat rate of $82.50 plus one-twentieth of one percent of excess	$82.50 +
	238330	Flooring Contractors	$99.00
	238340	Tile and Terrazzo Contractors	$99.00
	238350	Finish Carpentry Contractors	$99.00
	238910	Site Preparation Contractors	$99.00
	238911	Tree Trimmer or Tree Surgeon	$132.00
	238990	All Other Specialty Trade Contractors	$99.00
	238991	Welding	$49.50
	238994	Sign Erectors and Painters/Neon Signs	$99.00
		CATEGORY 31, 32, 33 - MANUFACTURING	
311		FOOD MANUFACTURING	
	311613	Rendering and Meat Byproduct Processing *Fee State Regulated*	$15.00
	311991	Perishable Prepared Food Manufacturing (meat processing/slaughter house)	$99.00
312		BEVERAGE AND TOBACCO PRODUCTS MANUFACTURING	
313		TEXTILE MILLS	
314		TEXTILE PRODUCT MILLS	
	314129	Other Household Textile Product Mills	MFG
315		APPAREL MANUFACTURING	MFG
321		WOOD PRODUCTS MANUFACTURING	
	321214	Truss Manufacturing	MFG
	321999	All Other Wood Product Manufacturing	MFG
323		PRINTING AND RELATED SUPPORT ACTIVITIES	
	323114	Quick Printing — Commercial Printing Businesses	$132.00
324		PETROLEUM AND COAL PRODUCTS MANUFACTURING	
	324121	Asphalt Paving Mixture Manufacturing *Flat rate of $148.50 plus $75.00 per vehicle used to transport asphalt*	$148.50
325		CHEMICAL MANUFACTURING	
	325314	Fertilizer (mixing only) Manufacturing Plant	MFG
326		PLASTICS AND RUBBER PRODUCT MANUFACTURING	
	326130	Laminated Plastics and shape manufacturing	MFG
327		NONMETALLIC MINERAL PRODUCT MANUFACTURING	
	327320	Ready-Mix Concrete Manufacturing *Flat rate of $148.50 plus $75.00 per vehicle used to transport asphalt*	$148.50
	327390	Other Concrete Product Manufacturing	MFG
331		PRIMARY METAL MANUFACTURING	MFG
332		FABRICATED METAL PRODUCTS MANUFACTURING	
	332111	Iron and Steel Forging	MFG
	332321	Metal Window and Door Manufacturing	MFG
	332332	Sheet Metal Work (Tinner)	$49.50

NAICS CODE	LICENSE CODE	BUSINESS LICENSE CODES BASED ON 2002 NAICS LICENSE CATEGORIES	RATE SCHEDULE
	332710	Machine Shops	REPAIR
	332722	Bolt, Nut, Screw, Rivet, and Washer Manufacturer	MFG
	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	MFG
333		MACHINERY MANUFACTURING	
334		COMPUTER AND ELECTRONIC PRODUCT MANUFACTURING	
335		ELECTRICAL EQUIPMENT APPLIANCE COMPONENT MANUFACTURING	
336		TRANSPORTATION EQUIPMENT MANUFACTURING	
	336360	Motor Vehicle Seating and Interior Trim	MFG
337		FURNITURE AND RELATED PRODUCTS MANUFACTURING	
	337129	Wood Cabinet Manufacturing, Woodwork	MFG
339		MISCELLANEOUS MANUFACTURING	
	339999	All Other Miscellaneous Manufacturers	MFG
		CATEGORY 42 — WHOLESALE TRADE	
423		MERCHANT WHOLESALERS, DURABLE GOODS	
	423120	Motor Vehicle Supplies/New Parts Merchant Wholesalers	WHOLESALE
	423130	Tire and Tube Merchant Wholesalers	WHOLESALE
	423140	Used Motor Vehicle Parts Merchant Wholesalers	WHOLESALE
	423220	Home Furnishing Merchant Wholesalers	WHOLESALE
	423310	Lumber, Plywood, Millwork Merchant Wholesalers (Dealers in Lumber)	WHOLESALE
	42330	Roofing, Siding and Insulation Material Merchant Wholesalers	WHOLESALE
	423390	Other Construction Material Merchant Wholesalers	WHOLESALE
	423420	Office Equipment Merchant Wholesalers	WHOLESALE
	423440	Other Commercial Equipment Merchant Wholesalers	WHOLESALE
	423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers	WHOLESALE
	423610	Electrical Apparatus and Equipment, Wiring Supplies Merchant Wholesalers	WHOLESALE
	423710	Hardware Merchant Wholesalers	WHOLESALE
	423720	Plumbing and Heating Equipment and Supplies Merchant Wholesalers	WHOLESALE
	423840	Industrial Supplies Merchant Wholesalers	WHOLESALE
	423930	Recyclable Material Merchant Wholesalers/Dealers	WHOLESALE
	423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers/ Dealers	$275.00
	423990	Miscellaneous Durable Goods Merchant Wholesalers	WHOLESALE
	423991	Marble or Granite Dealers, Cemetery Markers and Memorials Wholesalers	$99.00
424		MERCHANT WHOLESALE DEALERS, NON-DURABLE GOODS	
	424120	Stationery and Office Supplies Merchant Wholesalers	WHOLESALE
	424410	General Line Grocery Merchant Wholesalers	WHOLESALE
	424430	Dairy Product Merchant Wholesalers *For sale of milk*	$165.00
	424431	Dairy Products Wholesalers - *For sale of dairy products in addition to milk*	$165.00
	424470	Meat and Meat Product Merchant Wholesalers	WHOLESALE
	424490	All Other Grocery and Related Products Merchant Wholesalers	WHOLESALE
	424720	Petroleum and Petroleum Products Merchant Wholesalers (Gasoline Agents)	$242.00
	424810	Beer and Ale Merchant Wholesalers - *State regulated § 28-7-13 and §28-3-194*	ABC
	424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers	ABC
	424821	Distilled Alcoholic Beverage Merchant Wholesalers (Liquor Wholesale)	ABC
	424910	Farm Supplies Merchant Wholesalers	WHOLESALE

NAICS CODE	LICENSE CODE	BUSINESS LICENSE CODES BASED ON 2002 NAICS LICENSE CATEGORIES	RATE SCHEDULE
	424920	Book, Periodical and Newspaper Merchant Wholesalers/Distributor	$66.00
	424930	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers	WHOLESALE
	424940	Tobacco and Tobacco Product Merchant Wholesalers	WHOLESALE
	424950	Paint, Varnish and Supplies Merchant Wholesalers	WHOLESALE
	424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers	WHOLESALE
		CATEGORY 44-45 — RETAIL TRADE	
441		MOTOR VEHICLE AND PARTS DEALER	
	441110	New Car Dealers — *Reference Auto Fee Schedule*	AUTO
	441120	Used Car Dealers — *Reference Auto Fee Schedule*	AUTO
	441210	Recreational Vehicle Dealers	AUTO
	441229	All Other Motor Vehicle Dealers (Farm Tractors and Implements) - Each dealer maintaining an established place of business in the city. Fee is based on gross receipts for preceding year. Up to $50,000.00 license is $99.00. Add one-twentieth of one percent of gross receipts exceeding $50,000.00	$99.00 minimum
	441310	Automotive Parts and Accessories Stores	RETAIL
	441320	Tire Dealers	RETAIL
442		FURNITURE AND HOME FURNISHING STORES	
	442110	Furniture Stores	RETAIL
	442210	Floor Covering Stores	RETAIL
	442299	All Other Home Furnishings Stores	RETAIL
443		ELECTRONICS AND APPLIANCE STORES	
	443111	Household Appliance Stores	RETAIL
	443112	Electronics Stores	RETAIL
	443120	Computer and Software Stores	RETAIL
	443130	Camera and Photographic Supplies Stores	RETAIL
444		BUILDING MATERIAL AND GARDENING EQUIPMENT DEALERS	
	444110	Home Centers	RETAIL
	444120	Paint and Wallpaper Stores	RETAIL
	444130	Hardware Stores	RETAIL
	444190	Other Building Material Dealers	RETAIL
	444210	Outdoor Power Equipment Stores	RETAIL
	444220	Nursery, Garden Center and Farm Supply Stores	RETAIL
445		FOOD AND BEVERAGE STORES	
	445110	Supermarkets and Grocery Stores *(not convenience stores)*	RETAIL
	445120	Convenience Stores	RETAIL
	445210	Meat Markets	RETAIL
	445220	Fish and Seafood Markets	RETAIL
	445230	Fruit and Vegetable Markets	RETAIL
	445291	Baked Goods Stores	RETAIL
	445292	Confectionery and Nut Stores	RETAIL
	445299	All Other Specialty Food Stores	RETAIL
	445310	Beer, Wine and Liquor Stores *[City Code 3-24]*	ABC
446		HEALTH AND PERSONAL CARE STORES	
	446110	Pharmacies and Drug Stores	RETAIL
	446120	Cosmetics, Beauty Supplies and Perfume Stores	RETAIL
	446130	Optical Goods Stores	RETAIL
	446191	Health Food Supplement Stores	RETAIL

NAICS CODE	LICENSE CODE	BUSINESS LICENSE CODES BASED ON 2002 NAICS LICENSE CATEGORIES	RATE SCHEDULE
	446199	All Other Health and Personal Care Stores	RETAIL
447		GASOLINE STATIONS	
	447110	Gasoline Stations with Convenience Stores *(Plus Convenience Store Retail License)*	$55.00
	447190	Other Gasoline Stations Only	$55.00
448		CLOTHING AND ACCESSORIES STORES	
	448140	Family Clothing and Clothing Accessories Stores	RETAIL
	448210	Shoe Stores	RETAIL
	448310	Jewelry Stores	RETAIL
451		SPORTING GOODS, HOBBY, BOOK, MUSIC	
	451110	Sporting Goods Stores	RETAIL
	451111	Pistols, Rifles, Knives - *Retailers must purchase this license in addition to merchandise and/or pawnbroker license*	$99.00
	451120	Hobby, Toy and Game Stores	RETAIL
	451130	Sewing, Needlework and Piece Goods Stores	RETAIL
	451140	Musical Instrument and Supplies Stores	RETAIL
	451211	Book Stores	RETAIL
	451212	News Dealers and Newsstands - Minimum license $82.50 + $5.00 per stall for each stall or stand	RETAIL
	451213	Flea Market - Minimum license $82.50 + $5.00 per stall for each stall or stand	82.50 minimum
	451220	Tape, CD and Record Stores	RETAIL
452		GENERAL MERCHANDISE	
	452111	General Merchandise Department Stores	RETAIL
	452112	General Merchandise Discount Department Stores	RETAIL
	452910	Warehouse Clubs and Super centers	RETAIL
	452990	All Other General Merchandise Stores	RETAIL
453		MISCELLANEOUS STORE RETAILERS	
	453110	Florists	RETAIL
	453210	Office Supplies and Stationery Stores	RETAIL
	453220	Gift, Novelty and Souvenir Stores	RETAIL
	453310	Used Merchandise Stores	RETAIL
	453910	Pet and Pet Supplies Stores	RETAIL
	453920	Art Dealers/Antique Dealers	RETAIL
	453930	Manufactured/Mobile Home Dealers	AUTO
	453991	Tobacco Stores	RETAIL
	453998	All Other Miscellaneous Retail Stores (including bait shop)	RETAIL
454		NON-STORE RETAILERS	
	454111	Electronic Shopping	RETAIL
	454112	Electronic Auctions	RETAIL
	454113	Mail Order Houses (In home sales agents as Tupperware, Mary Kay)	$55.00
	454120	Taxidermist	$99.00

NAICS CODE	LICENSE CODE	BUSINESS LICENSE CODES BASED ON 2002 NAICS LICENSE CATEGORIES	RATE SCHEDULE
	454210	Vending Machine Operators - Each person owning, operating, processing or providing space for automatic merchandise, drink, food, amusement, picture, information vending, or other products or other dispensing or displaying machines or a machine by which a person is weighed. The license tax required hereby shall be due from and payable by the person, owner or proprietor of the place of business in which such vending machine is located and shall not apply to any coin operated telephone, or to any machine vending postage stamps or other necessary articles on a nonprofit basis or for emergency use by employees of the owner or proprietor. However, in cases where vending machines vending merchandise are located in industrial plants or on private property for use of employees, the person, firm or corporation operating such vending machines shall be entitled to a license, the fee for which shall be based on a percentage of the gross receipts of the sale of such merchandise. § 11-51-98	$16.50 per machine
	454312	Liquefied petroleum Gas (Bottled Gas) Dealers + retail license	$275.00
	454391	Peddlers - No fixed place of business-selling and delivering from vehicles (State 34-35-1 — 34-35-9). Any license issued under this subsection is issued subject to the approval and restrictions of the police department and is subject to revocation with cause without recourse. Peddlers and itinerant dealers must have written permission from the owner or operator of businesses to sell from their private parking lots or from any portion of public right-of-way in front of such businesses.	$247.50
	454392	Peddlers of Produce and Fruit	$154.00
	454393	Special Event and/or Tent Sales - Transient businesses having no fixed place of business within corporate limits, 1—7 day event	$275.00 per event
		CATEGORY 48-49 TRANSPORTATION AND WAREHOUSING	
481		AIR TRANSPORTATION	
	481219	Nonscheduled passenger and Freight Air Transportation	
482		RAIL TRANSPORTATION	
	482111	Rail Road Transportation - For freight or passenger rail companies keeping an office or place of business in city *Reference: § 11-51-124*	$230.00
484		TRUCK TRANSPORTATION	
	484110	General Freight Trucking *State Regulated § 37-3-33*	$110.00
	484210	Specialized Trucking - Movers for hire	$44.00
	484211	Movers - house or building structures (bond and city permit required)	$165.00
485		TRANSIT AND GROUND PASSENGER TRANSPORTATION	
	485113	Bus and Other Motor Vehicle Transit Systems	$110.00
	485310	Taxi Service - per vehicle	$66.00
	485320	Limousine Service - per vehicle	$66.00
	485510	Charter Bus Industry *State Regulated § 37-3-33*	$110.00
	485999	All Other Transit and Ground Passenger Transportation	$110.00
487		SCENIC AND SIGHTSEEING TRANSPORTATION	
488		SUPPORT ACTIVITIES FOR TRANSPORTATION	
	488119	Airport Operations	$132.00
	488410	Motor Vehicle Towing/Wrecker Service	$99.00
492		COURIERS AND MESSENGERS	
	492110	Couriers, Parcel and Express Delivery Services *Reference § 11-51-126*	$125.00
	492210	Local Messengers and Local Delivery *See Vocation Fee Schedule*	VOCATION
493		WAREHOUSING AND STORAGE	
	493110	General Warehousing and Storage - per building	$200.00
	493120	Refrigerated Warehousing and Storage - per building	$200.00

NAICS CODE	LICENSE CODE	BUSINESS LICENSE CODES BASED ON 2002 NAICS LICENSE CATEGORIES	RATE SCHEDULE
	493190	Alcoholic Beverage Warehouse License Per building	$200.00
		Secondary Building	$100.00
		CATEGORY 51 — INFORMATION	
511		PUBLISHING INDUSTRIES (except Internet)	
	511110	Newspaper Publishers	$132.00
	511140	Directory and Mailing List Publishers	$396.00
	511199	All Other Publishers	$132.00
512		MOTION PICTURE AND SOUND RECORDING INDUSTRY	
	512131	Motion Picture Theaters - *License fee is $300.00 plus .075 of gross receipts in excess of $100,000.00. Concessions sales are licensed through Retail Merchandise 722213*	$300.00+
515		BROADCASTING (except Internet)	
	515112	Radio Stations	$165.00
	515210	Cable and Other Subscription Programming	Franchise
516		INTERNET PUBLISHING AND BROADCASTING	SERVICE
517		TELECOMMUNICATIONS	
	517110	Wired Telecommunications Carriers (Telephone Companies)	$450.00
	517211	Paging	$450.00
	517212	Cellular and Other Wireless Telecommunications	$450.00
	517310	Telecommunications Resellers (Long Distance) *Reference 11-51-128*	$113.00
	517510	Cable and Other Program Distribution	Franchise
	517910	Other Telecommunications - Telegraph	$75.00
518		INTERNET SERVICE PROVIDERS, WEB SEARCH PORTALS, DATA PROCESSING SERVICES	
	518111	Internet Service Providers	SERVICE
	518210	Data Processing, Hosting, and Related Services	$125.00
519		INFORMATION SERVICES AND DATA PROCESSING	
		CATEGORY 52 — FINANCE AND INSURANCE	
521		MONETARY AUTHORITIES — CENTRAL BANK	
	521110	Monetary Authorities - Banks *Reference § 11-51-130*	$125.00
	521111	Bank/Branch	$10.00
522		CREDIT INTERMEDIATION AND RELATED ACTIVITIES (credit companies)	
	522298	All Other Nondepository Credit Intervention - Title Pawn Location, Cash Lenders	$500.00
	522298	Pawn Shops	$500.00
	522310	Mortgage and Nonmortgage Loan Brokers	$500.00
	522390	Other Credit Related Activities	$500.00
523		SECURITIES, COMMODITY, OTHER FINANCIAL PRODUCTS	
	523110	Investment Banking and Securities Dealing	PROFESSIONAL
	523999	Miscellaneous Financial Investment Activities, Market Quotations	PROFESSIONAL
524		INSURANCE CARRIERS AND RELATED ACTIVITIES	
	524000	Insurance Carriers Flat Rate Fee (Other than Fire and Marine)	§11-51-121
	524126	Direct Property and Casualty - Fire and Marine Insurance Carriers	§11-51-120
	524128	All Other Direct Insurance Carriers (Other than Fire and Marine)	§11-51-121

NAICS CODE	LICENSE CODE	BUSINESS LICENSE CODES BASED ON 2002 NAICS LICENSE CATEGORIES	RATE SCHEDULE
	524210	Insurance Agencies and Brokerages-Independent	Per agent
	524298	All Other Insurance Related Activities	Per agent
525		FUNDS, TRUSTS, OTHER FINANCIAL VEHICLES	
531		REAL ESTATE	
	531120	Lessors of Nonresidential Buildings	PROFESSIONAL
	531130	Lessors of Mini-warehouses and Self-Storage Units 15 units or less	$66.00
		Over 15 units	$132.00
	531210	Real Estate Agents and Brokers	$55.00
	531311	Residential Property Managers	$5.50 per bedroom
	531390	Other Activities Related to Real Estate (Developers)	PROFESSIONAL
532		RENTAL AND LEASING SERVICES (Lease/rental ordinance compliance required)	
	532111	Passenger Car Rental	$66.00
	532210	Consumer Electronics and Appliance Rental	RETAIL
	532220	Formal Wear and Costume Rental	RETAIL
	532230	Video Tape and Disc Rental	RETAIL
	532291	Home Health Equipment Rental	RETAIL
	532299	All Other Consumer Goods Rental	RETAIL
	532310	General Rental Centers *Also required to comply with lease tax ordinance*	RETAIL
		CATEGORY 54 — PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES	
541		PROFESSIONAL, SCIENTIFIC, TECHNICAL SERVICES Minimum License.....$99.00 Based on gross receipts of $30,000.00—$49,999.99.....add $33.00 For gross receipts of $50,000.00—$99,999.99.....add $66.00 For gross receipts of $100,000.00 or more.....add $121.00 License due for each professional, whether self-employed or employed by a partnership, corporation, professional association or other entity, who offers professional services for a fee.	
	541110	Offices of Lawyers	PROFESSIONAL
	541191	Title Abstract Offices, Property Appraisal Offices	PROFESSIONAL
	541211	Offices of Certified Public Accountants	PROFESSIONAL
	541213	Tax Preparation Services	PROFESSIONAL
	541219	Other Accounting Services	PROFESSIONAL
	541310	Architectural Services	PROFESSIONAL
	541320	Landscape Architectural Services	PROFESSIONAL
	541330	Engineering Services	PROFESSIONAL
	541340	Drafting Services	PROFESSIONAL
	541350	Building Inspection Services	PROFESSIONAL
	541360	Geophysical Surveying and Mapping Services	PROFESSIONAL
	541380	Testing Laboratories	PROFESSIONAL
	541410	Interior Design Services (Interior Decorator)	$99.00
	541430	Graphic Design Services	PROFESSIONAL
	541519	Computer Related Services Including Design and Programming	PROFESSIONAL
	541690	Consulting Services	PROFESSIONAL
	541810	Advertising Agencies	PROFESSIONAL
	541820	Public Relations Agencies	PROFESSIONAL

NAICS CODE	LICENSE CODE	BUSINESS LICENSE CODES BASED ON 2002 NAICS LICENSE CATEGORIES	RATE SCHEDULE
	541850	Display Advertising, Billboards *Advertisers must also comply with City Code 5-90*	$137.50
	541870	Advertising Material Distribution Services	PROFESSIONAL
	541921	Photographers, Videographers, Portrait Studios *Additional Merchandise at Retail license required for sales of merchandise*	$99.00
	541922	Commercial Photography Studios	$99.00
	541940	Veterinary Services, Veterinarians	PROFESSIONAL
	541990	All Other Professional, Scientific and Technical Services	PROFESSIONAL
		CATEGORY 55 - MANAGEMENT OF COMPANIES AND ENTERPRISES	
		CATEGORY 56 - ADMINISTRATIVE, SUPPORT, WASTE MANAGEMENT AND REMEDIATION SERVICES	
561		ADMINISTRATIVE AND SUPPORT SERVICES	
	561310	Employment Placement Agencies	PROFESSIONAL
	561419	Title and Abstract Companies	PROFESSIONAL
	561439	Business Service Centers including copy shops	RETAIL
	561440	Collection Agencies	$110.00
	561450	Credit Bureaus	$110.00
	561499	All Other Business Support Services	$110.00
	561510	Travel Agencies	$55.00
	561611	Investigation Services	PROFESSIONAL
	561612	Security Guards and Patrol Services	PROFESSIONAL
	561613	Armored Car Services	$125.00
	561621	Security Systems Services	RETAIL
	561622	Locksmiths	VOCATION
	561710	Exterminating and Pest Control Services	$110.00
	561720	Janitorial Services, Housekeeping Services	$99.00
	561730	Landscaping/Lawn Care Services	$99.00
	561740	Carpet Cleaning	$99.00
	561790	Other Services to Buildings and Dwellings (pressure-washing)	$99.00
	561990	All Other Support Services Including Vocations *Less than $30,000.00*	$66.00
		$30,000.00 but less than $50,000.00	$82.50
		$50,000.00 and over pays flat rate of $82.50 plus one-twentieth of one percent of excess	$82.50
562		WASTE MANAGEMENT AND REMEDIATION SERVICES	
	562111	Solid Waste Collection	$137.50
	562112	Hazardous Waste Collection	$137.50
	562920	Materials Recovery Facilities	$99.00
	562991	Septic Tank Cleaning and Servicing	$55.00
	562998	All Other Miscellaneous Waste Management Services	$137.50
		CATEGORY 61 - EDUCATIONAL SERVICES	
611		EDUCATIONAL SERVICES	
	611512	Flight Training	$99.00
	611610	Fine Arts Teachers (dance)	$99.00
	611611	Music Teachers	$49.50
	611620	Sports and Recreation Instruction	$99.00
	611621	Martial Arts Instruction (Judo, Karate, Taekwondo)	$99.00

NAICS CODE	LICENSE CODE	BUSINESS LICENSE CODES BASED ON 2002 NAICS LICENSE CATEGORIES	RATE SCHEDULE
	611691	Exam Preparation and Tutoring	$99.00
	611692	Automobile Driving Schools	$99.00
	611699	All Other Schools and Instruction	$99.00
		CATEGORY 62 - HEALTH CARE AND SOCIAL ASSISTANCE	
621		AMBULATORY HEALTH CARE SERVICES	
	621111	Offices of Physicians	PROFESSIONAL
	621112	Offices of Mental Health Physicians	PROFESSIONAL
	621210	Offices of Dentists	PROFESSIONAL
	621310	Offices of Chiropractors	PROFESSIONAL
	621320	Offices of Optometrists	PROFESSIONAL
	621330	Offices of Mental Health Practitioners/Counselors (except physicians)	PROFESSIONAL
	621340	Offices of Physical, Occupational and Speech Therapists, and Audiologists	PROFESSIONAL
	621391	Offices of Podiatrists	PROFESSIONAL
	621399	Offices of All Other Miscellaneous Health Practitioners	PROFESSIONAL
	621410	Family Planning Centers	PROFESSIONAL
	621420	Outpatient Mental Health and Substance Abuse Centers	PROFESSIONAL
	621492	Kidney Dialysis Centers	PROFESSIONAL
	621498	All Other Outpatient Care Centers	PROFESSIONAL
	621511	Medical Laboratories	PROFESSIONAL
	621512	Diagnostic Imaging Centers	PROFESSIONAL
	621610	Home Health Care Services	PROFESSIONAL
	621910	Ambulance - Ambulance franchise and payment of franchise fee required *Ref: § 6.5-31 and 6.5-33(c)(5)*	$55.00
622		HOSPITALS	
	622110	General Medical and Surgical Hospitals	$220.00
623		NURSING AND RESIDENTIAL CARE FACILITIES	
	623110	Nursing Care Facilities	$220.00
	623312	Homes for the Elderly	$220.00
624		SOCIAL ASSISTANCE	
	624120	Services for the Elderly and Persons with Disabilities	PROFESSIONAL
	624190	Other Individual and Family Services	PROFESSIONAL
	624310	Vocational Rehabilitation Services	PROFESSIONAL
	624410	Day Care Centers or Nurseries	$27.50
		6 children or less	
		1—30 children	$71.50
		Over 30 children	$110.00
		CATEGORY 71 - ARTS, ENTERTAINMENT AND RECREATION	
711		PERFORMING ARTS, SPECTATOR SPORTS	
	711310	Promoters of Performing Arts, Sports and Similar Events with Facilities	SERVICE
	711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities	SERVICE
712		MUSEUMS, HISTORICAL SITES AND SIMILAR INSTITUTIONS	
713		AMUSEMENT, GAMBLING, AND RECREATION INDUSTRIES	
	713120	Amusements- Billiard/Pool tables, amusement devices, coin-operated games, putt-putt golf, etc.	Per Unit
		$55.00 for first unit	
		$35.00 for each additional unit	
	713910	Golf Courses and Country Clubs *(additional licenses required)*	$55.00

NAICS CODE	LICENSE CODE	BUSINESS LICENSE CODES BASED ON 2002 NAICS LICENSE CATEGORIES	RATE SCHEDULE
	713940	Fitness and Recreational Sports Centers	$99.00
	713950	Bowling alleys	$110.00
	713990	All Other Amusement and Recreation Industries	$110.00
		CATEGORY 72 - ACCOMMODATION AND FOOD SERVICES	
721		ACCOMMODATIONS	
	721110	Hotels and Motels	$6.60 per bedroom
	721214	Mobile Home, Trailer or Recreational Vehicle Court or Park *Flat rate of $82.50 for park with 1—10 spaces* *Parks with over 10 spaces pay base fee of $75.00 plus $5.00 for each additional space*	
	721310	Rooming and Boarding Houses	$5.50 per bedroom
722		FOOD SERVICES AND DRINKING PLACES	
	722110	Full Service Restaurants	RETAIL
	722211	Limited Service Restaurants	RETAIL
	722212	Cafeterias	RETAIL
	722213	Snack and Nonalcoholic Beverage Bars	RETAIL
	722320	Caterers	$99.00
	722330	Mobile Food Services	$252.50
	722410	Drinking Places (Alcoholic Beverages) *Reference City Code 3-24*	ABC
		CATEGORY 81 - OTHER SERVICES (except Public Administration)	
811		REPAIR AND MAINTENANCE	
	811111	General Automotive Repair	REPAIR
	811121	Automotive Body, Paint, and Interior Repair and Maintenance	REPAIR
	811122	Automotive Glass Replacement Shops	REPAIR
	811191	Automotive Oil Change and Lubrication Shops	REPAIR
	811192	Car Wash	$71.50
	811198	All Other Automotive Repair and Maintenance	REPAIR
	811211	Electronics Repair and Maintenance	REPAIR
	811212	Computer and Office Machine Repair and Maintenance	REPAIR
	811213	Communication Equipment Repair and Maintenance	REPAIR
	811310	Commercial, Industrial Machinery and Equipment Repair and Maintenance (Elevators)	REPAIR
	811411	Home and Garden Equipment Repair and Maintenance	REPAIR
	811412	Appliance Repair and Maintenance	REPAIR
	811420	Upholstery and Furniture Repair	REPAIR
	811430	Footwear and Leather Goods Repair	REPAIR
	811490	All Other Personal and Household Goods Repair and/or Maintenance	REPAIR
812		PERSONAL AND LAUNDRY SERVICES	
	812111	Barber Shop First operator	$33.00
		Each additional operator	$16.50
	812112	Beauty Shop First Operator	$33.00
		Each additional Operator	$16.50
	812113	Nail Salons	SERVICE
	812191	Diet and Weight Reducing Centers	$99.00

NAICS CODE	LICENSE CODE	BUSINESS LICENSE CODES BASED ON 2002 NAICS LICENSE CATEGORIES	RATE SCHEDULE
	812192	Tanning Salon One Bed	$110.00
		Two or more beds	$137.50
	812193	Tattoo Parlor	$200.00
	812199	Other Personal Care Centers	$110.00
	812210	Funeral Homes and Funeral Services	$110.00
	812310	Coin-Operated Laundries and Cleaners Five or less machines fee is $55.00; $3.85 for each additional machine	$55.00 + $3.85
	812320	Laundries and Dry Cleaners	$154.00
	812321	Seamstress or Tailor	$49.50
	812331	Linen Supply/Uniform Rental	$198.00
	812910	Pet Care Services Groomer and Kennel	$99.00
		Groomer Only	$49.50
		Kennel Only	$66.00
	812990	All Other Personal Services	SERVICE
999		UNCLASSIFIED ESTABLISHMENTS	
	999111	Delivery of Merchandise *[Reference Section 10-34]*	$66.00

(Ord. No. 2007-08, §§ 1, 2, 12-17-07; Ord. No. 2008-09, § 1, 12-8-08)

Sec. 10-38. License fee schedules.

ABC LICENSE FEE SCHEDULE - Reference City Code 3-24:			
State of Alabama Code	**Classification**	**Amount**	**Licensing Notes**
Manufacturer's License	312	$500.00	
040 (Retail Beer On/Off Premises)	445310	75.00	Set by State Code 63.0
050 (Retail Beer Off Premises Only)	445310	50.00	Set by State Code 63.0
060 (Retail Table Wine On/Off Premises)	445310	75.00	
070 (Retail Table Wine Off Premises Only)	445310	75.00	
010 (Lounge Retail Liquor Class I)	722410 722410 722410	75.00 650.00 75.00	All three codes are part of the package plus the business license code.
011 (Package Store Liquor Class II)	445310 445310 445310	75.00 650.00 75.00	All three codes are part of the package plus the business license code.
020 (Restaurant Retail Liquor)	722410 722410 722410	75.00 650.00 75.00	All three codes are part of the package plus the business license code.
032 (Club Liquor Class II)	722410 722410 722410	75.00 650.00 75.00	All three codes are part of the package plus the business license code.

ABC LICENSE FEE SCHEDULE - Reference City Code 3-24:			
110 (Wholesale Table Wine & Beer)	424810 424820	375.00	Wholesaler's License

AUTO LICENSE FEE SCHEDULE: *Based on gross receipts as follows:*
License Will Be $75.00 + .0003 fraction of all gross receipts
[Multiply gross receipts by .0003 and add $75.00 to determine license fee due.]

MANUFACTURED HOMES LICENSE FEE SCHEDULE: *If gross receipts are:*		
Gross Receipts	But Less Than	License Will Be
$0	$100,000	$165.00
$100,000	No limit	$165.00 + .0005 (1/20th of 1%) of gross receipts in excess of $100,000.00

MANUFACTURING LICENSE FEE SCHEDULE: *If gross receipts are:*		
Gross Receipts	But Less Than	License Will Be
$0	$100,000	$55.00
$100,000	$200,000	$82.50
$200,000	$500,00	$110.00
$500,000	$1,000,000	$165.00
$1,000,000	$2,000,000	$275.00
$2,000,000	No limit	$550.00

PROFESSIONAL LICENSE FEE SCHEDULE: *Minimum License of $99.00 plus gross receipts.*			
Gross Receipts	But Less Than		License Will Be
$0	$30,000	$99.00	$99.00
$30,000	$50,000	$99.00 + $33.00	$132.00
$50,000	$100,000	$99.00 + $66.00	$165.00
$100,000	No limit	$99.00 + $121.00	$220.00

REPAIR LICENSE FEE SCHEDULE: *If gross receipts are:*		
Gross Receipts	But Less Than	License Will Be
$0	$5,000	$27.50
$5,000	$10,000	$44.00
$10,000	$20,000	$60.50
$20,000	$35,000	$77.00
$35,000	No Limit	$77.00 + .0005 (1/20th of 1%) of gross receipts in excess of $35,000.00

RETAIL MERCHANDISE LICENSE FEE SCHEDULE: *If gross receipts are:*		
Gross Receipts	Less Than	License Will Be
$0	$10,000	$27.50
$10,000	$20,000	$60.50
$20,000	$30,000	$77.00

$30,000	$40,000	$88.00
$40,000	$60,000	$104.50
$60,000	$80,000	$132.00
$80,000	$90,000	$148.50
$90,000	$100,000	$181.50
$100,000	No Limit	$181.50 + .001 (1/10th of 1%) of gross receipts in excess of $100,000

SERVICE LICENSE FEE SCHEDULE: *If gross receipts are:*		
Gross Receipts	But Less Than	License Will Be
$0	$10,000	$80.00
$10,000	$25,000	$80.00 + $3.00 per thousand in excess of $10,000
$25,000	$50,000	$125.00 + $2.00 per thousand in excess of $25,000
$50,000	No Limit	$150.00 + $1.50 per thousand in excess of $50,000

VOCATION LICENSE FEE SCHEDULE: *If gross receipts are:*		
Gross Receipts	But Less Than	License Will Be
$0	$30,000	$66.00
$30,000	$50,000	$82.50
$50,000	No Limit	$82.50 + .0005 (1/20th of 1%) of gross receipts in excess of $50,000

WHOLESALE MERCHANDISE LICENSE FEE SCHEDULE: *If gross receipts are:*		
Gross Receipts	Less Than	License Will Be
$0	$100,000	$110.00
$100,000	$200,000	$154.00
$200,000	$300,000	$198.00
$300,000	$400,000	$242.00
$400,000	$500,000	$286.00
$500,000	$600,000	$319.00
$600,000	$700,000	$357.50
$700,000	$800,000	$385.00
$800,000	$900,000	$418.00
$900,000	$1,000,000	$440.00
$1,000,000	No Limit	$550.00 + .001 (1/10th of 1%) of gross receipts in excess of $1,000,000

(Ord. No. 2007-08, §§ 1, 2, 12-17-07; Ord. No. 2008-09, § 2, 12-8-09)

Sec. 10-39. Exchange of information.

(a) The municipality may exchange tax returns, information, records, and other documents secured by the city, with other municipalities adopting similar ordinances for the exchange of taxpayer information, or with county or state authorities. The municipality may charge a reasonable fee for providing such information or documents. Any tax returns, information, records, or other documents so exchanged shall remain subject to the confidentiality provisions, restrictions, and criminal penalties for unauthorized disclosure as provided under state or municipal law.

(b) Any such exchange shall be for one or more of the following purposes:

(1) Collecting taxes due;

(2) Ascertaining the amount of taxes due from any person;

(3) Determining whether a person is liable for, or whether there is probable cause for believing a person might be liable for the payment of any tax to a state, county, or municipal agency.

(c) Nothing herein shall prohibit the use of tax returns or tax information by the city in the proper administration of any matter administered by the municipality. The license officer may also divulge to a purchaser, prospective purchaser as defined pursuant to the regulation of the state department of revenue, or successor of a business or stock of goods the outstanding sales, use, or rental tax liability of the seller for which the purchaser, prospective purchaser as defined pursuant to the regulation of the state department revenue, or successor may be liable pursuant to the Code of Ala., §§ 40-23-25, 40-23-82, or 40-12-224.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

Sec. 10-40. Effective date, severability, and repealer.

(a) *Effective date.* This article shall become effective on January 1, 2008.

(b) *Severability.* The sections, paragraphs, sentences, clauses, and phrases of this article are severable, and if any phrase, clause, sentence, paragraph, or section of this article shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the city council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

(c) *Repealer.* All ordinances or parts of ordinances in conflict with the provisions of this article are hereby repealed.
(Ord. No. 2007-08, §§ 1, 2, 12-17-07)

ARTICLE III. JUNK AND SECONDHAND DEALERS; PAWNBROKERS*

Sec. 10-41. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junk means any article or item, whether the same is in manufactured form, in whole or in part, new or used, which is purchased, acquired, or disposed of in the course of engaging in the junk business.

Junk dealer means any person in the city who deals in junk, or purchases or acquires in any manner, any scrap or junk, any iron, brass, lead, lead pipes, locks, bathtubs, railroad equipment, plumbing fixtures or parts thereof, automobiles or parts thereof, copper, copper wire or similar materials or metals of any kind whatsoever.

Pawnbroker means, in addition to its ordinary and customary meaning, any person engaged in the business of lending money who takes tangible personal property in pledge as a security for such loan. One (1) such transaction by such person shall constitute carrying on the business of pawnbroker.

Secondhand dealer means any person who operates a store, shop or place of business where secondhand goods are bought, sold, exchanged or bartered, provided that this definition shall not include such persons operating a business that deals exclusively with automobiles and household furnishing.
(Ord. No. 1986-6, § 1, 4-21-86)

Sec. 10-42. Cancellation and annulment of license.

The conviction of any person licensed to engage in the business regulated by this article for violating any of the provisions of this article, or the conviction of any agent, or employee of any licensed person for a violation of any of the provisions of this article, while such agent or employee was acting in the line and scope of employment in the business, shall be cause, after due notice from the council, for the cancellation and annulment of such license.
(Ord. No. 1986-6, § 7, 4-21-86)

Sec. 10-43. Record of purchases.

Every person dealing in junk or secondhand goods, and every pawnbroker, shall provide and keep a book and enter therein, as each purchase or acquisition is made, each purchase or acquisition of junk, secondhand goods and pawned items, of every kind and character acquired or purchased, together with the name, age, address and description of the person from whom

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***Cross reference**—License schedule, § 10-17.

State law references—Pawnbrokers, Code of Ala. 1975, § 8-1-80 et seq.; unlawful business relating to marked containers for milk and milk products, Code of Ala. 1975, § 8-12-40 et seq.; junkyard control, Code of Ala. 1975, § 23-1-240 et seq.; salvage, Code of Ala. 1975, § 35-13-1 et seq.

the respective purchases and acquisitions were made, the date of the respective purchases or acquisitions, and the license number of the vehicle delivering such junk, secondhand goods or pawned items, if delivery is made by vehicle. Such book shall be kept for six (6) months next subsequent to any purchase or acquisition and shall be open to the inspection, during the business hours, of any person who may make a request to examine the same.
(Ord. No. 1986-6, § 2, 4-21-86)

State law references—Record kept by pawnbroker, Code of Ala. 1975, § 8-1-80; record kept by junk dealer, Code of Ala. 1975, § 40-12-116.

Sec. 10-44. Purchase or acquisition from minors.

It shall be unlawful for any person dealing in junk or secondhand goods, or receiving items in pawn, to purchase or acquire in any manner any such items from any person under sixteen (16) years of age.
(Ord. No. 1986-6, § 4, 4-21-86)

Sec. 10-45. Premises to be open for inspection.

The area and the premises where any person regulated by this article stores or keeps the articles purchased or acquired in the business shall be open to inspection to any police officer or official of the city at any time during business hours.
(Ord. No. 1986-6, § 5, 4-21-86)

Sec. 10-46. Concealment of items.

No person dealing in junk shall conceal any junk or other items regulated by this article in a residence or house, or in any building or shed whatsoever, where the same is not open for inspection, or by burying it in the ground.
(Ord. No. 1986-6, § 6, 4-21-86)

Secs. 10-47—10-60. Reserved.

ARTICLE IV. PRECIOUS METAL DEALERS*

DIVISION 1. GENERALLY

Sec. 10-61. Definition.

The word "applicant" when used herein shall include the plural where applicable, and all agents, officers, or employees of the applicant in the city if the applicant is other than a sole proprietor.
(Code 1968, § 11$^{3}/_{8}$-1)

***Cross reference**—License schedule, § 10-17.

State law references—Public auctions, Code of Ala. 1975, § 8-14-1 et seq.; lien of jewelers, watchmakers and silversmiths, Code of Ala. 1975, § 35-11-150 et seq.

Sec. 10-62. Application of article; penalties for violation.

The provisions of this article shall be binding upon every employee or agent of the buyer of the articles described in section 10-81 hereof, and it shall be unlawful and an offense against the city for any such licensee or his agents, officers or employees to fail or refuse to carry out the provisions of this article. Any person who shall violate any provision of this article or do business within the city, as defined in this article, without first obtaining a license as provided herein shall be subject to a fine in an amount not to exceed one hundred dollars ($100.00) or imprisonment, not to exceed six (6) months, or to both such fine and imprisonment, in the discretion of the court trying the case.
(Code 1968, § 11$^3/_8$-14)

Sec. 10-63. Record to be kept by buyers—Required; transcript to be furnished to chief of police.

Each applicant who secures a license under this article for purchasing gold or silver in any form set out in section 10-81 hereof shall keep a book in which shall be entered promptly at the time of purchase a brief description of the articles or property purchased, the date and hour of the purchase and a brief description of the person from whom the purchase is made, together with the address, driver's license number, sex, race, and date of birth of such person. Each entry of such transaction shall be serially numbered on the book at the time of making the entry.
(Code 1968, § 11$^3/_8$-10)

Sec. 10-64. Same—Inspection.

The books and records kept by each licensee of the articles described in section 10-81 below, shall be open for inspection by the chief of police or by any officer of the police department of the city at all times. The licensee and his agents and employees shall at all times exhibit the book to such officers on request.
(Code 1968, § 11$^3/_8$-11)

Sec. 10-65. Identification of articles purchased.

Each licensee under this article purchasing gold or silver in any form set out in section 10-81 hereof shall attach to or place on each such article purchased a tag or other identifying mark or label numbered to correspond with the serial number of the book required by section 10-63 to be kept; except, where small articles are bought in bulk and are too numerous to conveniently tag or mark, an identifying number shall be placed on the container or wrapper in which the articles are kept or placed.
(Code 1968, § 11$^3/_8$-12)

Sec. 10-66. Time articles to be held after purchase.

The property of the kind described in section 10-81 shall be held in the same form, shape or condition in which it was purchased, without mutilation, melting, reduction to block or lump form, or destruction of the form thereof, for a period of seventy-two (72) hours after the

purchase, during which time the article or articles shall be open to inspection or examination by the chief of police, or such officer or officers of the police department as may be delegated to make such examination or inspection, unless permission for change in form or sale is obtained in writing from the chief of police after the filing of the report required by section 10-63.
(Code 1968, § 11⅜-13)

Secs. 10-67—10-80. Reserved.

DIVISION 2. LICENSE

Sec. 10-81. Required.

It shall be unlawful for anyone to conduct, pursue or carry on the business of purchasing secondhand gold or silver, whether in the form of jewelry, household articles or furnishings, personal effects, bric-a-brac, settings for gems, watches, flatware, service sets, or other articles of like kind in the city without first paying to the city clerk the license fee hereinafter prescribed, and procuring a license from the city clerk.
(Code 1986, § 11⅜-2)

Sec. 10-82. Fee.

The license fee levied against buyers as described in section 10-81 shall be as provided in section 10-17(195).
(Code 1968, § 11⅜-3)

Sec. 10-83. Application.

Applicants for a license under this article shall file with the city clerk a sworn application in writing, in duplicate, which shall give the following information:

(1) Name and description of the applicant;

(2) Date of birth and driver's license number of the applicant;

(3) Full local address of the applicant, and the length of time the applicant has resided within the city;

(4) If employed, the name and address of the employer, together with credentials establishing the relationship;

(5) A brief description of the nature of the gold or silver buying to be done;

(6) The length of time for which the right to do gold or silver buying is desired and the location where such buying is to be done;

(7) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of filing the application, which picture shall be two (2) inches by two (2) inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;

(8) The fingerprints of the applicant, and the names of at least two (2) reliable property owners of the county who will certify as to the applicant's good character and business respectability or in lieu of the names of such references, such other available evidence as to the good character and business responsibility of the applicant, as will enable an investigator to properly evaluate such character and business responsibility;

(9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal criminal ordinance in any state, the nature of the offense and the punishment or penalty assessed therefor.

(Code 1968, § 11⅜-4)

Sec. 10-84. Investigation fee.

At the time of filing the application for the permit required by section 10-83, a fee of ten dollars ($10.00) shall be paid to the city clerk to cover the cost of an investigation of the facts stated therein.

(Code 1968, § 11⅜-5)

Sec. 10-85. Investigation by chief of police; denial; appeal.

Upon receipt of an application for the license required by section 10-81 the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. If, as a result of such an investigation, the applicant's character or business responsibility is found to be unsatisfactory or if he does not otherwise qualify under the provisions of this article, the chief of police shall endorse on such application his disapproval and the reason for the same and return the application to the city clerk who shall notify the applicant that his application is disapproved and that no permit will be issued. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, and he otherwise qualifies under this article, the chief of police shall endorse on the application his approval, and return the application to the city clerk who shall deliver to the applicant his license, in the same manner as to other licensees of the city. If the license is disapproved the applicant may appeal to the council within fourteen (14) days.

(Code 1968, § 11⅜-6)

Sec. 10-86. Contents, display.

The license required by section 10-81 shall contain the signature of the city clerk and shall show the name, address and photograph of the licensee, and date of issuance and length of time the same shall be operative, as well as the license number. Such license must be displayed at all times whenever the applicant conducts business.

(Code 1968, § 11⅜-7)

Sec. 10-87. Record.

The city clerk shall keep a permanent record of all licenses issued under this article.

(Code 1968, § 11⅜-8)

Sec. 10-88. Registration of licensee with chief of police.

Each licensee under this article shall promptly, after the beginning of business, register with the chief of police in a book kept for the purpose, his name, address and every place where he carries on business or stores property.
(Code 1968, § 11¾-9)

Secs. 10-89—10-100. Reserved.

ARTICLE V. AMBULANCES*

Sec. 10-101. Penalty for violation.

Any person, firm or corporation violating any provisions of this article shall be deemed guilty of a misdemeanor punishable as provided in section 1-9. Each offense and each day's continuance of the offense shall constitute a separate and distinct offense and shall be punishable as such hereunder.
(Code 1968, § 14-14)

Sec. 10-102. Exceptions.

The provisions of this article shall not apply to the following:

(1) Voluntary rescue squads that are members of the Alabama Association of Rescue Squads, Inc., such as the county rescue squad.

(2) Any ambulances operated by a federal agency of the United States.

(3) Ambulances travelling without a patient into, through or from the city; or ambulances being used to transport a patient through the city or from without the city to a location within the city.

(Code 1968, § 14-13)

Sec. 10-103. Purpose.

The purpose of this article is to provide for the safety, preserve the health, and promote the general prosperity of the inhabitants of the city.
(Code 1968, § 14-11)

Sec. 10-104. Necessity for franchise.

No person, firm or corporation shall maintain and operate an emergency ambulance vehicle or service, for hire, in the city without first being duly franchised by the council.
(Code 1968, § 14-12)

State constitution reference—Maximum term of utility franchises, Art. XII, § 228.

***Cross reference**—Parades, § 12-21 et seq.

State law references—Power of city to regulate vehicles for hire, Code of Ala. 1975, § 11-51-101; municipal ambulance service, Code of Ala. 1975, § 11-87-1 et seq.; ambulances generally, Code of Ala. 1975, § 22-18-1 et seq.

Secs. 10-105—10-120. Reserved.

ARTICLE VI. TAXICABS*

Sec. 10-121. Maximum vehicle capacity.

Only automobiles equipped to carry six (6) persons or less; that is, two-seated vehicles equipped to carry the driver and five (5) passengers, may be operated as taxicabs in the city, under licenses issued by the city to operate taxicabs.
(Code 1968, § 14-1)

Sec. 10-122. Liability insurance—Required.

Before any person shall operate any automobile or vehicle as a taxicab within the corporate limits of the city or offer such services to the public as a taxicab operated for compensation in transporting passengers from one (1) point to another in the city, such person shall have procured a national standard automobile liability insurance policy with limits of liability of not less than ten thousand dollars ($10,000.00) on each person and twenty thousand dollars ($20,000.00) on each accident, which policy shall cover each vehicle so operated as a taxicab.
(Code 1968, § 14-2)

Sec. 10-123. Same—Proof of policy.

Before any taxicab license shall be issued to any person by the city, such person shall furnish to the city clerk the number of the policy required by section 10-122, together with the name of the insurance company issuing such policy and before issuing such license, it shall be the duty of the city clerk to make or cause to be made an investigation for the purpose of ascertaining whether or not such policy has in fact been issued and is in force and no license shall be issued unless such policy has been issued and is in force.
(Code 1968, § 14-3)

Sec. 10-124. Same—Cancellation.

It shall be the duty of any person operating a taxicab in the city to notify the city clerk immediately of any cancellation of any such insurance policy required under the provisions of this article, in which event it shall be the duty of the city clerk to cancel such license and the unearned or unexpired part of such license shall be forfeited to the city.
(Code 1968, § 14-4)

Secs. 10-125—10-135. Reserved.

***Cross references**—License schedule, § 10-17; motor vehicles and traffic, Ch. 12.

State law references—Power of city to regulate vehicles for hire, Code of Ala. 1975, § 11-51-101; state license taxes, Code of Ala. 1975, § 40-12-246.

ARTICLE VII. LICENSE TAX ON TRANSIENT ROOM RENTALS*

Sec. 10-136. Definition.

As used in this article, the word "transient" shall mean a person to whom rooms or lodging are rented for a period of less than thirty (30) continuous days.
(Code 1968, § 9-150)

State law reference—Police jurisdiction, operation of ordinances therein, Code of Ala. 1975, § 11-40-10.

Sec. 10-137. Construction of article.

This article shall not be construed to cancel or repeal any provision of this Code or any other ordinance of the city under which a privilege or license tax is levied; but this article and the tax levied hereby shall be cumulative to all other license tax ordinances. Specifically the amount of tax levied in this article shall be in addition to the applicable amounts provided for in article II of this chapter.
(Code 1968, § 9-159)

Sec. 10-138. Levy of license tax in city.

There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person engaging in the city in the business of renting or furnishing any room or rooms or lodgings to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms or lodgings are regularly furnished to transients for a consideration, said license tax to be in an amount equal to six (6) percent of the charge for such room, rooms or lodgings, including the charge for use or rental of personal property and services furnished in such rooms; provided that charges for property sold or services furnished which are required to be included in the computation of the tax levied under Code of Alabama 1975, section 40-23-1 et seq., shall not be included in the computation of the license or tax levied herein.
(Code 1968, § 9-151; Ord. No. 1992-15, § 1, 12-7-92)

Sec. 10-139. Due date of taxes and monthly reports.

The taxes levied under the provisions of this article, except as otherwise provided, shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues. On or before the twentieth day of each month every person on whom taxes herein levied are imposed shall render to the city clerk on a form prescribed by the city clerk a true and correct statement showing the gross proceeds of the business subject to the tax for the then next preceding month, together with such other information as the city clerk may demand and require, and at the time of making such monthly report the taxpayer shall compute the taxes due and shall pay to the city clerk the amount of taxes shown to be due.
(Code 1968, § 9-153)

***Cross reference**—License schedule, hotels and motels, § 10-17(120).

State law reference—State transient occupancy tax, Code of Ala. 1975, § 40-26-1 et seq.

Sec. 10-140. Credit collections.

Any person subject to the taxes herein levied who conducts business on a credit basis may defer reporting credit rentals and charges until after their collection, and if he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the then preceding month and shall pay the amount of taxes measured thereby at the time of filing such report.
(Code 1968, § 9-154)

Sec. 10-141. Maintenance of records.

It shall be the duty of every person engaging or continuing in any business subject to the taxes herein levied to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this article. Such records shall be kept and preserved for a period of three (3) years and shall be open for examination at any time by the city clerk or other duly authorized representative of the city.
(Code 1968, § 9-155)

Sec. 10-142. Deficiency or overpayment; penalty and interest, waiver; credit for overpayments.

(a) As soon as practicable after a return or report is filed, the city clerk shall examine it and ascertain the proper amount of the tax due as shown by the return. If the amount paid is greater than the amount due, as shown by the return, the excess shall be refunded to the taxpayer or credited on any deficiency previously due by the taxpayer, in accordance with law, and under such rules and regulations as the city may adopt and promulgate. If the amount paid is less than the amount due, as shown by the return, the city clerk shall immediately notify the taxpayer of such deficiency and shall add thereto a penalty of ten (10) percent of the amount due, and if such deficiency is not paid within thirty (30) days from the date of such notice, the same shall bear interest at the rate of one (1) percent per month, or fraction thereof, from the date the same was due, which shall be collected as a part of the tax, provided that the council, if a good and sufficient reason is shown, may waive or remit the penalty of ten (10) percent or a portion thereof.

(b) A violation of this article shall also be a misdemeanor punishable as provided in section 1-9.
(Code 1968, § 9-156)

Sec. 10-143. Discount.

A discount equal to three (3) percent of the total amount of any monthly installment of the tax provided for in this article shall be allowed to each taxpayer upon the filing of the monthly report with respect to such installment in the form and at the time herein provided for and upon payment of the amount of such monthly installment (minus such three (3) percent reduction) at the time when such installment is required hereunder to be paid. No such discount shall be allowed with respect to any monthly installment of the tax levied unless the

same is paid and the report applicable thereto is filed in the form and at the time required hereunder.
(Code 1968, § 9-158)

Secs. 10-144—10-155. Reserved.

ARTICLE VIII. LICENSE TAX ON TOBACCO PRODUCTS*

Sec. 10-156. Definitions.

(a) Unless the context clearly indicates a different meaning, the following terms, wherever used in this article, shall have the meanings respectively ascribed to them in this section:

Dealer: Any wholesale dealer or retail dealer.

Package: The individual box or other container from which or in which retail sales of the tobacco products are normally made or intended to be made.

Retail price: The usual retail selling price of the article before adding the amount of the tax addressed herein or any other tobacco tax assessed there against.

Sale: Any transfer of title or possession, or both, exchange or barter, conditional or otherwise, in any manner or means, for a consideration or any agreement therefor, of tobacco products, including rewards, prizes or premiums on tobacco products given as a result of operations on punchboards, shooting galleries or other activities.

Stamps: The stamps by the use of which the tax levied under this article is paid.

Storer: Any person who ships or causes to be shipped or receives tobacco products into the city and stores the same in any manner or withdraws or uses the same for any purpose other than for resale or reshipment outside the city.

Wholesale dealer or *jobber:* Any person who sells or delivers within the city any tobacco products as herein defined to any person operating under a retail dealers's license.

(b) Any terms used in this article and not herein defined which are defined in sections 40-25-1 and 40-25-40 of Code of Alabama 1975, shall have the meaning ascribed to them by such law.
(Ord. No. 1989-9, § 2, 9-18-89)

***Editor's note**—Section 1 of Ord. No. 1989-9, adopted Sept. 18, 1989, repealed former Art. VIII, §§ 10-156—10-163, which pertained to a license tax on cigarettes and derived from Code 1968, §§ 9-140—9-146. Section 2 of the ordinance enacted a new Art. VIII, §§10-156—10-169, to read as herein set out.

Cross reference—License schedule, § 10-17

State law references—State tobacco taxes, Code of Ala. 1975, § 40-25-1 et seq.; basis of municipal tax levy on cigarettes, Code of Ala. 1975, § 40-25-29.

Sec. 10-157. Construction and applicability of article.

(a) This article shall not be applied so as to impose any unlawful tax or burden on interstate commerce or any business in the United States government or any branch or agency thereof.

(b) This article shall not apply to the tobacco products mentioned herein stored by a wholesale dealer for the purpose of resale or reshipment outside the city and which are actually sold, resold or shipped.

(c) This article shall neither repeal nor in any way affect any provision of the license schedule and pertinent provisions thereof, but is intended to be and shall be held to be cumulative thereto.

(d) Whenever the requisite amount of stamps have been affixed to the tobacco products as required herein, this article shall not require additional stamps to be affixed thereto in case of subsequent sales, deliveries or storage.
(Ord. No. 1989-9, § 2, 9-18-89)

Sec. 10-158. Tax levied; amount.

In addition to all other taxes now imposed by law, every person who sells, stores or delivers any tobacco product shall pay a license tax to the city, which license tax is fixed and levied in the following amounts for the sale, storage or delivery of the following named tobacco products in the city:

(1) All cigarettes made of tobacco or any substitute therefor, seven cents ($0.07) for each package.

(2) All cigars made of tobacco or any substitute therefor, one cent ($0.01) per cigar, regardless of packaging.

(3) All tobacco packaged for cigarette or pipe smoking, six cents ($0.06) per container containing five (5) or less ounces, ten cents ($0.10) per container containing more than five (5) ounces to ten (10) or less ounces, and fourteen cents ($0.14) per container containing more than ten (10) ounces.

(4) All snuff or any form of smokeless tobacco packaged in a can, box, tumbler, or other container, ten cents ($0.10) per container.

(5) All forms of chewing tobacco, ten cents ($0.10) per plug or package.
(Ord. No. 1989-9, § 2, 9-18-89; Ord. No. 1992-16, § 1, 12-7-92; Ord. No. 1993-02, § 1, 1-25-93)

Sec. 10-159. Stamps—Required; inscriptions; costs to wholesale dealers; no fractional cent stamp purchased.

The city clerk shall keep on hand for sale an adequate quantity of stamps to be affixed to each package of such tobacco products in the denominations as required in this article. Each such stamp shall have inscribed thereon the words "City of Greenville Tobacco Tax," but such words need not be arranged in the foregoing order and may be abbreviated. Such stamps may

be sold to the wholesale dealer only by the city clerk at a price equal to ninety (90) percent of the full amount thereof, the remaining ten (10) percent of such full amount representing compensation to the wholesale dealer for the labor of affixing the stamps to the tobacco products enumerated herein. All other persons, except such wholesale dealers, must pay the full amount of the stamps. No person shall be entitled to purchase any such number of stamps as would cause the purchase price to include the fraction of a cent.
(Ord. No. 1989-9, § 2, 9-18-89)

Sec. 10-160. Same—Affixing; cancelling; no reuse generally; continuous affixing on all products; placement on package.

(a) Prior to the sale or delivery of any tobacco product within the city by any dealer, such dealer shall affix to each package of tobacco products stamps obtained from the city clerk in the amounts set out in this article in payment of the license taxes imposed by this article.

(b) Every dealer shall, within six (6) hours after the receipt of any such tobacco products within the city, unless offered sooner for sale, cause stamps of the requisite amount of the tax to be affixed thereto as herein stated and to cause the same to be cancelled by writing or stamping with waterproof ink across the face of each stamp the registration number furnished such dealer by the state tax commission.

(c) After such stamping has begun, it shall be continued with reasonable diligence by such dealer until all of the unstamped tobacco products have been stamped and the stamps cancelled as herein provided. No stamp required to be affixed to any package of tobacco products shall, after the same has been affixed as herein provided, be again used in payment of any part of the tax levied under this article.

(d) Tax stamps shall be affixed in such a manner that the removal thereof will require continued application of water or steam.

(e) Notwithstanding any of the foregoing provisions to the contrary, it shall not be necessary for any dealer to physically affix the stamp required herein to any tobacco product other than cigarettes. In lieu thereof, on all tobacco products other than cigarettes, all dealers responsible for payment of the license tax thereon shall report to the city clerk on a monthly basis all sales of such tobacco products and shall remit monthly to the city clerk payment of the license taxes due thereon as required by this article.
(Ord. No. 1989-9, § 2, 9-18-89; Ord. No. 1989-13, § 1, 10-2-89)

Sec. 10-161. Same—Failure to affix and cancel.

It shall be unlawful for any person to sell, offer for sale or deliver within the city any tobacco products to which stamps have not been affixed and cancelled as provided by this article.
(Ord. No. 1989-9, § 2, 9-18-89)

Sec. 10-162. Same—Counterfeiting; altering; possessing; implements.

It shall be unlawful to manufacture, buy, sell, offer for sale or possess or attempt so to do, any reproduction or counterfeit of the stamps provided for in this article or to possess tools,

implements, instruments or materials of any kind necessary or appropriate to reproduce or counterfeit such stamps or to alter any such stamp.
(Ord. No. 1989-9, § 2, 9-18-89)

Sec. 10-163. Same—Reusing; selling; possessing removed or altered stamps.

It shall be unlawful to remove from a package or otherwise prepare any stamp with intent to use or cause the same to be used, or to buy, offer for sale, or give away, any washed, removed, altered or restored stamp, or for the purpose of indicating the payment of any tax hereunder to reuse any stamp which has heretofore been used for the payment of any tax provided in this article, or, except as to the city clerk, to sell any stamp provided for herein.
(Ord. No. 1989-9, § 2, 9-18-89)

Sec. 10-164. Unstamped products—Report of receipt.

Any person who purchases or receives in any manner tobacco products which do not have affixed the stamps required by this article shall, within three (3) days after receipt of such articles of tobacco, report the receipt and purchase of the tobacco products to the city clerk, giving the date of purchase or receipt, the name and address of the person from whom purchased or received and a list describing the articles of tobacco purchased or received. Such report must be mailed by registered or certified mail or delivered in person.
(Ord. No 1989-9, § 2, 9-18-89)

Sec. 10-165. Same—Possession of; maximum time; exception.

It shall be unlawful for any dealer to have in such dealer's possession or under such dealer's control any tobacco products not properly stamped as required by this article for more than six (6) hours after receipt of such products on the premises of such person, provided this section shall not apply to tobacco products in the possession of wholesale dealers or jobbers kept for the purpose of sale or reshipment outside the city and which products are actually resold or reshipped. Each article or commodity in the dealer's possession and not having the proper stamps affixed thereto as required by this article shall be deemed a separate offense.
(Ord. No. 1989-9, § 2, 9-18-89)

Sec. 10-166. Reusing package.

It shall be unlawful to reuse or refill with any tobacco products any package from which such tobacco products, theretofore the tax having been paid, have been removed.
(Ord. No. 1989-9, § 2, 9-18-89)

Sec. 10-167. Records; right of entry of clerk, period of retention.

Every wholesale dealer shall at the time of selling or delivering any tobacco product in the city make a true duplicate invoice of the same which shall show full and complete details of the sale and delivery of such tobacco products and shall retain the same subject to the use and inspection of the city clerk or the clerk's duly authorized deputy for a period of three (3) years. Wholesale and retail dealers shall also keep a record of the purchase, sale, exchange and receipt of all the tobacco products and hold all books, records, cancelled checks and all other

memoranda pertaining to such purchase, sale, exchange and receipts for the period mentioned herein, subject to the inspection of the city clerk or his or her duly authorized deputy, who shall have the power and authority to enter upon the premises of any dealer and to examine such books, records and memoranda at all reasonable times.
(Ord. No. 1989-9, § 2, 9-18-89)

Sec. 10-168. Interference with clerk.

It shall be unlawful for any person to interfere with or obstruct the city clerk or such deputy in the exercise of the power and authority conferred by this article.
(Ord. No. 1989-9, § 2, 9-18-89)

Sec. 10-169. Uses of proceeds of tax.

All the proceeds derived from the tax herein levied shall be placed in the general fund account of the city, subject to appropriation by the city council for any lawful purpose of the city.
(Ord. No. 1989-9, § 2, 9-18-89)

Chapter 11

MOBILE HOMES*

Sec. 11-1. Definition.

When used in this chapter the following words and phrases shall have the respective meanings given in this section:

Mobile home: A transportable, single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as immobile housing.

Mobile home lot: A parcel of land designed for the exclusive use of the occupants of a single mobile home.

Mobile home park or *parks:* A parcel of land which has been planned and improved for the placement of mobile homes for nontransient use.

Permit: Written authorization issued by the building inspector with the approval of the health officer, permitting the mobile home park to operate under this chapter.

Service building: A structure located within a mobile home park for the welfare and convenience of occupants of such mobile home park.
(Ord. No. 1987-01, § 1, 2-2-87)

Sec. 11-2. Most restrictive provision governs.

Whenever the regulations of this chapter require a greater width or size of yards, courts, or other open space, or impose other more restrictive standards than are required in or under any other ordinance provision, the regulations and requirements of this chapter shall govern.
(Ord. No. 1987-01, § 17, 2-2-87)

Sec. 11-3. Inspection.

(a) The health officer and/or building inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks located within the city in order that the health and safety of occupants of mobile home parks and of the general public may be safeguarded.

(b) The health officer and/or building inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to enforcement of this chapter.

***Cross references**—Buildings, Ch. 5; fire prevention and protection, Ch. 7; flood damage prevention, Ch. 8; health, Ch. 9; licenses and business regulations, Ch. 10; motor vehicles and traffic, Ch. 12; solid waste, Ch. 17; streets and sidewalks, Ch. 18; taxation, Ch. 19; utilities, Ch. 20; zoning, App. A; subdivisions, App. B; fair housing, § 13-26 et seq.; weeds and debris, § 13-46 et seq.

State law reference—Mobile homes, Code of Ala. 1975, § 24-5-1 et seq.

(c) It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any part of such premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter or with any lawful order issued pursuant to the provisions of this chapter.
(Ord. No. 1987-01, § 2, 2-2-87)

Sec. 11-4. Park permits, application, plans; mobile home construction: applicability to recreational vehicles.

(a) It shall be unlawful for any person to construct, maintain or operate any mobile home park within the city unless he holds a valid permit issued by the building inspector, upon approval of the planning commission, in the name of such persons for the specific mobile home park. All applications for permits shall be made to the building inspector, who shall issue a permit upon compliance by the applicant with the provisions of this chapter and of any other applicable legal requirements, and upon approval of the health officer. Mobile home parks are permitted only in zones or districts in which use is provided in the zoning ordinance. Mobile home permits are not transferable.

(b) No person shall construct or alter a mobile home park in the city unless the plans and specifications for such park have been submitted and approved by the planning commission, building inspector, and the county health department.

(c) Applications for original permits shall be in writing, signed by the applicant and contain the following:

(1) The name and address of the applicant.

(2) The interest of the applicant in and the location and legal description of the mobile home park and property plan.

(3) A complete plan of the mobile home park, showing compliance with all applicable provisions of this chapter.

(4) Such further information as may be requested by the building inspector and the health officer to enable them to determine that the proposed mobile home park will comply with legal requirements.

(d) Permits will automatically be renewed each year, provided management has met all requirements set forth under this chapter.

(e) A complete plan for the purpose of obtaining a permit to be issued by the building inspector with the approval of the health officer and the planning commission shall show:

(1) The area and dimension of the tract of land.

(2) The number, location and size of all mobile home lots.

(3) The location of service buildings, roads and other improvements constructed or to be constructed within the mobile home park.

(4) The location of recreational vehicles and other transient parking spaces.

(f) Mobile homes placed on a single lot or in a mobile home park shall comply with the city's building code. The *Standard Building Code* provides that, if the mobile home does not bear a seal of an independent testing laboratory approved by the governmental jurisdiction wherein the unit is placed, it is subject to inspection in the same manner as other structures.

(g) The provisions of this chapter do not apply to recreational vehicles. Within the mobile home park, recreational vehicles shall be parked in a designated area separate from the mobile homes.

(Ord. No. 1987-01, § 3, 2-2-87)

Cross reference—Zoning, App. A.

Sec. 11-5. Environmental, open space and access requirements.

(a) *Site location.* The location of mobile home parks shall comply with the following minimum requirements:

(1) Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects or rodents.

(2) Not subject to any source of pollution, such as drainage from garbage disposal areas.

(3) Not subject to flooding from adjacent bodies of water or waterways.

(b) *Site drainage.*

(1) The ground surface in all parts of every park shall be graded and equipped to drain all surface waters in a safe, efficient manner.

(2) Surface water collectors and other bodies of standing water capable of harboring mosquitoes and other insects and vermin shall be treated in an approved manner.

(c) *Soil and ground cover.* Park grounds except paved areas shall be maintained with vegetation or other natural cover that is capable of preventing soil erosion and the emanation of dust during dry weather.

(d) *Vehicle location.* Except as prescribed in this subsection, no person shall park a mobile home on lots where it conflicts with the zoning ordinance; mobile homes parked on February 2, 1987, are declared nonconforming and shall be governed by the provisions of the zoning ordinance. Special exceptions in force on such date shall continue in force for the duration of the period of time granted.

(e) *Minimum park area, lot coverage, separation between homes, and foundations:*

(1) Each mobile home park shall have an overall area to devote to park purposes of not less than three (3) acres. Parks legally in existence on February 2, 1987, shall be exempted from complying with this subsection.

(2) No mobile home shall occupy a space of less than four thousand five hundred (4,500) square feet within a mobile home park or lot.

(3) Each mobile home shall be placed on a foundation, except transient homes. The foundation may consist of piers at least eight (8) inches thick and spaced no more

than one hundred and twenty (120) inches on center under framework. The piers may be of concrete or concrete block.

(4) Tie downs shall comply with the federal regulations for mobile homes.

(f) *Required setback in parks.* All mobile homes shall be located at least twenty-five (25) feet from any park property boundary line abutting upon a street or highway and at least fifteen (15) feet from other park boundary lines.

(g) *Park street system.*

(1) All parks shall provide safe, continuous and convenient vehicular access from abutting public streets or roads to each mobile home space. For purposes of this chapter, all streets or roads providing such vehicular access shall be referred to as the "park street system."

(2) All mobile home spaces shall abut an interior driveway. All interior driveways shall be no less than twenty (20) feet in width and have unobstructed access to a public street or highway. They shall be adequately maintained and lighted by the owner of the mobile home park.

(3) In mobile home parks where parking is permitted on interior drives, such drives shall be in excess of twenty (20) feet, sufficient to allow for parking cars.

(h) *Street construction and design standards.*

(1) All streets shall be paved and shall be maintained free of holes and other hazards.

(2) Grades of all streets shall be sufficient to ensure adequate surface drainage.

(i) *Off-street parking.* Off-street parking shall be provided in all parks for the use of park occupants and guests. Parking bays shall be so located as to provide convenient access to mobile home spaces.

(j) *Pedestrian access.* All parks shall provide safe, convenient, all-season pedestrian access between individual mobile homes, and community facilities provided for park residents.

(k) *Illumination of park street systems.* All parks shall be furnished with electrical systems and lighting units so spaced and equipped as to provide for the safe movement of pedestrians and vehicles at night.

(l) *Existing parks.* Licensed parks with mobile home spaces in existence on February 2, 1987, may not be expanded or renovated unless such expansion or renovation meets the standards imposed by this chapter.
(Ord. No. 1987-01, § 4, 2-2-87)

Sec. 11-6. Service buildings and other community service facilities generally.

(a) The space separation requirements of this chapter shall apply to accessory structures and community service facilities in all parks which are required for park management and for the servicing and well-being of park residents. Such accessory structures may include, but are

not limited to, service buildings or other community structures containing one (1) or more of the following uses:

(1) Park management offices, repair shops and storage.

(2) Community sanitary facilities.

(3) Community laundry facilities.

(4) Indoor community recreation areas.

(5) Commercial uses supplying essential goods or services primarily for the use of park residents.

(b) All mobile structures used as accessory service or community facilities must meet the standards set by the *Standard Building Code.*
(Ord. No. 1987-01, § 5, 2-2-87)

Sec. 11-7. Water supply generally.

Every park shall be capable of providing a sufficient supply of potable water, under adequate pressure, to supply water facilities for mobile homes, service buildings (fire hydrants, where city water is available), drinking fountains and other accessory facilities. The park water system shall be designed, constructed and maintained in accordance with state and local laws and shall conform with the regulations of the authorities having jurisdiction. If available, the water system shall be connected to the city water system.
(Ord. No. 1987-01, § 6, 2-2-87)

Sec. 11-8. Sewage disposal generally.

Every park shall have a sewage disposal system adequate for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with state and local laws and shall conform with the regulations of the health authorities having jurisdiction. If available, the system shall be connected to the city sewer system. Provisions shall be made for sealing the sewage connection inlet when a mobile home does not occupy the lot.
(Ord. No. 1987-01, § 7, 2-2-87)

Cross reference—Utilities, Ch. 20.

Sec. 11-9. Reserved.

Editor's note—Section 2 of Ord. No. 1992-3, adopted Jan. 27, 1992 and Section 2 of Ord. No. 1992-8, adopted March 16, 1992, repealed § 11-9. Former § 11-9 pertained to refuse disposal and derived from Ord. No. 1987-01, § 8, adopted Feb. 2, 1987.

Cross reference—Solid waste, Ch. 17.

Sec. 11-10. Insect and rodent control.

(a) Grounds, buildings and structures shall be maintained free of vermin and rodent infestation. Extermination methods and other measures to control vermin and rodents shall conform with the requirements of the health authority having jurisdiction.

(b) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(c) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building materials shall be stored at least eighteen (18) inches above the ground.

(d) The growth of brush, weeds and grass shall be controlled. Parks shall be so maintained as to prevent the growth of noxious weeds considered detrimental to health. Open areas shall be maintained free from heavy undergrowth of any description.
(Ord. No. 1987-01, § 9, 2-2-87)

Cross references—Buildings, Ch. 5; health, Ch. 9.

Sec. 11-11. Electrical distribution system generally.

Every park shall contain an electrical wiring system, consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable city codes and regulations governing such systems.
(Ord. No. 1987-01, § 10, 2-2-87)

Sec. 11-12. Fuel supply and storage.

(a) Natural gas piping systems in all parks shall be installed and maintained in conformity with accepted engineering practices and the rules and regulations of the city, or other governmental authority having jurisdiction.

(b) Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures shall be installed and maintained in conformity with the rules and regulations of the city or other governmental authority having jurisdiction.

(c) All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the city or other governmental authority having jurisdiction.
(Ord. No. 1987-01, § 11, 2-2-87)

Sec. 11-13. Fire protection.

The mobile home park area shall be subject to the rules and regulations of the fire department.
(Ord. No. 1987-1, § 12, 2-2-87)

Cross reference—Fire prevention and protection, Ch. 7.

Sec. 11-14. Plumbing and electrical alterations and additions.

All plumbing and electrical alterations or repairs in the mobile home park shall be made in accordance with applicable local regulations.
(Ord. No. 1987-1, § 13, 2-2-87)

Sec. 11-15. Registration of occupants.

Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes and occupants using the mobile home park, as provided by state law.
(Ord. No. 1987-1, § 14, 2-2-87)

Sec. 11-16. Compliance with regulations; supervision of park.

The persons to whom a permit for a mobile home park is issued shall at all times operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition at all times.
(Ord. No. 1987-1, § 15, 2-2-87)

Sec. 11-17. Parking on a private lot.

(a) It shall be unlawful for any mobile home to be parked within the city for any purpose at a site other than a mobile home park complying with the provisions of this chapter.

(b) The temporary parking of mobile homes may be allowed by the building inspector for office use in any district during the period of construction activity.

(c) Any mobile home parked for any purpose on a single lot prior to February 2, 1987, shall be legally nonconforming until such time as the mobile home is moved; thereafter, it must be in compliance with this chapter.
(Ord. No. 1987-1, § 16, 2-2-87; Ord. No. 1999-3, 3-23-99)

Cross references—Motor vehicles and traffic, Ch. 12; zoning, App. A; zoning board of adjustment, App. A, Art. XIV.

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Chapter 12

MOTOR VEHICLES AND TRAFFIC*

Art. I. In General, §§ 12-1—12-20
Art. II. Parades, §§ 12-21—12-45
Art. III. Junked Or Abandoned Vehicles, §§ 12-46—12-52

ARTICLE I. IN GENERAL

Sec. 12-1. State traffic laws adopted.

In addition to all other provisions of law relating to speed and the operation of motor vehicles in the city, there is hereby adopted by the city all laws of this state, and all rules and regulations of the state highway department pertaining to the control of traffic and motor vehicles on highways, the violations of which are misdemeanors under state law, and a violation of such laws, rules and regulations in the city shall be a violation of this Code and shall be punishable as provided in section 1-9 of this Code.
(Code 1968, § 13-1)

State law reference—Penalties for violation of certain traffic laws, Code of Ala. 1975, §§ 32-5A-312 et seq., 32-5A-8 et seq.

Sec. 12-1.1. Traffic ordinances enforceable in, on quasi-public, private parking lots, streets and highways.

(a) *Generally.* All traffic ordinances of the city now in effect or hereinafter enacted, in addition to being enforceable upon the public streets and highways thereof, shall be enforceable in and on all quasi-public or private parking lots, streets and highways in the city.

(b) *Description.* Such parking lots, streets and highways shall include, but not be limited to, parking areas and lots adjacent to, surrounding, or servicing public restaurants, shopping centers, drive-in movie theaters, athletic stadiums, auditoriums, mobile home parks, and all other parking areas and lots of whatsoever kind which are quasi-public or private in nature.

(c) *Maintenance.* Nothing herein contained, however, shall be construed to compel the city, its police department or any of its other departments to maintain such quasi-public or private parking areas and lots, or to install or maintain any traffic or parking control devices therein or thereon, or to provide police or other personnel for such traffic or parking control.
(Ord. No. 1987-11, §§ 1—3, 9-14-87)

Editor's note—Ordinance No. 1987-11, adopted Sept. 14, 1987, did not specifically amend this Code; hence, inclusion of §§ 1—3 as § 12-1.1 was at the discretion of the editor.

***Cross references**—Animals, Ch. 4; fire prevention and protection, Ch. 7; mobile homes, Ch. 11; rescue squad, Ch. 16; streets and sidewalks, Ch. 18; emergency powers of mayor, § 2-41 et seq.; driving vehicles near fires, § 7-1 et seq.; taxicabs, § 10-121 et seq.; parking mobile home on private lot, § 11-17; traffic in parks, § 14-20.

State law references—Power of city to regulate the standing and running of automobiles, etc., Code of Ala. 1975, §§ 11-47-114, 32-5-1; local traffic-control devices, Code of Ala. 1975, § 32-5-31; Alabama Rules of the Road Act, Code of Ala. 1975, § 32-5A-1 et seq.; uniform system of traffic-control devices, Code of Ala. 1975, § 32-5A-30; magistrates, uniform traffic infractions, Rules 18, 19, Rules of Judicial Administration, Code of Ala. 1975, Vol. 23.

Sec. 12-2. No parking where painted yellow or signed.

It shall be unlawful to park a vehicle in any prohibited area on any public street or other public property when such prohibited area is properly marked with yellow paint or signed.
(Code 1968, § 13-3)

State law reference—Parking in violation of municipal ordinances, Code of Ala. 1975, § 32-5-152.

Sec. 12-3. Violating traffic light signal.

It shall be unlawful to drive any motor vehicle into or across any street intersection that is controlled by a traffic light in operation, contrary to the signal on such traffic light.
(Code 1968, § 13-4)

State law reference—Obedience to traffic-control devices, Code of Ala. 1975, § 32-5A 31 et seq.

Sec. 12-4. Right turn on red light.

The driver of a vehicle, when stopped, may make a right turn but shall yield right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the city traffic engineer is authorized to prohibit any such right turn against a red signal at any intersection after determining, upon the basis of an engineering and traffic investigation, that such right turn is not reasonable or safe under the conditions found to exist at such intersection, which prohibition shall be effective when a sign is erected at such intersection giving notice thereof.
(Code 1968, § 13-6)

Sec. 12-5. Test for determining intoxication.

The city hereby designates the chemical analysis of the breath by use of the photoelectric intoximeter as the test to be administered by its officers, approved by the state department of health, to determine the alcohol content of the blood of any person lawfully arrested for any offense arising out of acts alleged to have been committed while the person was driving a motor vehicle on the public highways of the state and under the influence of intoxicating liquor.
(Code 1968, § 13-5)

State law reference—Alabama chemical test for intoxication, Code of Ala. 1975, § 32-5-192 et seq.

Sec. 12-6. Minimum and maximum heights for passenger or station wagon motor vehicle bumpers.

(a) No person shall operate a passenger or station wagon motor vehicle of a type required to be registered under the laws of the state upon a public highway or street modified by reasons of alteration of its altitude from the ground so that its bumpers, measured to any point on a load-bearing member of the horizontal bumper bar, are not within the range of

fourteen (14) inches to twenty-three (23) inches above the ground, except that no vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground or expose the fuel tank to damage from collision or cause the wheels to come in contact with the body under normal operation and that no part of the original suspension system be disconnected to defeat the safe operation of the suspension system provided that nothing contained in this section shall prevent the installation of heavy-duty equipment, to include shock absorbers and overload springs, and provided further that nothing contained in this section shall prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system, if normal wear does not affect the control of the vehicle.

(b) This section shall apply to motor vehicles designed or modified primarily for off-highway racing purposes and such motor vehicles may be lawfully towed on the streets of this city.
(Code 1968, § 10-14)

Sec. 12-7. Drivers must keep prescribed distance from emergency vehicles.

It shall be unlawful for the driver of any vehicle, except when traveling on official business relative to the emergency, to follow an authorized emergency vehicle answering an emergency call closer than five hundred (500) feet.
(Code 1968, § 7-4)

State law references—Similar provisions, Code of Ala. 1975, § 32-5-113(b); authorized emergency vehicles generally, Code of Ala. 1975, § 32-5A-7.

Sec. 12-8. Right-of-way of emergency vehicles.

No vehicle other than a fire, police or city official shall hold the right-of-way on the streets during the time of an emergency run, but upon seeing the approaching equipment that will be marked by signals such as red lights, sirens, or fire gongs, the driver of a vehicle shall yield the right-of-way.
(Code 1968, § 7-10)

Sec. 12-9. Driving across private property to avoid traffic-control devices.

(a) *Generally.* It shall be unlawful for any person or persons to operate a motor vehicle in such a manner as to drive across any private property for the purpose of avoiding any traffic-control device.

(b) *Violation penalty.* Any person violating the provision of this section, or doing any act declared by this section to be unlawful, shall be guilty of a misdemeanor and shall be punished by a fine as provided in city Code.
(Ord. No. 1987-10, §§ 1, 2, 9-14-87)

Editor's note—Ordinance No. 1987-10, adopted Oct. 14, 1987, did not specifically amend this Code; hence, inclusion of §§ 1, 2 as § 12-9 was at the discretion of the editor.

Secs. 12-10—12-20. Reserved.

ARTICLE II. PARADES*

Sec. 12-21. Short title.

The article shall be known and may be cited as the parade ordinance of the city.
(Code 1968, § 11-1)

Sec. 12-22. Definitions.

As used in this article, the following terms are defined as follows:

Parade means any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display in or upon any street, park or other public place in the city.

Parade permit means a permit as required by this article.
(Code 1968, § 11-2)

Sec. 12-23. Permit required, exceptions.

It shall be unlawful for any person to engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the chief of police, with the following exceptions:

(1) Funeral processions;

(2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;

(3) A governmental agency acting within the scope of its functions.
(Code 1968, § 11-3)

Sec. 12-24. Application to be filed, form.

A persons seeking issuance of a parade permit shall file an application in writing with the chief of police containing the information required in section 12-26.
(Code 1968, § 11-4)

Sec. 12-25. Time for filing application.

An application for a parade permit shall be filed with the chief of police not less than fifteen (15) days nor more than thirty (30) days before the date on which it is proposed to conduct the parade.
(Code 1968, § 11-5)

***Cross reference**—Parks and recreation, Ch. 14.

State law reference—Power of local authorities to regulate the use of the highways by processions or assemblages, Code of Ala. 1975, § 32-5-1.

Sec. 12-26. Contents of application.

The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade;

(2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name and address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;

(3) The name, address and telephone number of the person who will be the parade chairman and be responsible for its conduct;

(4) The date when the parade is to be conducted;

(5) The route to be traveled, the starting point and the termination point;

(6) The approximate number of persons who, and animals and vehicles which, will constitute such parade, including the type of animals, and description of the vehicles;

(7) The time when such parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(9) The location by streets of any assembly areas for such parade;

(10) The time when units of the parade will begin to assemble at any such assembly areas;

(11) The interval of space to be maintained between the units of such parade;

(12) If the parade is designed to be held by, and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the chief of police communication in writing from the person proposing to hold the parade and authorizing the applicant to apply for the permit on his behalf;

(13) Any additional information that the chief of police shall find reasonably necessary to make a fair determination as to whether a permit should be issued.

(Code 1968, § 11-6)

Sec. 12-27. Late applications.

The chief of police, where good cause is shown therefor, shall have the authority to consider any application under this article that is filed less than five (5) days before the date such parade is proposed to be conducted.

(Code 1968, § 11-7)

Sec. 12-28. Standards of issuance.

The chief of police shall issue a permit as provided for in this article when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(2) The conduct of the parade will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto so as to prevent normal police protection to the city;

(3) The conduct of such parade will not require the diversion of so great a number of ambulances so as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and any areas contiguous thereto;

(4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;

(6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(8) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

(Code 1968, § 11-9)

Cross references—Fire prevention and protection, Ch. 7; police, Ch. 15; ambulances, § 10-101 et seq.

Sec. 12-29. Acting on application, notice of rejection.

The chief of police shall act upon the application for a parade permit within two (2) days after the filing thereof. If the chief of police disapproves the application, he shall mail to the applicant within three (3) days after the date upon which the application was filed a notice of his action, stating the reasons for his denial of the permit.
(Code 1968, § 11-10)

Sec. 12-30. Appeal to council.

Any person aggrieved by the denial of a parade permit shall have the right to appeal the denial to the council. The appeal shall be taken within two (2) days after notice. The council shall act upon the appeal within two (2) days after its receipt thereof.
(Code 1968, § 11-11)

Sec. 12-31. Alternative date, time or route; granting, accepting, effect.

The chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two (2) days after the notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements and shall have the effect of a parade permit under this article.
(Code 1968, § 11-12)

Sec. 12-32. Contents of permit.

Each parade permit shall state the following information:

(1) Parade date;

(2) Assembly area and assembly time;

(3) Parade starting time, starting point and termination point;

(4) Streets to be traversed that may be occupied by the parade;

(5) Such other information as the chief of police shall find necessary to the enforcement of this article.

(Code 1968, § 11-13)

Sec. 12-33. Compliance with laws, carrying permit by parade chairman.

(a) The holder of a parade permit under this article shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(b) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.
(Code 1968, § 11-15)

Sec. 12-34. Revocation of permit.

The chief of police shall have the authority to revoke a parade permit issued under this article upon a violation of the standards for issuance as herein set forth.
(Code 1968, § 11-16)

Sec. 12-35. Public conduct during parade.

(a) It shall be unlawful for any person to unreasonably hamper, obstruct, impede, or interfere with any parade, parade assembly or with any person, vehicle or animal participating or used in a parade.

(b) It shall be unlawful for any person to drive a vehicle between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.
(Code 1968, § 11-17)

Secs. 12-36—12-45. Reserved.

ARTICLE III. JUNKED OR ABANDONED VEHICLES*

Sec. 12-46. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dismantled, junked or abandoned vehicles shall include major parts thereof including bodies, engines, transmissions, rear ends, etc.

Premises shall include public or private property, city streets and public highways.

Public property shall include property owned by the city, county or state and all streets and highways within the city whether or not they are public highways.

Vehicle legally or physically incapable of being operated shall include a vehicle which does not have attached a current license tag, according to law or which lacks the equipment in good operating condition as required by law.
(Code 1968, § 8-55)

State law references—Vehicle equipment, Code of Ala. 1975, § 32-5-210 et seq.; vehicle license tags and plates, Code of Ala. 1975, § 32-6-51 et seq.

***Cross reference**—Solid waste, Ch. 17.

State law references—Officers authorized to remove vehicles, Code of Ala. 1975, § 32-5A-139; motor vehicle antitheft laws, Code of Ala. 1975, § 32-8-80 et seq.; abandoned motor vehicles, Code of Ala. 1975, § 32-13-1 et seq.

Sec. 12-47. Wrecked, nonoperating vehicle.

(a) No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street or highway within the city.

(b) No person in charge or control of any real property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, or discarded vehicle to remain on such property longer than forty-eight (48) hours; except that this section shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.
(Code 1968, § 8-50)

Sec. 12-48. Removal required; notice.

(a) The owner of any vehicle described in section 12-47 shall remove the same within seven (7) days after being ordered to do so, in writing, by the owner, lessee or occupant of the premises where the vehicle shall be found. If the owner of any such vehicle is not known or cannot readily be ascertained, notice to remove may be given by attaching such notice to the vehicle. The police department upon request therefor shall assist in ascertaining the name and address of the owner of any such vehicle.

(b) If the owner of such vehicle is also the owner, or occupant of the premises, notice to remove shall be given by the police department.

(c) If such vehicle is on a city street or public highway, forty-eight-hour notice to remove the same shall be given by the police department, provided that the vehicle constitutes a present hazard or unduly obstructs traffic ingress to or egress from private or public property, the same may be removed by the police department without any prior notice.

(d) Any vehicle on premises not owned or occupied by the owner of the vehicle, which is present without the owner or occupants consent, may be deemed to be abandoned.
(Code 1968, § 8-51)

Sec. 12-49. Penalty for failure to remove vehicle.

Any person, firm or corporation required by the provisions of this article to remove any vehicle who shall fail to do so shall be deemed guilty of a misdemeanor punishable as provided in section 1-9.
(Code 1968, § 8-56)

Sec. 12-50. Recovery of removed vehicle; charges.

The owner of any vehicle so removed may regain possession thereof from the city by making application therefor within fifteen (15) days after its receipt by the city, upon paying to the city all reasonable costs of removal, which shall be repaid to the person who paid or incurred such charges, plus an additional charge of twenty-five dollars ($25.00) for storage of the vehicle while in the possession of the city.
(Code 1968, § 8-52)

Sec. 12-51. Sale of vehicle by city; disposition of proceeds.

If no claim for a vehicle described in section 12-50 is made within fifteen (15) days after receipt thereof the city may sell the vehicle for the best price obtainable, as junk or otherwise, and the proceeds thereof shall be available to pay reasonable charges of delivering the same to the city if a claim therefor be made by the person who paid such charges, the expense of keeping and disposing of the vehicle, and any balance shall be paid into the general fund.
(Code 1968, § 8-53)

Sec. 12-52. Liability for damage to vehicle.

Neither the owner, lessee or occupant of the premises from which any vehicle described in section 12-50 shall be removed, his employee or agent, nor the city shall be liable for any loss or damage to the vehicle while being removed, or while in the possession of the city, or as a result of any subsequent sale or other disposition.
(Code 1968, § 8-54)

State law reference—Liability of peace officer who causes motor vehicle to be removed, Code of Ala. 1975, § 32-13-2.

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Chapter 13

OFFENSES—MISCELLANEOUS*

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ARTICLE I. IN GENERAL

Sec. 13-1. State laws adopted.

(a) Any person or corporation committing an offense within the corporate limits of the city, which is declared by a law or laws of the state now existing or hereafter enacted to be a misdemeanor, shall be guilty of an offense against the city.

(b) Any person or corporation committing an offense within the corporate limits of the city, which is declared by a law or laws of the state now existing or hereafter enacted to be a violation, shall be guilty of an offense against the city.

(c) Any person or corporation committing within the corporate limits of the city, an offense as defined by section 13A-1-2 of the Alabama Criminal Code, which offense is not declared by a law or laws of the state now existing or hereafter enacted to be a felony, misdemeanor or violation, shall be guilty of an offense against the city.

(d) Any person found to be in violation of subsections (a) through (c), of this section shall, upon conviction, be punished by a fine of not less than one dollar ($1.00) and/or may be imprisoned or sentenced to hard labor for the city for a period not exceeding six (6) months, at the discretion of the court trying the case. Any corporation found to be in violation of subsections (a) through (c) of this section shall, upon conviction, be punished by a fine of not less than one dollar ($1.00) nor more than five hundred dollars ($500.00) at the discretion of the court trying the case.

(Code 1968, §§ 1-9, 10-1)

State law references—Police jurisdiction to be territory within three (3) miles of corporate limits for cities having 6,000 or more inhabitants, Code of Ala. 1975, § 11-40-10; penalties which may be imposed for violations of ordinances, Code of Ala. 1975, § 11-45-9; definitions relating to Alabama Criminal Code, Code of Ala. 1975, § 13A-1-2.

Sec. 13-2. Disturbing or interfering with religious meeting.

(a) It shall be unlawful for any person to drive any vehicle in any place of religious worship where a service or a meeting is being held, in such a manner as to make a noise that would disturb the congregation, or in any manner interfere with such service or meeting.

(b) It shall be unlawful for any person to use any loud or boisterous language, or make any noise close enough to any place of religious worship at the time a service or a meeting is being held, in such a manner as to disturb or interfere with such service or meeting.

(Code 1968, § 10-3)

Sec. 13-3. Firearms, explosives; discharging.

It shall be unlawful to shoot or discharge any firearm or explosive within the city.

(Code 1968, § 10-4)

Cross reference—Explosives, § 7-156 et seq.

State law reference—Using firearms while fighting in public place, Code of Ala. 1975, § 13A-11-56.

Sec. 13-4. Loud or excessive noise.

It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud or excessive noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the jurisdiction of the city.

In addition to the general prohibition set out above, the following specific acts are declared to be in violation of this article:

(1) It is hereby declared a nuisance and shall be unlawful to operate or play any radio, musical instrument, or similar device, whether from a motor vehicle or by a pedestrian, in such a manner as to be plainly audible to any person other than the player or operator of the device at a distance of ten (10) feet in the case of a motor vehicle or ten (10) feet in the case of a pedestrian.

(2) It is hereby declared a nuisance and shall be unlawful to operate or play any radio, television, phonograph, musical instrument, or similar device which produces or reproduces sound, whether from a business or a residence, in such a manner as to be plainly audible at a distance of fifty (50) feet to any person in a commercial, residential multifamily dwelling, or public place.

(3) Nothing in this section shall be construed to prohibit special performances by a band or orchestra in a hall, building, or in the open air after proper permits have been obtained from the chief of police.

(4) Nothing in this section shall be construed to prohibit the ringing of bells or chimes by churches within the city.

(5) Nothing in this section shall be construed to prohibit any noises or sounds produced by radios, sirens, or other equipment attached to, or being operated by, any police, fire, rescue, or other emergency vehicles or personnel.

(6) Nothing in this section shall be construed to prohibit the conducting of live remote broadcasts by duly licensed radio stations upon business premises, at the request of the owner of the business.

(7) Nothing in this section shall be construed to prohibit the testing, installation and repair of vehicular or other sound systems by a business entity duly licensed for such purpose by the city so long as such testing, installation and repair is accomplished inside a closed building owned or leased by such business on its licensed business premises.

(8) Each violation of any provision of this section shall be a separate offense, and any person who shall violate any provision of this section shall, upon conviction, be punished as provided in section 1-9.

(Code 1968, § 10-6; Ord. No. 1992-11, § 1, 8-3-92; Ord. No. 1996-9, §§ 1, 2, 9-16-96)

Sec. 13-5. Music machines, late hours.

It shall be unlawful to play, or permit to be played, on one's premises any jukebox, Rockola or like mechanical instrument after 11:00 p.m. and before 7:00 a.m. within the city.
(Code 1968, § 10-6)

Sec. 13-6. Peddlers and solicitors going uninvited on private residential property—Nuisance.

The practice of going in and upon private residences in the city by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited to do so by the owner or occupants of such private residence for the purpose of soliciting orders for the sale of goods, wares and merchandise or disposing of, peddling or hawking the same is declared to be a nuisance and shall also be punishable as a misdemeanor.
(Code 1968, § 10-7)

Sec. 13-7. Same—Produce selling excepted.

The provisions of section 13-6 shall not apply to the sale or soliciting of orders for the sale of milk, dairy products, vegetables, poultry, eggs and other farm and garden produce so far as the sale of commodities named herein is authorized by law.
(Code 1968, § 10-8)

Sec. 13-8. Sales on public property.

It shall be unlawful to sell or offer for sale any goods, wares or merchandise on any property that is owned by the city. This section shall not apply to church societies or organizations or to civic organizations or regularly licensed concessionaires acting by and under the authority of the city if permission is first obtained from the council.
(Code 1968, § 10-9)

Sec. 13-9. Sign or bill posting on public or utility-owned property.

It shall be unlawful to post, paste or otherwise to attach any signboard, bill, advertisement or other paper upon a pole erected by a telegraph, telephone, electric light or power company, to any fire alarm pole, to any tree growing on any street in the city, or to any fixed object on city-owned property.
(Code 1968, § 10-10)

Cross reference—Fire prevention and protection, Ch. 7.

Sec. 13-10. Noisy selling or advertising.

(a) It shall be unlawful to ring bells, blow horns, beat drums, or make any other unnecessary or unusual noise offensive to the public in the city for the purpose of attracting attention to sales of goods or advertisements of same. Such acts are declared a nuisance.

(b) It shall be unlawful to allow, permit, authorize or direct such acts to be done on one's premises.
(Code 1968, § 10-12)

Cross reference—Licenses and business regulations, Ch. 10.

Sec. 13-11. Prostitution.

(a) It shall be unlawful for any person in the city to:

(1) Engage in prostitution;

(2) Aid or abet prostitution or frequent the company of prostitutes;

(3) Procure or solicit for purpose of prostitution;

(4) Keep or set up a house of ill fame, brothel or bawdy house;

(5) Receive any person for purposes of lewdness, assignation or prostitution into any vehicle, conveyance, place, structure or building;

(6) Permit any person to remain for the purpose of lewdness, assignation or prostitution in any vehicle, conveyance, place, structure or building;

(7) Lease, rent or contract to lease or rent any vehicle, conveyance, place, structure or building or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited;

(8) Attempt to do any of the acts prohibited by this section.

(b) Any person who shall violate any provision of this section shall, upon conviction, be punished as provided in section 1-9.
(Code 1968, § 10-35)

Sec. 13-12. Public nuisances; abatement or enjoining.

The city may commence an action in the name of the city to abate or enjoin any public nuisance injurious to the health, morals, comfort or welfare of the community or any portion thereof.

Cross reference—Health, Ch. 9.

State law reference—Similar provisions, Code of Ala. 1975, § 6-5-122.

Sec. 13-13. Inappropriate dress for persons in certain public places; public exposure in certain attire prohibited.

(1) When on public property, including, but not limited to, buildings, streets, sidewalks, parking lots or buses in the City of Greenville, all persons shall be dressed so as not to violate the provisions of this section whenever such persons appear in public and in view of other persons.

(2) Pants worn by any person, regardless of age, should be sized appropriately and secured in such a manner so as to prevent the pants from falling more than three (3) inches below the hips thereby causing exposure of the person's skin or the person's undergarments.

(3) Fines and civil penalties; community service:

a. If a juvenile is determined to be in violation of this section, a citation shall be issued to the parent or legal guardian and/or the juvenile. He or she shall be subject to a civil penalty of not less than twenty-five dollars ($25.00) and not more than one hundred dollars ($100.00) for each offense. In addition to the civil penalty, the court may order the parent or legal guardian and/or the juvenile in violation to participate in not less than ten (10) or more than twenty (20) hours of court approved community service.

b. If an adult is determined to be in violation of this section, a citation shall be issued to the person and the person shall be subject to a civil penalty of not less than twenty five dollars ($25.00) and not more than two hundred dollars ($200.00) for each offense. In addition to the civil penalty, the court may order the person to participate in not less than ten (10) nor more than forty (40) hours of court approved community service.

(4) Any person in violation of this section shall be issued a citation and subject to the civil penalties described above. To this end, a violation of this section shall not be deemed a criminal offense; thus, violators shall not be subject to arrest, imprisonment or other criminal penalty for violation of this section.

(Ord. No. 2011-05, 7-11-11)

Secs. 13-14—13-25. Reserved.

ARTICLE II. FAIR HOUSING*

Sec. 13-26. Real estate broker defined.

Real estate broker means any person licensed by the city who sells, rents or leases real estate in the city for residential or commercial purposes.
(Code 1968, § 6-21)

State law reference–Definitions relating to real estate brokers, Code of Ala. 1975, § 34-27-2.

Sec. 13-27. Penalty for violation of article.

The violation of this article shall be punishable as provided in section 1-9.
(Code 1968, § 6-25)

Sec. 13-28. Compliance by out-of-town brokers.

Any real estate broker not licensed by the city who shall exercise any function of a real estate broker within the city shall be deemed a broker hereunder, and subject to all applicable provisions hereof.
(Code 1968, § 6-23)

Sec. 13-29. Unfair practices.

It shall be an unfair housing practice and unlawful for any real estate broker licensed by the city:

(1) To make any distinction, discrimination or restriction against any person in price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any real estate used for residential or commercial purposes in the city, or in furnishing any facilities or services in connection therewith predicated upon race, color, religion, sex, national origin, ancestry or visual or physical disability of the prospective or actual buyer or tenant thereof.

(2) To publish, circulate, issue, display or cause to be published, circulated, issued or displayed any communication, notice, advertisement, sign or writing of any kind relating to the sale, rental or leasing of any residential or commercial real property within the city which would indicate or express any limitation or discrimination in the sale, rental or leasing of such residential or commercial real estate predicated upon the race, color, religion, sex, national origin, ancestry or visual or physical disability of any such prospective buyer, lessee or renter of such property.

***State law references**–Municipal regulation as to housing of different classes of inhabitants in residential districts, Code of Ala. 1975, § 11-52-75; municipal regulation as to housing of mentally retarded or mentally ill persons in multifamily zone, Code of Ala. 1975, § 11-52-75.1; right of physically disabled persons to housing accommodations, Code of Ala. 1975, § 21-7-9; real estate brokers, Code of Ala. 1975, § 34-27-1 et seq.

(3) To refuse to sell, lease or rent real estate for residential or commercial purposes within the city because of the race, color, religion, sex, national origin, ancestry or visual or physical disability of the proposed buyer or renter.

(4) To discriminate or to participate in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any residential or commercial housing unit or housing accommodation of the city because of race, religion, sex, color, or national origin, ancestry or visual or physical disability of such person.

(5) To cheat, exploit or overcharge any person for residential or commercial housing purposes accommodations in the city because of the race, color, religion, sex, or national origin, ancestry or visual or physical disability of such person.

(6) To solicit for sale, lease or listing for sale or lease any residential or commercial real estate within the city on the ground of loss of value due to the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, sex, national origin, ancestry or visual or physical disability of such person.

(7) To distribute or cause to be distributed written material or statements designed to induce any owner of residential or commercial real estate in the city to sell or lease his property because of any present or prospective change in the race, color, religion, sex, national origin, ancestry or visual or physical disability.

(Code 1968, § 6-22)

State law reference—Disciplinary action against real estate brokers, Code of Ala. 1975, § 34-27-36.

Sec. 13-30. Complaints.

(a) Any person aggrieved in any manner by any violation of any provision of this article may file a written complaint setting forth his grievance with the city clerk. Such complaint shall state the name and address of the complainant and of the person against whom the complaint is brought, and shall also state the alleged facts surrounding the violation of this article.

(b) The city police chief is hereby fully authorized immediately to investigate such complaint thus filed. If the police chief determines that the respondent has not engaged in an unlawful practice, he shall state his findings of fact in writing. If the police chief determines after such investigation that probable cause exists for the allegation made in the complaint, the police chief shall notify the proper city official, the mayor, for further legal or conciliatory action.

(Code 1968, § 6-24)

Secs. 13-31—13-45. Reserved.

ARTICLE III. ABATEMENT OF PUBLIC NUISANCES*

Sec. 13-46. Definitions.

For purposes of this article, the following terms are defined as hereinafter set forth, to wit:

Foul water. Water that has an offensive odor, is visibly filled with algae or is polluted with oil or other pollutants.

Front yard. The yard extending across the entire width of the lot between the main building, including covered porches, and the front lot line; or, if an official future street right-of-way line has been established, between the main building including covered porches and the right-of-way line. On corner lots, the narrower side shall be considered the front regardless of the location of the main entrance of the dwelling. Where both frontages of the lot are equal, the front yard shall be considered the side on which the majority of the lot fronts an adjacent street.

Graffiti. Any unauthorized inscription, word, figure, painting, or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to an surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the city council.

Graffiti implement. An aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching, equipment, brush or any other device capable of scarring or leaving a visible mark or sign on any natural or manmade surface.

Improved subdivision. A division of a tract of a land or acreage into tracts or parcels, and the improvement there to by construction of streets, water lines and, where applicable, sewer lines to serve the subdivided property.

Litter. All non-containerized, man-made waste materials including, but not limited to, paper, plastic, garbage, bottles, cans, glass, crockery, scrap metal, construction materials, rubbish, disposable packages or containers.

Mud. A slimy, sticky mixture of soft, wet earth, sand, or dirt.

***Editor's note—**Ord. No. 2015-01, Art. I—VIII, adopted April 13, 2015, repealed the former Art. III, §§ 13-46—13-53, and enacted a new Art. III as set out herein. The former Art. III pertained to trash and debris and derived from Ord. No. 1993-1, §§ 1—8, adopted February 1, 1993.

Cross reference—Tree commission, § 2-8.

State law references—Abatement of nuisances, maintenance of health and cleanliness, Code of Ala. 1975, § 11-47-117 et seq.; power of city to require weeds to be cut, Code of Ala. 1975, § 11-47-140.

Overgrown grass or weeds. Overgrown grass or weeds exist if any of the following conditions are met:

(1) The grass or weeds provide breeding grounds and shelter for rats, mice, snakes, mosquitoes and other vermin, insects and pests;

(2) The grass or weeds are capable of hiding debris, such as broken glass or metal, which could inflict injury on any person going upon the property;

(3) The grass or weeds are unsightly; or,

(4) If not grown as ornamental plant growth, the grass or weeds exceed twelve (12) inches in height.

Trash. All organic material including, but not limited to, tree limbs, tree trunks, wood, building material, dead shrubbery, and grass clippings and leaves, except when prepared as and contained in a compost bin.
(Ord. No. 2015-01, Art. I, 4-13-15)

Sec. 13-47. Overgrown grass and weeds.

(a) *Overgrown grass or weeds prohibited and declared a nuisance.* It shall be unlawful and declared a nuisance and injurious to public health, safety and general welfare for any occupant, owner, lessee, or person in control of any property within the city to allow an abundance of overgrown grass or weeds to exist if any of the following conditions exist:

(1) The grass or weeds provide breeding grounds and shelter for rats, mice, snakes, mosquitoes and other vermin, insects and pests;

(2) The grass or weeds are capable of hiding debris, such as broken glass, or metal, which could inflict injury or any person going upon the property;

(3) The grass or weeds are unsightly; or,

(4) If not grown as ornamental plant growth, the grass or weeds exceed twelve (12) inches in height.

(b) *Exceptions.* The following properties are exempted from the requirements of section (a) hereof.

(1) Any property of more than five (5) acres which is located outside an improved subdivision and the boundaries of which are located six hundred (600) feet from any residential dwelling or commercial building;

(2) Cultivated row crops and garden plants in their respective growing season; however, this exception applies only to growing crops and garden plants, and shall not be construed to permit any crops or gardens to be or to become overgrown with grass and weeds in violation of the remaining terms of this article.
(Ord. No. 2015-01, Art. II, 4-13-15)

Sec. 13-48. Stagnant water.

(a) *Foul water prohibited and declared a nuisance.* It shall be unlawful and is declared a nuisance for any person to allow the accumulation of stagnant or foul water on any property owned, occupied or under said person's control.

(b) *Exceptions.* The following are exempt from the stagnant, but not foul water, requirements of section 13-48(a):

(1) Ponds or lakes that are one-half acre or more in size;

(2) Ponds or lakes that are stocked with fish;

(3) Ponds or lakes that are aerated by some mechanical means;

(4) Tires accumulating water.

(c) *Swimming pools or hot tubs.* It shall be unlawful, between the fifteenth day of April and the fifteenth day of November each year, for any person to allow water to remain in a swimming pool or hot tub on premises owned, occupied or controlled by said person, unless such water is circulating through an operational filtration system and chlorine or another similar chemical treatment are being applied to the water on a regular basis.
(Ord. No. 2015-01, Art. III, 4-13-15)

Sec. 13-49. Repair of motor vehicles in front yard.

It shall be unlawful and is declared a nuisance for any person to restore or repair any motor vehicle in the yard of any residential building including, but not limited to, rental residential buildings, boarding houses and apartment buildings. This provision is not intended to and does not prohibit the performance of regular/preventative maintenance if completed in a timely manner, deemed herein to be seven (7) days.
(Ord. No. 2015-01, Art. IV, 4-13-15)

Sec. 13-50. Litter, trash and junk.

It shall be unlawful and is declared a nuisance for any owner, occupant, lessee, or person in control of any property within the city to allow the accumulation of litter, trash, junk or, if related to construction activity, mud on street.
(Ord. No. 2015-01, Art. V, 4-13-15)

Sec. 13-51. Graffiti.

It shall be unlawful and is declared a nuisance for any owner, occupant, lessee or person in control of any property within the city to apply or to allow or permit graffiti or any natural or manmade surface on any city-owned property or on any non-city-owned property without the permission of the owner, occupant, lessee or person in control of any property.
(Ord. No. 2015-01, Art. VI, 4-13-15)

Sec. 13-52. Abatement of nuisances and assessment procedure.

(a) *Right of entry for inspection.* When the building inspector or his designee believes that a condition prohibited by this article exists, he or she shall have the right to enter the private property in question for the purpose of inspecting the property. Reasonable cause may be established by, but is not limited to, the filing of an oral or written complaint with the city clerk.

(b) *Notice of public hearing to approve abatement and assess costs.*

(1) When a condition prohibited by this article is found to exist on private property within the city, the building inspector shall declare the condition a public nuisance and cause a written notice to be mailed by first class mail to "occupant" at the address of the property upon which the nuisance exists and to the owner of said property as the information is listed in the records of the tax assessor or revenue commissioner. If the property is a vacant lot, written notice will be mailed by first class mail to the owner of said property as the information is listed in the records tax assessor or revenue commissioner.

(2) Said notice shall contain the following:

a. A description of the real property, by street address or otherwise, on which the nuisance exists;

b. A direction to abate the nuisance within ten (10) days from the date of the notice;

c. A description of the nuisance;

d. A statement that unless the nuisance is abated, the city will abate the nuisance and the cost of abatement will be assessed against the property and will be added to the next regular taxes levied against the property;

e. The date of the regularly scheduled city council meeting in which a resolution will be presented to the city council requesting approval of the abatement of the nuisance and authorizing assessment of the cost of abatement;

f. A statement regarding the procedure for filing an objection to abatement of the nuisance and assessment of the cost of abatement against said property;

g. A statement that an administrative fee of one hundred fifty dollars ($150.00) also shall be assessed upon the property if the nuisance is not abated within ten (10) days of the notice to the owner and may be added to the next regular taxes levied against the property; and

h. A statement that failure to abate the nuisance with ten (10) days from the date of the notice may result in criminal prosecution.

(3) In addition, a sign entitled "NOTICE TO ABATE NUISANCE" shall be conspicuously posted on the property where the nuisance exists notifying the owner/occupant that a nuisance exists and that the city will take action to abate said nuisance if the nuisance is not abated within ten (10) days.

(c) *Public hearing and objections to abatement of nuisance.*

(1) Filing of timely objection to condition declared a nuisance.

a. The owner, occupant, lessee or person in control of said property may file an objection to the declaration by the city that the condition constitutes a nuisance by notifying in writing the building inspector at least four (4) business days prior to the date of the regularly schedule meeting of the city council for which the resolution ordering the abatement of the nuisance and assessing the cost of abatement has been scheduled for hearing

b. The owner, occupant, lessee or person in control of said property shall also file the objection to the declaration by the city that the condition constitutes a nuisance by notifying in writing the city clerk's office at least four (4) business days prior to the date of the next regularly scheduled meeting of the city council for which the resolution ordering the abatement has been scheduled for hearing.

(2) The city council shall hear and consider all evidence, objections, and protest regarding whether or not the condition constitutes a nuisance and whether same should be ordered abated or removed. The city council may continue the hearing from time to time. Upon the conclusion of the hearing, the city council shall decide whether a public nuisance exists and, if so, shall order it to be removed or abated with respect to any property or part thereof described. The city council, by passage of the resolution, shall be deemed to have acquired jurisdiction to proceed and to perform or have performed the work of removal or abatement with respect to the property or part thereof. The decision of the city council on the matter shall be deemed final and conclusive.

(3) If a timely objection is not filled with the city clerk or building inspector or if the owner, occupant, lessee or person in control of the property fails to appear at the hearing, no additional public hearing will be held on an individual property and abatement of the nuisance will proceed and cost of the abatement will be assessed. In such instance, the city council shall be deemed to have acquired jurisdiction to proceed and either to have performed the work of removal or abatement with respect to the property or part thereof and the decision of the city council shall be deemed final and conclusive.

(d) *Abatement of nuisance.*

(1) Unless otherwise notified, the designated nuisance abatements agents, who are defined for purposes of this article as persons or entities who are approved by the city to abate nuisances, on file with the city clerk's office, at which the city council authorizes the abatement and removal of a nuisance to identify the property or properties that the council has authorized to be abated.

(2) The nuisance abatement agent shall have ten (10) days to abate the nuisance and fifteen (15) days to submit the bill therefor to the building inspector or city clerk. In special circumstances, the building inspector may grant an extension.

(3) The building inspector has the authority to remove any nuisance abatement agent from the list for non-performance and to authorize city employees to accomplish the abatement, in his sole and absolute discretion.

(4) Any owner, occupant, lessee or person in control of said property shall have the right to have any nuisance abated and removed at his or her own expense providing the removal is done prior to the commencing of the work by the employees or agents of the city to so do.

(e) *Maintaining of nuisance or weeds liens.*

(1) The building inspector shall keep an account of the cost of abating or removing a nuisance where the work is done by a city employee or by a duly authorized nuisance abatement agent, as well as a copy of the lien issue therefor.

(2) The amounts of the cost for abating the nuisance on the various parcels of land mentioned in the report shall hereinafter be referred to as "nuisance or weeds liens," and shall constitute a nuisance or weed lien against the property for the amount of the abatement of said nuisance. After confirmation of the reports, a copy may be given to the appropriate official who is charged with the collection of taxes or assessments. It shall be the duty of said official to add the costs of the respective nuisance or weed liens to the next regular bills for taxes levied against the respective lots and parcels of land subject to each nuisance or weed lien, and thereafter, the costs shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency. In cases where cost for the abatement has been timely paid for by another source, no nuisance or weed lien may be placed against the owner's property.

(3) The city may assess the abatement costs authorized against any lot or lots or parcel or parcels of land purchased by the state or any purchaser at any sale for the nonpayment of taxes and where an assessment is made against a lot or lots or parcel or parcels of land, a subsequent redemption thereof by a person authorized to redeem the sale thereof by the state, shall not operate to discharge, or in any manner affect the nuisance or weed lien for the assessment, but a person redeeming the property or purchaser at a sale by the state of any lot or lots or parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to the assessment, shall pay the same in full.

(f) *Administrative cost of abatement.*

(1) If the nuisance is not abated within ten (10) days of the date of the notice, there shall be an administrative fee of one hundred fifty dollars ($150.00), which shall be added to the actual cost for abatement of the nuisance and shall be included in the amount of the lien filed with the appropriate official who is in charge with the collection of taxes or assessments. The administrative fee shall be assessed against the owner of the property even if the nuisance is not ultimately abated by employees of the city or a

nuisance abatement agent. The city may collect said fee through court action or any other lawful means; however, no lien may be placed against the owner's property solely to recover administrative costs.

(2) If the city initiates the removal and abatement of multiple nuisance conditions on the same property at the same time, only one administrative fee will be assessed.

(Ord. No. 2015-01, Art. VII, 4-13-15)

Sec. 13-53. General provisions.

(a) *Requirements for registration of nuisance abatement agents.* The agent holding the current Magnolia Cemetery mowing and maintenance bid will also be the designated abatement agent for all weed and debris nuisances within the city and be called upon for services as needed.

(b) *Civil recovery of abatement costs.* In addition to the lien assessing such removal or abatement cost against the respective property, the city may elect to recover the cost of abating or removing the nuisance from the owner of the property through a legal action filed in the court of appropriate jurisdiction.

(c) *Prosecution for violations of this article.* A person commits a violation of the provisions of this article, thus becoming subject to the criminal penalties as set forth in the Code of Ordinances, City of Greenville, upon any third or subsequent violation of this article within a twelve (12) month period on any single lot or parcel within the city. The dates of the resolutions passed by the city council authorizing the abatement of said nuisance and costs assessed shall be determinative for purposes of calculating violations of this article within a twelve (12) month period.

(d) *Abatement procedures separate from penalty.* The requirement to abate a nuisance is not a penalty for violating this article but is an additional remedy. Abatement proceedings and prosecution of a violation may occur simultaneously. Neither the initiation of prosecution for violations of this article nor the imposition of a penalty relieves a responsible party of the duty to abate such nuisance.

(Ord. No. 2015-01, Art. VIII, 4-13-15)

Secs. 13-54—13-65. Reserved.

ARTICLE IV. OBSCENE MATTER*

Sec. 13-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Distribute means to transfer possession of, whether with or without consideration.

Knowningly means having actual or constructive knowledge of the character and content of the subject matter. A person has constructive knowledge if a reasonable inspection under the circumstances would have disclosed the nature of the subject matter, and the person failed to inspect it for the purpose of avoiding such disclosure.

Obscene means that to the average person, applying contemporary community standards, the work or matter, taken as a whole, appeals to the prurient interest; the work or matter depicts or describes in a patently offensive way, sexual conduct; and the work or matter, taken as a whole, lacks serious literary, artistic, political or scientific value.

Person means any individual, partnership, firm, association, corporation or other legal entity.

Sadomasochistic abuse mean flagellation or torture by or upon a person undressed or clad in undergarments, a mask or bizarre costume; or the condition of being fettered, bound or otherwise physically restrained on the part of one undressed or so clothed.

Sexual conduct means any act of masturbation, excretory function, homosexuality, sadomasochistic abuse, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic areas, buttocks, or, if such person is a female, her breast, whether or not such conduct is actual or simulated, and lewd exhibition of the genitals.

Work or *matter* means any book, magazine, newspaper or other printed or written material; or any picture, drawing, photograph, motion picture or other pictorial representation or any statue or figure; or any recording, transcription or mechanical, chemical or electrical reproduction, or any other articles, equipment, machines or materials.

State law reference—Definitions relating to obscene matter generally, Code of Ala. 1975, § 13A-12-150.

Sec. 13-67. Penalty upon conviction.

Any person who shall violate any provision of this article shall, upon conviction, be punished as provided in section 1-9.
(Code 1968, § 10-34)

***State law reference**—Obscenity and related offenses, Code of Ala. 1975, § 13A-12-130 et seq.

Sec. 13-68. Sending or bringing into city for sale, distribution.

It shall be unlawful for any person knowingly to send or cause to be sent, or bring or cause to be brought into this city, for sale or distribution, any obscene matter.
(Code 1968, § 10-21)

Sec. 13-69. Publishing, printing, exhibiting, etc.

It shall be unlawful for any person knowingly to publish, print, exhibit, distribute or have in his possession with intent to distribute, exhibit, sell or offer for sale, in the city, any obscene matter.
(Code 1968, § 10-22)

Sec. 13-70. Exhibiting, distributing, selling to minors.

It shall be unlawful for any person, with knowledge that a person is a minor under eighteen (18) years of age, or who, while in possession of such facts that he should reasonably know that such person is a minor under eighteen (18) years of age, knowingly to send or cause to be sent, exhibited, distributed, sold or offered for sale, any obscene matter to any such minor, under eighteen (18) years of age in the city.
(Code 1968, § 10-23)

Sec. 13-71. Employing minors to perform acts.

It shall be unlawful for any person, with knowledge that a person is a minor under eighteen (18) years, or who, while in possession of such facts that he should know that such person is a minor under eighteen (18) years of age, to hire, employ or use such minor to do or assist in the doing of any act described in sections 13-68, 13-69 or 13-70 of this chapter.
(Code 1968, § 10-24)

Sec. 13-72. Writing or creating advertising for.

It shall be unlawful for any person to write or create advertising for, or otherwise promote the sale or distribution of matter represented or held by him to be obscene.
(Code 1968, § 10-25)

Sec. 13-73. Requiring purchasers, consignees to receive.

It shall be unlawful for any person knowingly, as a condition to a sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical, publication or other merchandise, to require that the purchaser or consignee receive any matter reasonably believed by such purchaser or consignee to be obscene, or to deny or threaten to deny a franchise, or to revoke, or threaten to revoke, or to impose any penalty, financial or otherwise, by reason of the failure to accept any such matter.
(Code 1968, § 10-26)

Sec. 13-74. Possession or exhibition by certain persons permitted.

The possession or exhibition forbidden by this article shall not apply to a possession or exhibition by a police officer, sheriff, deputy sheriff or other peace officer, or any person under their supervision and control, or any judge, jury or attache of a court, or any attorney, or any member of the legislative body, municipal, state or federal, when such possession or exhibition thereof is connected with the prosecution or investigation of a violation or possible violation of this article or other law or the consideration of legislation or proposed legislation designed to eliminate or reduce obscenity in any form nor to any possession or exhibition by any person where such possession or exhibition is for a bona fide scientific or educational purpose.
(Code 1968, § 10-27)

Sec. 13-75. Accusing person of violation; testimony, examination.

Any police officer of the city or any other individual who accuses any person of violating any provisions of this article may appear before the district judge and testify under oath to the facts upon which an accusation is based. Such police officer and individual may also offer in evidence before such judge the testimony of any other person on any issue relevant to whether or not the matter involved in the alleged violation is obscene or whether or not the accused person is guilty of any act made unlawful by this article with respect to such matter. All such testimony shall be reduced to writing in the form of affidavits and subscribed and sworn to by the person making the same. The district judge, unless he has already personally examined the matter alleged to be obscene or unless he determines from the affidavit or affidavits that the matter is not obscene or that there is not probable cause to believe that the accused person is guilty of some offense under this article with respect to such matter even if it should be obscene, shall without unnecessary delay personally examine the matter alleged to be obscene if it is available for examination without legal process in the city. The city shall reimburse the judge for any expense of admission, purchase or transportation necessarily incurred by him in such case.
(Code 1968, § 10-28)

Sec. 13-76. Issuance of order to remove; failure to remove.

(a) If the district judge determines from the affidavits and his personal examination of the matter alleged to be obscene that such matter is obscene and that there is probable cause for him to believe that the accused person or persons are guilty of some offense under this article with respect to such obscene matter, the judge shall issue an order directing the chief of police to notify the accused person by written notice served personally upon such accused person, which notice shall properly identify the alleged obscene work or matter and shall give the accused person an opportunity to agree to remove or terminate the alleged obscene work or matter. The issuance of such written notice is mandatory prior to arrest.

(b) If the accused person refuses to agree to behave or terminate the alleged obscene work or matter after proper notice by the chief of police, or if such alleged obscene work or matter is not removed or terminated within a reasonable time after proper notice by the chief of police,

then the chief of police shall so notify the district judge, and the judge shall issue a warrant for the arrest of the person accused of violating a provision of this article and, if the obscene matter is not in the possession of the judge or the police officer or other individual bringing the charge, the judge shall issue a search warrant for the seizure of one (1) copy or item of such matter.
(Code 1968, § 10-29)

Sec. 13-77. Trial for possession, etc.

The case against the person accused of violating a provision of this article and arrested therefor shall be set for trial before the district judge on a certain day not less than two (2) days nor more than four (4) days after the arrest and any seizure of said matter. Said case shall be decided by such judge within three (3) days after all evidence has been heard by him and the case is submitted to him for decision. Such trial shall commence on the day set for trial and shall proceed regularly until the conclusion thereof, except that at the request of or with the consent of the defendant, the judge may grant a continuance thereof.
(Code 1968, § 10-30)

Sec. 13-78. Finding not guilty.

Should the district judge find the defendant not guilty, or if more than one (1) defendant, all such defendants not guilty, he shall immediately order any matter seized returned to the defendant or defendants, or such other person as is entitled thereto.
(Code 1968, § 10-31)

Sec. 13-79. Finding of guilty.

Should the district judge find the defendant guilty and the defendant appeals to the circuit court of the county as provided by law, any matter seized or offered in evidence shall be retained as evidence in the trial on appeal.
(Code 1968, § 10-32)

Sec. 13-80. Provisions deemed cumulative.

The provisions of this article are cumulative in effect and shall not be held to restrict, repeal or limit any other procedure or authority legally provided for or possessed by the district court of the city but shall be construed as an additional procedure available for use by that court.
(Code 1968, § 10-33)

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Chapter 14

PARKS AND RECREATION*

Art. I. In General, §§ 14-1—14-15
Art. II. Conduct in Public Parks, §§ 14-16—14-24

ARTICLE I. IN GENERAL

Sec. 14-1. Enforcement.

The police department of the city may enforce any provision of this chapter.
(Code 1968, § 11½-10)

Secs. 14-2—14-15. Reserved.

ARTICLE II. CONDUCT IN PUBLIC PARKS

Sec. 14-16. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park means a park, reservation, playground, beach, recreation center or any other area in the city, owned, leased or used by the city and devoted to active or passive recreation.

Vehicle means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size or description. Exception is made for baby carriages and vehicles in the service of the city parks.
(Code 1968, § 11½-2)

***Cross references**—Administration, Ch. 2; alcoholic beverages, Ch. 3; animals, Ch. 4; fire prevention and protection, Ch. 7; health, Ch. 9; licenses and business regulations, Ch. 10; motor vehicles and traffic, Ch. 12; solid waste, Ch. 17; subdivisions, App. B; tree commission, § 2-8; emergency powers of mayor, § 2-41 et seq.; sale and consumption of alcoholic beverages in public areas, § 3-3; keeping livestock near public parks and playgrounds, § 4-3 et seq.; parades, § 12-21 et seq.

State law references—Municipal public grounds and parks generally, Code of Ala. 1975, § 11-47-19; exercise of police jurisdiction over parks and application of all city laws and ordinances thereto, Code of Ala. 1975, § 11-47-22; parks, playgrounds and other recreational and athletic areas and facilities, Code of Ala. 1975, § 11-47-210 et seq.; public athletic boards, Code of Ala. 1975, § 11-59-1 et seq.; public park and recreation boards, Code of Ala. 1975, § 11-60-1 et seq.; duty of care owed persons on premises for sporting or recreational purposes, Code of Ala. 1975, § 35-15-1 et seq.

Sec. 14-17. Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-9. (Code 1968, § 11½-11)

Sec. 14-18. Park property generally.

No person in a park shall commit any of the following:

(1) *Buildings and other property.*

a. Wilfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts of appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, other structures or equipment, facilities, park property or appurtenances whatsoever, either real or personal.

b. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five (5) years shall use the restrooms and washrooms designated for the opposite sex.

c. Dig or remove any beach sand, whether submerged or not, any soil, rocks, stones, trees, shrubs or plants, down-timber, other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

d. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, run or string any public service utility into, upon or across such lands, except on special written permit issued under this article.

(2) *Trees, shrubbery and lawns.*

a. Damage, cut, carve, transplant or remove any tree or plant, injure the bark or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.

b. Climb, stand or sit upon monuments, vases, fountains, railings, fences or gun carriages or upon any other property not designated or customarily used for such purposes.

c. Tie or hitch a horse or other animal to any tree or plant.

(3) *Wild animals, birds, etc.*

a. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs, nest or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly reptiles may be killed on sight.

b. Give or offer or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

(Code 1968, § 11½-3)

Sec. 14-19. Sanitation.

No person in a park shall:

(1) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

(2) Have brought in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Code 1968, § 11½-4)

Cross reference—Health, Ch. 9.

State law reference—Discharge of litter and sewage from watercraft, Code of Ala. 1975, § 33-6-1 et seq.

Sec. 14-20. Traffic.

No person in a park shall:

(1) Fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this chapter and other ordinances.

(2) Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.

(3) Drive any vehicle on any area except the paved park roads or parking areas.

(4) Violate any parking restrictions, as follows:

a. Park a vehicle in other than an established or designated parking area and such use shall be in accordance with the posted directions thereat and with the instructions of any park employee who may be present.
b. Full park on the road or driveway at any time. In order to enjoy some special natural scenic feature, vehicles may be parked with the two (2) left wheels near the right edge of the paving for not more than ten (10) minutes. No stopping or parking is permitted even briefly to view activities or athletic events.
c. Leave any vehicle anywhere in the park for more than twenty-four (24) hours, except by special permission, with one (1) or more wheels chained or with the motor set in gears and doors locked or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand.

d. Fail to immediately notify an attendant or park employee of an emergency in the nature of a breakdown requiring the assistance of a towtruck, mechanic or other persons.
e. Double-park any vehicle on any road or parkway unless directed by a park official.
f. Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

(5) Bicycles, motorcycles or other all-terrain vehicles:

a. Ride a bicycle, motorcycle or other all-terrain vehicle on other than a paved vehicular road.
b. Ride a bicycle, motorcycle or other all-terrain vehicle other than on the right-hand side of the road paving as close as conditions permit. Such vehicles shall be kept in single file when two (2) or more are operating as a group. The operators thereof shall at all times operate their machines with reasonable regard to the safety of others and shall signal all turns.
c. Leave a bicycle, motorcycle or other all-terrain vehicle in a place other than a rack when such as provided and there is a space available.
d. Leave a bicycle, motorcycle or other all-terrain vehicle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by it.
e. Ride a bicycle, motorcycle or other all-terrain vehicle on any road between sunset and sunrise in violation of the laws of the state as adopted in section 12-1 of this Code.

(Code 1968, § 11½-5)

Cross reference—Motor vehicles and traffic, ch. 12.

State law references—Power of local authorities to regulate the speed of vehicles in public parks, Code of Ala. 1975, § 32-5-1(e); bicycles, Code of Ala. 1975, § 32-5A-260 et seq.

Sec. 14-21. Recreation activities.

No person in a park shall refrain from heeding the following:

(1) *Bathing and swimming.*

a. Swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person swim, bathe or wade in any waters or places customarily designated for the purpose of swimming or bathing or congregate thereat when such activity is prohibited upon a finding that such use of the water would be dangerous or otherwise inadvisable.
b. Swim, bathe or wade in any waters or places designated for the purpose of swimming or bathing, or congregate thereat except between such hours of the day as shall be designated for such purposes for each individual area.

c. Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there shall be an unobstructed view into said tent, shelter or structure from at least two (2) sides; nor shall any guy wire, rope or extension or exterior brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.
d. Allow himself to be so covered with a bathing suit as to indecently expose his person.
e. Dress or undress on any beach, or in any vehicle, toilet or other place except in such bathing houses or structures as may be provided for that purpose.

(2) *Boating.*

a. Bring into or operate any boat, raft, or other watercraft, whether motor-powered or not, upon any waters, except at places designated for boating. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.
b. Use the public docks for dockage or other purposes without first making arrangements for such accommodation.
c. Navigate, direct or handle any boat in such a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupants of any boat.

(3) *Fishing.*

a. Engage in commercial fishing or the buying or selling of fish caught in any waters.
b. Fish in any waters, whether by the use of hook and line, net, trap or other device except in waters designated for that use and under such regulations and restrictions as have been or may be prescribed.

(4) *Hunting and firearms.* Hunt, trap or pursue wildlife at any time; use, carry or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety or any instrument that can be loaded with any blank cartridges or any kind of trapping device.

(5) *Picnic areas and use.*

a. Picnic or lunch in a place other than those designated for that purpose. Park employees shall have the authority to regulate the activities in such areas and secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
b. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first served," if not previously reserved according to the regulations of the park.
c. Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

d. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(6) *Camping.* Use camp trailers, camp wagons, tents or other types of camping equipment in areas other than those designated as camping areas. All groups must be under adequate supervision.

(7) *Games.* Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and horseshoes is prohibited except on the fields and courts or areas provided therefor. Roller skating shall be confined to those areas specifically designated for such pastime.

(8) *Horseback riding.* Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

(Code 1968, § 11½-6)

Sec. 14-22. Activities generally.

No person in a park shall:

(1) *Fireworks and explosives.* Have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. However, fireworks displays or shows must be authorized by permit granted by the chief of police and the chief of the fire department and under their direct supervision.

(2) *Domestic animals.* Bring a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted In This Area." Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six (6) feet in length.

(3) *Reservation of facilities.* Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated for the use of the opposite sex. Exception is made for children under five (5) years of age.

(4) *Dress.* Appear at any place in other than proper clothing. With the exception of the restricted bathing areas, "properly clothed" shall be construed to prohibit the wearing of trunks or clothing that does not cover the upper portion of the body.

(5) *Alms.* Solicit alms or contributions for any purpose, whether public or private.

(6) *Fires.* Build or attempt to build a fire except in such areas and under such regulations as may be designated. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

(7) *Closed areas.* Enter an area posted as "Closed To The Public," nor shall any person use, or abet the use of any area in violation of posted notices.

(8) *Games of chance.* Gamble or participate in or abet any game of chance.

(9) *Disorderly conduct.* Disturb the peace of others by violent, profane, indecent, offensive or boisterous conduct or language or by conduct calculated to provoke a breach of the peace.

(10) *Exhibit permits.* Fail to produce and exhibit any permit he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(11) *Interference with permittees.* Disturb or interfere unreasonably with any person occupying any area, or participating in any activity, under the authority of a permit.

(Code 1968, § 11½-7)

Cross references—Animals, Ch. 4; explosives and fireworks, § 7-156 et seq.

Sec. 14-23. Merchandising, advertising and signs.

No person in a park shall:

(1) Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is made as to any regularly licensed concessionaire acting by and under the authority and regulation of the council.

(2) Announce, advertise or call the public attention in any way to any article or service for sale or hire.

(3) Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

(Code 1968, § 11½-8)

Cross reference—Licenses and business regulations, Ch. 10.

Sec. 14-24. Park operating policy.

(a) *Hours.* Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information.

(b) *Closed areas.* Any section or part of any park may be declared closed to the public at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses as shall be found to be reasonably necessary.

(c) *Lost and found articles.* The finding of lost articles by park visitors, attendants or park employees shall be reported to the appropriate authority, who shall make every reasonable effort to locate the owners.

(d) *Permission.* Permission shall be obtained from the appropriate authority before participating in a park activity for which a reservation is required.

(1) A person seeking issuance of permission hereunder shall file an application with the appropriate authority. The application shall state:

a. The name and address of the applicant.
b. The name and address of the person, persons, corporation or association sponsoring the activity, if any.
c. The day and hours for which the permit is desired.
d. The park or portion thereof for which such a permit is desired.
e. An estimate of the anticipated attendance.
f. Any other information found reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(2) The appropriate authority shall issue a permit hereunder when:

a. The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
b. The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
c. The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
d. The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the city.
e. The facilities desired have not been reserved for other use at the date and hour required in the application.

(3) Within seven (7) days after receipt of an application the appropriate authority shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within seven (7) days to the council which shall consider the application under the standards set forth in subsection (2) hereof and sustain or overrule the decision within seven (7) days. The decision of the council shall be final.

(4) A permittee shall be bound by all park rules and regulations and all applicable ordinances as fully as though the same were inserted in said permits.

(5) The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(6) The appropriate authority may revoke a permit upon finding of violation of any rule or ordinance or upon good cause shown.

(Code 1968, § 11½-9)

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Chapter 15

POLICE DEPARTMENT*

Art. I. In General, §§ 15-1—15-14
Art. II. Abandoned, Captured or Stolen Property, §§ 15-15—15-20

ARTICLE I. IN GENERAL

Sec. 15-1. Created, chief to direct; composition.

(a) There is created a police department of the city, under the direction and control of a chief of police.

(b) In addition to the chief, the police department shall consist of such number of officers and employees as shall from time to time be employed by the council, which officers and employees shall be under the direct supervision of the chief of police.
(Code 1968, §§ 2-46, 2-47)

Secs. 15-2—15-14. Reserved.

ARTICLE II. ABANDONED, CAPTURED OR STOLEN PROPERTY†

Sec. 15-15. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned property means property which is lost, unclaimed, forsaken, of which there appears to be no apparent owner or to which the owner has relinquished all right, title, claim, interest and possession.

***Cross references**—Administration, Ch. 2; emergency management, Ch. 6; fire prevention and protection, Ch. 7; motor vehicles and traffic, Ch. 12; rescue squad, Ch. 16; emergency power of mayor, § 2-41 et seq.; destruction of domestic animals at large, § 4-9; parades, § 12-21 et seq.

State law references—Chief of police authorized, Code of Ala. 1975, § 11-43-5; establishment, organization, etc., of police force, Code of Ala. 1975, § 11-43-55; civil service merit systems, Code of Ala. 1975, § 11-43-180 et seq.; law enforcement officers generally, Code of Ala. 1975, § 36-21-1 et seq.

†**State law references**—Municipal powers and duties as to taking up and storing abandoned and stolen property, Code of Ala. 1975, § 11-47-116; interference with confiscation of contraband alcoholic beverages, Code of Ala. 1975, § 28-3-19; lost or unclaimed property generally, Code of Ala. 1975, § 35-12-1 et seq.

Captured property means property which is taken into the custody of a police officer in his official capacity.

Custodian of property means those police officers or other employees of the police department of the city who are specifically so designated and assigned, and who, as a part of their regular duties, shall be charged with the responsibility for the care, custody, control and disposition of property in accordance with the provisions of this article.

Property means personal property of any kind whatsoever, including motor vehicles, within the corporate limits or outside the corporate limits.

Stolen property means property which is taken into the custody of a police officer in his official capacity having been seized or obtained by the police department in connection with a criminal investigation and where the property has been taken without permission from its rightful owner or is reasonably believed by the police officer to have been so taken.
(Code 1968, § 2-132)

Sec. 15-16. Purpose.

The purpose of this article is to provide for the taking up, storing and disposition of abandoned, captured and stolen personal property.
(Code 1968, § 2-131)

Sec. 15-17. Receiving, numbering, making permanent record, etc.

It shall be the duty of every police officer or other official or employee of the city to deliver promptly to the custodian of property all abandoned, captured or stolen property, including money, which he may take into his custody, or in the case of vehicles and the like that are nonportable, the means or manner of controlling same, and it shall be the duty of the custodian of property to receive such property. Upon such delivery, the custodian of such property shall execute in duplicate a receipt for such property upon a form describing the same as accurately as possible, which receipt shall be numbered and the duplicate thereof retained by such custodian, and the original thereof turned over to such police officer or other city official or employee. The custodian of property shall attach to such property so received a tag bearing a number corresponding to the number placed on the receipt issued. The custodian of property shall keep such property safely in a place provided by the city therefor, which place shall be suitable for storage and which shall protect the property from deterioration. The custodian shall keep such place locked and no person other than the custodian shall have access thereto, unless accompanied by the custodian, provided that when necessary, property shall be released to authorized officials, in accordance with procedures to be established by the chief of police, for its use in a criminal investigation or as evidence in legal proceedings. The custodian shall maintain and keep in his office a permanent record showing the date of the taking of each item of such property, the place where found and taken and a description of the property.
(Code 1968, § 2-133)

Sec. 15-18. Delivery to rightful owner.

(a) Any abandoned, captured or stolen property other than property being held as evidence in any legal proceeding, pending or contemplated, and other than property subject to condemnation or forfeiture under the laws of the state or under the provisions of this Code or other ordinances of the city, shall become subject to demand of the rightful owner thereof for its return upon the date or receipt thereof by the custodian of property. Any abandoned, captured or stolen property being held as evidence in any legal proceeding, pending or contemplated, other than property subject to condemnation or forfeiture under the laws of the state or under the provisions of this Code or other ordinances of the city, shall become subject to demand of the rightful owner thereof for its return upon the date of final termination of such legal proceeding.

(b) The custodian of property shall deliver any property received by him as such custodian of property to the rightful owner upon demand made after such property has become subject to demand therefor within the terms of this article and before sale thereof as provided in the following sections of this article.

(c) Upon and at the time of delivery by the custodian of property to the rightful owner thereof, the custodian of property shall take the receipt of such owner for the property so delivered upon the duplicate receipt of the custodian for such property or upon a paper annexed to such duplicate receipt. Such receipt of the owner shall show the day on which such delivery was made, the name and address of the person to whom such property was delivered, a brief description of the property delivered, and a number corresponding to the number of the original receipt of the custodian covering such property.
(Code 1968, § 2-134)

Sec. 15-19. Sale—Generally.

At least every six (6) months, any property, other than property subject to condemnation or forfeiture under the state law, or under the provisions of this Code or other ordinances of the city, which shall have been taken up and stored and shall have remained in the custody of the custodian for a period of three (3) months or more, shall be sold by the city clerk at the direction of the police chief at public auction to the highest bidder for cash. Such sales shall be made only after the notice of the time and place thereof shall have first been given by publication of notice once a week for two (2) successive weeks in a newspaper of general circulation published in the city. The first publication of notice shall be at least twenty (20) days before the sale. The rightful owner of any of the property taken up and stored may redeem the same at any time prior to its sale by paying the reasonable expense of taking the property in charge, its maintenance and storage, and a pro rata share of the cost of publication. Each article of property shall be sold separately and a notation in the permanent record kept by the custodian of property shall be made of the amount received for each article. The person conducting the sale shall have the right to reject any and all bids if the amount bid is unreasonably low, and shall have the right to continue the sales from time to time if no bidders are present. In the event that no bids are received, or the bid is rejected as being unreasonably low, or that the city desires to purchase the article, then and in such event the

purchasing agent of the city shall be permitted to bid and shall have the right to bid a reasonable amount on behalf of the city and the property shall then be sold to the city if its bid be the highest, provided that the purchasing agent shall make no single purchase on behalf of the city hereunder where the purchase price amounts to five hundred dollars ($500.00) or more without prior approval of the council. The proceeds of the sale shall be paid into the general fund of the city after deducting and paying any and all expenses incurred in the taking up, maintaining, storing and selling of the property. Where the property is money, no sale or publication shall be required and if such money is not claimed by the rightful owner thereof within six (6) months after its receipt by the custodian or if the same is being held as evidence beyond six (6) months, then at the conclusion of all trials and appeals, the same shall be paid into the general fund of the city.
(Code 1968, § 2-135)

Sec. 15-20. Same—Perishable property.

In all cases of perishable property it shall be the duty of the custodian of property to report the same as soon as possible to the police chief, who then shall have the power, in his absolute discretion, to order such property sold at once without notice at public or private sale. In such event, the proceeds of such sale shall be held by the city clerk for the account of the rightful owner of such perishable property. The city clerk shall pay over to the rightful owner of such perishable property the amount of the proceeds of the sale, less expenses of the sale, if such owner shall demand the same within six (6) months from the date of the sale and if not called for within that period of time, the same shall be paid into the general fund of the city.
(Code 1968, § 2-136)

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Chapter 16

RESCUE SQUAD*

Sec. 16-1. Created.

There is hereby created the Butler County Rescue Squad, to be made up of volunteers, each member to serve for an indefinite term, so long as he abides by the rules and regulations set up by the board of directors of the county rescue squad.
(Code 1968, § 2-116)

State law reference—Membership in Alabama Association of Rescue Squads, Inc., Code of Ala. 1975, §§ 32-6-170, 32-11-1.

Sec. 16-2. Election of officers, promulgating rules and regulations.

The county rescue squad shall elect the officers of the rescue squad and shall make such rules and regulations regarding the selection of new members, and the method of operation of the organization as it shall see fit, subject to the approval of the mayor and council.
(Code 1968, § 2-118)

Sec. 16-3. Function.

The purpose of the county rescue squad shall be to render aid and assistance to injured persons and those in distress and generally to assist in law enforcement and other activities necessary or helpful to the public welfare.
(Code 1968, § 2-119)

Sec. 16-4. Cooperation with other agencies, methods of supporting.

The county rescue squad shall at all times cooperate with the city fire department, police departments and all other law enforcement departments of the Cities of Greenville, Georgiana, McKenzie, of the county and the state in the carrying on of its work. The members of the rescue squad shall serve without compensation. The organization shall be supported by contributions in the purchase of equipment and payment of the costs of operation of such squad.
(Code 1968, § 2-120)

Sec. 16-5. Declared to have governmental function.

The county rescue squad is declared to be carrying on a governmental function in the carrying out of its duties to rescue or aid in the rescuing of persons involved in accidents, drownings or injuries through storms or other acts of God.
(Code 1968, § 2-121)

***Cross references**—Administration, Ch. 2; emergency management, Ch. 6; fire prevention and protection, Ch. 7; flood damage prevention, Ch. 8; health, Ch. 9; licenses and business regulations, Ch. 10; motor vehicles and traffic, Ch. 12; police department, Ch. 15.

State law references—Vehicle license tags or plates for members of volunteer rescue squads, Code of Ala. 1975, § 32-6-170 et seq.; exemptions from certain motor vehicle charges, Code of Ala. 1975, § 32-11-1 et seq.; use of public funds or property by voluntary nonprofit rescue squads, Code of Ala. 1975, § 41-4-33.2.

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Chapter 17

SOLID WASTE*

Art. I. In General, §§ 17-1—17-15
Art. II. Collection and Disposal of Refuse, §§ 17-16—17-33

ARTICLE I. IN GENERAL

Secs. 17-1—17-15. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL OF SOLID WASTE†

Sec. 17-16. Definitions.

The following terms shall have the meanings respectively ascribed to them:

Commercial establishment means any business located within the city which generates less than one hundred eighty (180) gallons of solid waste per week.

Department means the sanitation department of the city.

Dumpster means a large, heavy duty steel container equipped with a lid, and designed to contain solid waste and which can be lifted and dumped by hydraulic dumping units on standard refuse packer vehicles.

Garbage means all putrescible waste accumulations of animal, fruit, or vegetable matter that attend the preparation, use, cooking, dealing in or storage of meat, fowl, fish, fruits or vegetables and all tin cans or other containers originally used for foodstuffs.

***Cross references**—Administration, Ch. 2; buildings, Ch. 5; fire prevention and protection, Ch. 7; health, Ch. 9; licenses and business regulations, Ch. 10; motor vehicles and traffic, Ch. 12; parks and recreation, Ch. 14; streets and sidewalks, Ch. 18; utilities, Ch. 20; rat control, § 9-2; junk dealers, § 10-41 et seq.; refuse disposal in mobile home parks, § 11-9; junked or abandoned vehicles, § 12-46 et seq.; abandoned property, § 15-16 et seq.

State law references—Municipal incinerators, hauling and disposal of garbage and trash, fees, Code of Ala. 1975, § 11-47-135; solid waste generally, Code of Ala. 1975, § 22-27-1 et seq.; methods of local wastes collection and disposal, Code of Ala. 1975, § 22-27-3; mutual agreements or contracts for solid wastes disposal, Code of Ala. 1975, § 22-27-5; hazardous wastes management, Code of Ala. 1975, § 22-30-1 et seq.

†**Editor's note**—Ord. No. 1992-8, adopted March 16, 1992, repealed Ch. 17, Art. II, §§ 17-16—17-35 in its entirety and enacted a new Ch. 17, Art. II, to read as herein set out. Former Ch. 17, Art. II, pertained to the collection and disposal of refuse and derived from Code 1968, § 4-8; Ord. No. 1985-1, §§ 1—20, adopted Feb. 18, 1985; Ord. No. 1987-13, §§ 1—5, adopted Oct. 20, 1987, Ord. No. 1988-3, §§ 1, 2, adopted Feb. 15, 1988; Ord. No. 1990-3, § 1, adopted April 2, 1990, and Ord. No. 1992-3, § 1, adopted Jan. 27, 1992.

Mini-can means a thirty (30) gallon capacity, polyethylene wheeled container equipped with a lid and handle and provided by the city for the storage and collection of solid waste.

Person means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, business, and any other entity recognized by law.

Premises means any dwelling, flat, rooming house, apartment house, hospital, school, hotel, club, restaurant, boarding house, mobile home or recreational vehicle park, eating place, shop, church, place of business, manufacturing establishment, courthouse, jail, city hall, post office, or other building and the grounds surrounding the same.

Residence means single-family dwellings, duplexes, apartments, mobile home parks, townhouses and condominiums. Office buildings located within apartment complexes, townhouses and condominiums shall not be considered a residence.

Residential solid waste: means solid waste generated by the occupants or those in control of a residence.

Roll-out container means a polyethylene wheeled container equipped with a lid and a handle and provided by the city for the temporary storage and collection of solid waste.

Rubbish means all nonputrescible waste, consisting of both combustible and noncombustible waste, such as paper, cardboard, glass, crockery, excelsior, cloth and similar materials.

Sanitary landfill means a place for dumping or depositing of solid waste and operated by the city or by the city's third party contractor.

Solid waste means garbage, trash and rubbish as defined herein, dead animals, refuse and any other waste material or substance.

Third party contractors means persons to whom the city has granted a non-exclusive franchise or otherwise contracted with for the purpose of the collection and/or the disposal of solid waste within the city, including persons authorized by the city to collect and dispose of solid waste from commercial establishments.

Trash means leaves, yard clippings, limbs, debris from pruning or processing plants; also, something of little or no value such as junk or rubbish. (Ord. No. 1992-08, § 1, 3-16-92)

Sec. 17-17. Collection and disposal service established; frequency of collection.

There is hereby established in the city a solid waste collection, hauling and disposal service, to be operated by the department or an authorized third party contractor. The collection, hauling and disposal of solid waste shall be made not less frequently than once each week in residential areas and as necessary or required, except on Sundays, in all business areas, and the charges hereby imposed are based on such periodic collection, hauling and disposal.

Collection schedules shall be published periodically by the city and are subject to change due to legal holidays, weather conditions, or other circumstances deemed by the city to justify such change. (Ord. No. 1992-08, § 1, 3-16-92)

Sec. 17-18. Convenient and safe access to be provided.

Commercial establishments must provide an easy, convenient and safe access for the department to collect the establishment's solid waste and where commercial collections are made from private alleys and access ways, such approaches shall be maintained so as not to be an impediment and/or a hazard to collection personnel or equipment. Failure to comply with this provision will constitute a reason for denial of service or if service has been granted already, to be discontinued until such time as such condition is corrected.
(Ord. No. 1992-08, § 1, 3-16-92)

Sec. 17-19. Disposal of solid waste by occupants of single-family dwellings, duplexes, townhouses, condominiums, mobile home parks and apartments.

(a) *Disposal of garbage and rubbish in residential areas:* The city will provide to each residence a roll-out container and those persons occupying the residence are responsible for cleaning and keeping the container clean. Further, the manager of apartment complexes shall be responsible for overseeing that persons occupying an apartment are responsible for the cleanliness of the container. In order for solid waste to be collected by the department, the roll-out container must be placed at the curbside, or other pick-up point agreed to by the department, no sooner than the evening prior to the scheduled time of pick-up and removed no later than 7:00 p.m. on the day of pick-up. The city will be responsible for repair or replacement of roll-out containers damaged or stolen through no fault of the occupants of the residence or their guests, licensees and invitees. Upon written proof of disability from a medical doctor to the effect that because of health, age, disability or other reason, no occupant of the residence is physically able to place the roll-out container or mini-can at curbside, the department will collect such solid waste from roll-out containers or mini-cans placed near the back or other suitable entrance of such residence at the specific place acceptable to the department. Department personnel are not allowed to enter residences or buildings for the purpose of the collection of solid waste. A special exception shall be granted to disabled and/or handicapped individuals who submit a doctor's verification of the disability. Forms for this verification shall be provided by the city.

(b) *Disposal of trash in residential areas:*

(1) All leaves, grass clippings and pine straw shall be separated from limbs, twigs and other trash and rubbish and placed in orderly piles within six (6) feet of the curb or the edge of the street, road or highway adjacent to the residence. However, in no event shall such trash be placed or allowed to fall into the road or gutters.

(2) Brush, tree trunks, limbs not exceeding six (6) inches in diameter and eight (8) feet in length and miscellaneous light rubbish such as boards, metal tubing, etc., which does not exceed eight (8) feet in length and more than one-half (½) department truck load in volume will be collected by the department if the same is placed adjacent to the curb, but not in the road or gutters.

(3) Brush, tree trunks and limbs which exceed six (6) inches in diameter or eight (8) feet in length and all appliances, furniture and miscellaneous rubbish and trash, other

than leaves and grass clippings, which exceeds one-half (½) department truck load in volume will require special handling for curbside pick-up from residences and the following charges will be made by the city for such services:

(1) Up to one department truck load—Seventy-five dollars ($75.00);

(2) Each additional department truck load or portion thereof—Seventy-five dollars ($75.00) per load or portion thereof.

Arrangements for this service may be made by calling the department. The service fee will be added to the customer's monthly solid waste bill.

(4) All sanitary pads, disposable diapers and other materials used in the care of infants, convalescents, or bedridden persons shall be placed in plastic, sealed, airtight bags and placed in roll out containers for collection.

(5) The owner of a vacant lot or unoccupied building is responsible for the removal of solid waste therefrom.

(6) Multifamily dwellings with seven (7) or more units are classified as commercial establishments. In special circumstances, where commercial service cannot be logically provided for such multifamily units, the department may authorize residential service thereto.

(7) Solid waste collection service will not be provided by the department outside the city limits.

(Ord. No. 1992-08, § 1, 3-16-92; Ord. No. 1994-12, §§ 1, 2, 9-19-94; Ord. No. 2009-08, § 1, 9-28-10)

Sec. 17-20. Commercial solid waste service.

(a) Commercial solid waste exceeding one hundred eighty (180) gallons of garbage will be provided service by third party contractors. The city shall provide service for commercial solid waste of less than one hundred eighty (180) gallons per week.

(b) All solid waste generated by commercial establishments must be placed inside the containers provided therefor by the city or by the third party contractor, as the case may be, and it shall be unlawful to deposit such solid waste in residential or other containers. However, rubbish generated by commercial establishments and placed beside the container such as boxes, cartons, or crates must be broken down and securely tied in bundles not exceeding fifty (50) pounds in weight or four (4) feet in dimension.

(Ord. No. 1992-8, § 1, 3-16-92; Ord. No. 1994-12, § 3, 9-19-94)

Sec. 17-21. Scavenging and unauthorized collection prohibited.

Scavenging of solid waste from city or third party contractor-owned, controlled, or authorized roll out containers, dumpsters, receptacles and from the city landfills is strictly

prohibited. No person or organization may operate a curbside or commercial recycling program within the city limits without the express permission of the city council. Violation of this article is punishable on conviction as follows:

(1) First offense: A fine of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00).

(2) Second offense: A fine of not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00).

(3) Third or subsequent offense: A fine of not less than three hundred dollars ($300.00) nor more than five hundred dollars ($500.00).

Sec. 17-22. Charges—General.

Unless otherwise specified herein, the following charges shall be paid to the city for collecting, hauling and disposing of residential and commercial solid waste collected by the city. Any exception and unspecified condition not contained herein shall be brought before the city council at a regular or special called meeting for their consideration:

(1) *Regular service.* Fourteen dollars ($14.00) per month shall be charged for each 90/95-gallon roll-out container plus an additional fourteen dollars ($14.00) per month for a second roll-out container if the requirement of an additional container is deemed necessary by the sanitation department or if the customer requests more than one container. In no event shall more than two (2) roll-out containers be provided for any residence or commercial establishment.

(2) *Mini-can service.* Nine dollars ($9.00) per month, provided that no more than thirty (30) gallons of garbage and trash may be generated for disposal each week and no more than one (1) mini-can, or a required replacement thereof, will be provided. Application forms for this service will be provided by the city.

(3) *Special rates for limited service under unusual conditions* not otherwise mentioned in this article or any exceptions may be established by the council on a case-by-case basis. The matter shall be placed on the agenda of the city council meetings.

(4) *Residents whose only source of income is social security or SSI benefits.* In accordance with Alabama law, service shall be provided at no charge to those residences where the only income received by the occupants of such residence is social security payments or supplemental security income payments from the United States of America. Residents receiving such service at no charge must file a "Waiver of Residential Solid Waste Charges" form with the city clerk. All waivers must be renewed with the city clerk on a quarterly basis; a new waiver must be filed at any time there is a change in residential status (i.e., change in income, change of residential address, etc.)

(5) *Miscellaneous charges.*

a. Seventy-five dollars ($75.00) shall be charged for the willful and/or careless destruction of any solid waste container or use of the container in any way that causes the container to be inaccessible for the collection of trash.

b. A twenty-five dollar ($25.00) "re-can" fee shall be charged in each instance when a solid waste container is removed from a residence by the city due to suspension of service to a delinquent customer, then re-issued to the customer upon payment of past due account and reinstatement of garbage service.

c. Customers requesting the sanitation department to clean their solid waste containers will be charged a fifteen dollar ($15.00) steam cleaning fee for each instance the container is picked up, cleaned and returned to the customer.

(Ord. No. 1992-8, § 1, 3-16-92; Ord. No. 1994-11, § 1, 8-15-94; Ord. No. 1994-12, § 4, 9-19-94; Ord. No. 2003-01, § 1, 1-13-03; Ord. No. 2009-08, § 2, 9-28-10; Ord. No. 2013-08, § 1, 10-7-13)

State law reference—Attorney general opinions, Code of Ala. 1975, §§ 22-27-3, 22-27-5.

Sec. 17-23. Same—Landfills; regulations.

(a) *Operation; purpose; prohibited materials:* The city operates a landfill for the disposal of inert waste by the city, by third party contractors, and by others authorized by the department and by the city, the county or the state. No toxic materials, hazardous or infectious waste dead animals or free liquids will be disposed of in any landfill or in any dumpster, roll out container or receptacle owned, operated or authorized by or within the city.

(b) *Charges—City sanitation service subscribers.* There shall be no charge required for inert waste brought to the landfill for disposal by the person generating such waste, provided such waste in its entirety is generated from within the corporate limits, and such was generated by a subscriber to the city sanitation department collection services. Such free dumping will be allowed only for pick up truck or smaller loads, and will not apply to commercial or construction-type refuse and/or debris.

In order for subscribers to the city garbage service to dump free at the landfill, they must present to the landfill attendant a current receipt of payment for city garbage services prior to dumping. In addition, a current driver's license or other valid ID card must be presented to identify such person as the citizen paying for the garbage services outlined on the utility bill presented to the landfill attendant.

(c) *Charges—Nonsubscribers, large loads, commercial loads.* Charges for dumping inert materials in the city's landfill are established as follows:

Pickup truck loads, each	$15.00 per load
Eight-foot trailer (Pickup truck capacity)	15.00 per load
Loads on pickup trucks equipped with riser bodies	25.00 per load
Twelve-foot trailer	25.00 per load

One-ton truck	30.00 per load
Sixteen-foot trailer	35.00 per load
One and one-half (1½) to two-ton single axle truck	35.00 per load
One and one-half (1½) to two-ton tandem axle truck	40.00 per load
Tri-axle (three-axle) truck	100.00 per load
Tractor trailers	150.00 per load
Packer trucks	150.00 per load

All persons entering the city landfill property are required to follow department instructions and to abide by the department's landfill policies. Inert waste will be dumped only where directed by landfill attendants. Children less than sixteen (16) years of age must remain inside the vehicle which transported such children to the landfill property at all times while such vehicle is on landfill property.

All loads of inert waste arriving at the landfill must be covered or secured in such a way as to prevent loss of litter therefrom. Offenders may be charged a fee equal to twice that which would be normally charged.
(Ord. No. 1992-8, § 1, 3-16-92; Ord. No. 1994-12, § 5, 9-19-94; Ord. No. 2009-08, § 3, 9-28-10)

Sec. 17-24. Collection service; payment of bills.

(a) The water works and sewer board of the city is hereby designated as the agent of the city for collection of all fees for solid waste services rendered by the city and shall remit the same to the city clerk periodically as collected.

(b) All bills for solid waste services shall be rendered on a monthly bill submitted to customers by the water works and sewer board of the city. Each bill shall be due on the first day of each month and shall have the same delinquent policy as the water works and sewer board prescribes to water accounts.

(c) Failure of the customer to pay the fees charged for solid waste services provided by the city within twenty (20) days after the due date shall result in suspension of services to such customer and removal of the roll out containers provided to the customer by the city.
(Ord. No. 1992-08, § 1, 3-16-92)

Sec. 17-25. Dumping garbage in other than designated containers or authorized sanitary landfills.

(a) No person may place solid waste in any container which is owned, controlled or authorized by the city unless that container is assigned to such person's residence or business or is provided by the city or its third party contractors for use by the general public.

(b) Residential solid waste may not be placed in dumpsters or other containers unless that dumpster or other container is provided by the city or its third party contractors for the specific use of the residents of multi-family complexes, townhouses, condominiums, mobile home or recreational vehicle parks at which such dumpster or container is placed.

(c) No person may dump solid waste on his or her property without first obtaining a permit from the city.

(d) Violation of the provisions of this section will be punishable on conviction as follows:

(1) *First offense:* A fine of not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00);

(2) *Second offense:* A fine of not less than two hundred dollars ($200.00) nor more than four hundred dollars ($400.00);

(3) *Third of subsequent offense:* A fine of not less than three hundred dollars ($300.00) nor more than five hundred dollars ($500.00).
(Ord. No. 1992-08, § 1, 3-16-92)

Sec. 17-26. Commercial establishments not to sweep solid waste into streets or curblines.

It shall be unlawful to sweep, push or otherwise cause or allow solid waste to be placed onto the curbline or into streets of the city.
(Ord. No. 1992-08, § 1, 3-16-92)

Sec. 17-27. Unauthorized removal of solid waste, garbage, etc., from containers.

It shall be unlawful for any person to remove solid waste from any dumpster, roll out container or other container within the city, or police jurisdiction of the city, except under the order of an officer, agent or employee of the department or of some other person authorized by the department, the city or the city's third party contractors.
(Ord. No. 1992-08, § 1, 3-16-92)

Sec. 17-28. Fence companies, tree trimming companies and persons, tree surgeons, pulpwood contractors, nurseries and landscape contractors to remove debris upon completion of work.

Fence companies, tree trimming companies and persons, tree surgeons, pulpwood contractors, nurseries and landscape contractors or any individual or company doing such work, shall remove and properly dispose of all trash and rubbish resulting from such work immediately upon completion of such work.
(Ord. No. 1992-08, § 1, 3-16-92)

Sec. 17-29. Removal of dead animals; removal of animal waste.

(a) Dead animals weighing not more than fifty (50) pounds will be removed from residences by the department's dead animal crew Monday through Friday, 7:00 a.m. to 3:00 p.m. Dead animals weighing more than fifty (50) pounds shall be removed by the owner of the property upon which such animal is found within twelve (12) hours after the death of or discovery of the dead animal. It shall be unlawful for any person to throw or put any dead animal into the streets, lanes, alleys, parkways or rights-of-way in the city. This section shall not apply to dead animals buried in accordance with Alabama Health Department regulations by the property owner within the boundaries of his property.

(b) Those commercial establishments which treat, handle, keep or dispose of animals shall remove all dead animals from its premises and deliver same to any approved solid waste facility. This section shall not apply to commercial establishments operating pet cemeteries in accordance with Alabama Health Department regulations.

(c) Domestic animal waste must be placed in sealed, airtight bags and then into a roll out container for removal. Failure to do so can result in suspension of services by the department.
(Ord. No. 1992-08, § 1, 3-16-92; Ord. No. 1994-12, § 7, 9-19-94)

Sec. 17-30. Removing, defacing or interfering with use of public solid waste receptacles.

(a) Unless authorized by the city or by the city's third party contractors, it shall be unlawful for any person to remove or cause to be removed from any street or sidewalk in the city any solid waste container furnished by the city or by the city's third party contractors.

(b) It shall be unlawful for any person to sit upon, deface, mar, damage or destroy any solid waste container or to cause the same to be used in any way which will make the container inaccessible for the receipt of trash.

(c) It shall be unlawful for any person to place, store, or cause to be placed or stored any solid waste near any solid waste container in such manner as to interfere with or preclude the use of any such container for the purpose which it is intended to serve.
(Ord. No. 1992-08, § 1, 3-16-92)

Sec. 17-31. Third party contractor franchise fee and permit fee for commercial establishments.

The city may issue solid waste disposal franchises to all qualified persons for the purpose of the removal of solid waste from commercial establishments within the corporate limits of the city. The fee for issuance of such franchise shall be two hundred fifty dollars ($250.00) annually. The terms and conditions of the franchise agreement shall be determined by the city and shall comply with the Solid Waste Disposal Act, Section 22-27-1, et seq., 1975 Code of Alabama, as amended. In addition, the city may issue a permit to any commercial establishment which desires to dispose of its solid waste if such commercial establishment has obtained an appropriate certificate from the Butler County Health Department, has filed proof with the city of a plan which will comply with the Alabama Solid Waste Disposal Act, as amended, and has paid a two hundred fifty dollar ($250.00) permit fee to and obtained a permit from the city.
(Ord. No. 1992-08, § 1, 3-16-92)

Sec. 17-32. Department to establish rules and regulations.

In order to fully implement the terms and provisions of this article, the city council is authorized, empowered and directed to make all such responsible rules and regulations as may be necessary.
(Ord. No. 1992-08, § 1, 3-16-92)

Sec. 17-33. Punishment for violation.

Unless otherwise established herein, any violation of this article shall be punishable on conviction as set out in section 1-9 of this Code of Ordinances.
(Ord. No. 1992-08, § 1, 3-16-92)

[The next page is 1001]

Chapter 18

STREETS AND SIDEWALKS*

Art I. ***In General, §§ 18-1—18-20***
Art. II. **Naming Streets, Roads and Property Addresses, §§ 18-21, 18-22**

ARTICLE I. IN GENERAL

Sec. 18-1. Draining oil or water on streets by filling stations.

All operators of establishments in the city serving the public by draining crankcases of motor vehicles of lubricating oils or by washing motor vehicles shall dispose of all refuse and discarded oil and of the water used in washing such vehicles otherwise than by permitting the same to flow or be deposited upon any public street or alley of the city. All automobile dealers and operators of garages, filling stations and like establishments, their agents or employees, shall be responsible for the disposition of such oils or water into storm sewers, covered ditches or suitable containers so as to prevent the disposition of such liquids upon any pavement or other portion of any public street or alley in the city.
(Code 1968, § 12-2)

Sec. 18-2. Paving sidewalks, permit, specifications as required.

No sidewalk, curbing, or gutter of cement, brick or other permanent material, shall be laid or built in the city unless laid or built with the approval of the city engineer, and according to specifications which shall be approved by the city engineer.
(Code 1968, § 12-3)

Sec. 18-3. *Obstructing streets and sidewalks.*

It shall be unlawful to place, keep or maintain on any street or sidewalk of a street in the city, any goods, wares, merchandise, vehicles, implements, or other articles of any kind that may obstruct such street or sidewalk of a street or interfere with the free use thereof by the

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***Cross references**—Administration, Ch. 2; tree commission, § 2-8; emergency powers of mayor, § 2-41 et seq.; sale and consumption of alcoholic beverages in public area, § 3-3; buildings, Ch. 5; vending meat and fish on streets, § 9-1; licenses and business regulations, Ch. 10; mobile homes, Ch. 11; motor vehicles and traffic, Ch. 12; parks and recreation, Ch. 14; utilities, Ch. 20; subdivisions, App. B.

State law references—Power of city to provide for lighting, sprinkling and cleaning of streets, Code of Ala. 1975, § 11-47-18; public improvements and assessments generally, Code of Ala. 1975, § 11-48-1; municipal powers as to streets, highways, railroad bridges, ferries, etc., Code of Ala. 1975, § 11-49-1 et seq.; highways, roads, bridges and ferries generally, Code of Ala. 1975, Title 23; public works, Code of Ala. 1975, Title 39.

public. However, this section shall not be construed to prevent the temporary use of the streets or sidewalks of streets for the shipping or receiving of goods or commodities, provided sufficient passageway is at all times left for pedestrians.
(Code 1968, § 12-4)

Sec. 18-4. State highway department standards for accommodating utilities on highway rights-of-way adopted.

(a) The city has heretofore granted or may grant to certain utilities the right to locate facilities upon, across, under and along the public roads and streets under the jurisdiction of the city.

(b) The city reserved the right to approve the place of location and the manner of locating utility facilities on public roads and streets under the jurisdiction of the city.

(c) It has become necessary for the city to adopt certain standards for accommodating utilities on roads and streets of the city that have or will involve the expenditure of state or federal highway funds in order to qualify for any future state or federal aid road and street benefits.

(d) The council hereby formally adopts the state highway department standards for accommodating utilities on highway rights-of-way as standards (as written and any future amendments thereto) for use by the city for accommodating utilities on roads and streets under the jurisdiction of the city on those roads and streets that have or will involve the expenditure of state or federal highway funds.
(Code 1968, § 12-5)

State law references—Public utility corporations contracting with local authorities for use of street, etc., Code of Ala. 1975, § 10-5-14; digging up state-controlled roads for utilities, compliance with state regulations, Code of Ala. 1975, § 23-1-4.

Secs. 18-5—18-20. Reserved.

ARTICLE II. NAMING STREETS, ROADS AND PROPERTY ADDRESSES*

Sec. 18-21. Street naming regulations.

(a) The term "street" and other terms will be defined as shown in the subdivision regulations of the city [Appendix B of this Code].

(b) Assignment of actual street names. The naming of streets within the city limits will be the responsibility of the Butler County Emergency Communication District.

***Editor's note**—Ord. No. 1996-5, adopted Apr. 15, 1996, did not specifically amend the Code; hence, inclusion of §§ 1 and 2 of such ordinance as art. II, §§ 18-21 and 18-22 was at the discretion of the editor.

Cross reference—Subdivision regulations, App. B.

All street names will be assigned by voter district and public meetings will be held for each district requesting the attendance of council member of said district, postal service representative, utility company representative, and any interested resident from a said district.

Notification of meetings will be advertised in the local paper one (1) week prior to each scheduled meeting.

(1) *Notification of street name changes.* A certificate of street name change will be prepared by the Butler County Emergency Communication District and forwarded to the office of the city clerk. The office of the city clerk will be responsible for supplying all city offices with this information. The United States Postal Service, all law enforcement, all fire and rescue, and utility suppliers will be supplied with this information by the Butler County Emergency Communication District.

(2) *Naming of streets in subdivisions and publicly owned land.* The owner or duly authorized agent of a tract of land should contact the Butler County Emergency Communication District and submit a street/road name if street/road lies wholly within the property of that owner or if the subdivision lies wholly within the property of that owner providing the name has not been previously assigned and meets guidelines required for street/road naming. Any citizen living or owning property on an unnamed public road will be assigned a street or road name. Any citizen living on a private street or driveway may contact the Butler County Emergency Communication District and submit street/road providing the name has not been previously assigned and meets guidelines required for the street or road names or request assignment of a name.

(3) [*Guidelines.*] All assigned and submitted street names will meet the following guidelines:

a. *Duplication.* Names which sound alike will not be permitted. Names will be substantially different in sound and spelling from any previously assigned official name. The duplication of a name for a court or cul-de-sac may be permitted.

b. *Length of names.* Names will consist of not more than fifteen (15) characters, including spaces between suffixes and prefixes.

c. *Contiguous names.* No spaces or hyphens will be allowed in the names selected.

d. *Initials.* Initials will not be permitted.

e. *Suffixes.* Consistency in the use of the various terms for street suffixes will be encouraged. In general the term "street" and "avenue" refer to straight traffic ways within a densely populated area or a residential subdivision. The term "road" refers to traffic names leading in and out of a densely populated area and through rural areas. The terms "drive," "lane" and "way" refer to residential streets, especially those that curve through neighborhoods. The terms "court," "place" and "terrace" refer to cul-de-sacs of less than one thousand eight hundred (1,800) feet in length or to a street which loops back to the street beginning. No other suffixes are permitted.

f. *Prefixes.* The directional prefixes "north," "south," "east" and "west" is permitted if the street in question crosses the following state highway: 31 and 10, extending out of town, or the city limits.

g. *Continuation of streets.* Streets which connect with a street directly or almost will be named the same as the street which intersects on the opposite side. The suffix extension will not be permitted.

h. *Confusion names.* Names which confuse the traveling public, emergency operations, or delivery of mail will not be permitted.

i. *Private streets and drives.* The name of a private street or drive may be submitted to the Butler County Emergency Communication District, but must be approved by district before use. Names assigned for the use as residential access right-of-way will not be used prior to approval of the Butler County Emergency Communication District.

Federal and state highways. The United States and the State of Alabama's designated highways should have names and others will be assigned by the Butler County Emergency Communication District if unnamed at the time of Butler County mapping for the purpose of implementing E-911.

j. *Installation and expense of street signs.* The purchase of street signs needed to name roads as part of the mapping phase of E-911 implementation will be the responsibility of the Butler County Emergency Communication District. All installation, maintenance and replacement of signs will be the responsibility of the city.

The style of street name signs will be as follows: Six (6) inches in height, four-inch white letters, green background, aluminum alloy series 5052 series.

Posts: # Three galvanized steel.

Height: Ten (10) feet in length, seven (7) feet above ground.

Placement: The City of Greenville, in accordance with state and federal rules and regulations.

(Ord. No. 1996-5, § 1, 4-15-96)

Sec. 18-22. Property addresses and building number regulations.

(a) *Address system.* All addresses inside the city limits of Greenville, Alabama will be assigned following the system adopted by the United States Postal Service.

(b) *Street name frontage.* Addresses will not be issued until the street, right-of-way or easement upon which the property fronts, whether public or private, has been properly identified with a name. If a building or parcel does not front the street to which it is addressed, the property can be addressed to the nearest named street when the building requiring the address is within two hundred (200) feet of the named street with the appearance of fronting on the street and has a staccati easement for egress and ingress. All of these conditions must apply.

(c) *Designated agency.* The Butler County Emergency Communication District will be allowed the authority to promulgate whatever rules and procedures necessary to accomplish the objective of this section.

(d) *Objectives for regulating and establishing a uniform address system.*

(1) To prepare control maps to be used in ascertaining the appropriate addresses for any property, house or business located within the incorporated city limits.

(2) To assign building addresses for postal delivery services as well as requested by the United States Postal System in the conversion of routes and box designations to house numbers.

(3) To assign building and property addresses for individual property owners upon request.

(4) To assign property addresses for lots shown on preliminary or final development plans as they are needed by property owners or his agent or as may be required by the city planning department.

(5) To work with law enforcement and other public service agencies in creating a working tool for the delivery of public services.

(6) To provide to public agencies the necessary control maps for adequately serving the area within the city.

(7) To establish a system which can be used by emergency service providers to adequately locate situations of emergency in a minimum amount of time.

(8) To ensure that no owner or person in control of any residential or commercial building will fail to have posted on said premises the street number assigned to said location so that it can be easily seen from the street by emergency service providers. The size of street numbers will be no smaller than three and one-half (3½) inches in height

(9) Posting of addresses on residential or commercial buildings that are located more than two hundred (200) feet from the street will be posted by means of a mail box as required by the United States Postal Service. In the absence of a mail box, the street number will be placed on the premises in a manner that addresses can be easily read from the street, with size of numerals being no smaller than three and one-half (3½) inches in height.

(Ord. No. 1996-5, § 1, 4-15-96)

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Chapter 19

TAXATION*

Art. I. In General, §§ 19-1—19-15
Art. II. Ad Valorem Tax, §§ 19-16—19-35
Art. III. Privilege, License or Excise Tax, §§ 19-36—19-55
Art. IV. Gasoline Tax, §§ 19-56—19-80
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ARTICLE I. IN GENERAL

Secs. 19-1—19-15. Reserved.

ARTICLE II. AD VALOREM TAX†

Sec. 19-16. Levy.

An annual ad valorem tax of one and twenty-five-hundredths percent (12.5 mills) is hereby levied and established upon all real and personal property situated within the corporate limits of the city and upon all intangibles, subject to municipal taxation by the city under the constitution and laws of the state.
(Code 1968, §§ 9-1, 9-7)

State law reference—Enumeration of subjects of taxation, Code of Ala. 1975, § 40-11-1.

Sec. 19-17. Election of optional method.

The city does hereby elect the optional method of collecting municipal taxes as provided in Code of Alabama 1975, sections 11-51-40—11-51-74.
(Code 1968, § 9-2)

***Cross references**—Administration, Ch. 2; buildings, Ch. 5; licenses and business regulations, Ch. 10; mobile homes, Ch. 11; motor vehicles and traffic, Ch. 12.

State law references—Municipal taxation, Code of Ala. 1975, § 11-51-1 et seq.; revenue and taxation generally, Code of Ala. 1975, Title 40; municipal tax year, Code of Ala. 1975, §§ 11-51-1, 11-51-40.

†**State constitution reference**—Limitation on property tax rates of municipal corporations, Art. XI, § 216 and Amendment Nos. 17, 373.

State law references—Municipal property taxes, Code of Ala. 1975, § 11-51-1 et seq.; optional method for levy and collection of property taxes, Code of Ala. 1975, § 11-51-40 et seq.

Sec. 19-18. Method of assessments and computation.

The ad valorem tax shall be based on the assessments of the property for state taxation and shall be computed on the value of the property as assessed for state taxation as shown by the books of assessment for the state and county tax year ending the thirtieth day of September of each year.
(Code 1968, § 9-3)

State law reference—Authority for above section, Code of Ala. 1975, § 11-51-40.

Sec. 19-19. Tax year; due and delinquent dates.

The tax year for the city shall commence on the first day of October of each year and end on the thirtieth day of the next succeeding September. Said municipal taxes shall be due and delinquent at the time when the state and county taxes for the preceding tax year are due and delinquent.
(Code 1968, § 9)

State law reference—When taxes become due and payable, Code of Ala. 1975, §§ 11-51-40, 40-11-4.

Sec. 19-20. Assessment, collection and equalization.

(a) The ad valorem taxes of the city shall be assessed, collected and equalized by the tax assessor, the tax collector, and the county equalization board. All the machinery provided by the statutes of the state for the assessment, collection and equalization of state and county taxes, the enforcement of such collection, and the sale of property for such collection and the redemption from such sale shall be applicable to the assessment, collection, and equalization of city taxes.

(b) After becoming delinquent, the tax shall bear the legal rate of interest and the tax collector is directed to collect from each delinquent taxpayer interest that has accrued on any taxes to date of payment. The county tax collector shall collect and remit all such taxes and interest under this article to the city in the same manner and under the same laws that state and county taxes are collected and remitted.
(Code 1968, §§ 9-5, 9-7)

State law references—County tax collectors to collect taxes, Code of Ala. 1975, § 11-51-43; county tax assessors to ascertain the value of property, Code of Ala. 1975, § 11-51-45; county boards of equalization, Code of Ala. 1975, § 40-3-1 et seq.; procedure for collection of taxes, Code of Ala. 1975, § 11-51-50; interest, Code of Ala. 1975, §§ 11-51-2, 40-1-44, 8-8-1 et seq.

Sec. 19-21. Compensation for assessor and collector.

The tax assessor and tax collector of the county shall receive as their compensation for the assessment and collection, respectively, of city taxes the amounts provided for in Code of Alabama 1975, section 40-6A-2.
(Code 1968, §§ 9-6, 9-7).

Secs. 19-22—19-35. Reserved.

ARTICLE III. PRIVILEGE, LICENSE OR EXCISE TAX*

Sec. 19-36. Definitions.

Unless the context clearly indicates a different meaning, the words, terms and phrases used in this article shall have the same meaning as ascribed to them in and by Chapter 23 of Title

*Editor's note—Ord. No. 1996-6, adopted July 1, 1996, repealed and replaced Ord. No. 1986-4, adopted Mar. 3, 1986, pertaining to sales and use tax, and formerly codified herein as Art. III, §§ 19-36—19-40. Such new provisions have been included as Art. III, §§ 19-36—19-43 at the discretion of the editor.

40 of the Code of Alabama of 1975, as amended; and the following words and phrases not defined in said Chapter 23, wherever used in this article, shall have the meanings respectively ascribed to them in this section:

(1) *City* means the City of Greenville;

(2) *State sales tax statutes* shall mean Article I of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended; and

(3) *State use tax statutes* shall mean Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended.

(Ord. No. 1996-6, § 1, 7-1-96)

Sec. 19-37. Levy of privilege or license tax.

There is hereby levied, pursuant to the provisions of Article 3 of Chapter 51 of Title 11 of the Code of Alabama of 1975, as amended, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(1) Upon every person, firm, or corporation (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the State, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions), engaged, or continuing within the City in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of over fifty (50) tons burden), an amount equal to four (4) percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer on the gross sales of the business.

(2) Upon every person, firm or corporation engaged, or continuing within the City, in the business of conducting or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests, conducted by or under the auspices of any educational institution within the City or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county or city school, or other institution, association or school), skating rinks, race

tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the City, an amount equal to four (4) percent of the gross receipts of any such business.

(3) Upon every person, firm or corporation engaged or continuing within the city in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, an amount equal to one and one-half (1½) percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(4) Upon every person, firm or corporation engaged or continuing within the City in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one (1) percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer. Provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of fifteen dollars ($15.00) per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve (12) succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(5) Upon every person, firm or corporation engaged or continuing within the city in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one (1) percent of the gross proceeds of the sale thereof; provided, however, the one-percent rate herein prescribed with respect to parts, attachments and replacements shall not

apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference; that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(6) Upon every person, firm or corporation engaged or continuing within the City in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to four (4) percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sale of such business.

(Ord. No. 1996-6, § 2, 7-1-96; Ord. No. 2003-10, § I, 6-23-03)

Sec. 19-38. Provisions of state sales tax statutes to this article and taxes herein levied.

The taxes levied by sections 19-36 and 19-37 of this article shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the state sales tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state sales tax statutes for enforcement and collection of taxes. (Ord. No. 1996-6, § 3, 7-1-96)

Sec. 19-39. Levy of excise tax.

(a) An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships and other watercraft of more than fifty (50) tons' burden) purchased at retail on or after the effective date of this article [August 1, 2003] for storage, use or other consumption in the City except as provided in subsections (b), (c), and (d), at the rate of four (4) percent of the sales price of such property within the corporate limits of the City.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the city of any machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property purchased at retail on or after the effective date of this article [September 1, 1996] at the rate of one and one-half (1½) percent of the sales price of any such machine within the corporate limits of the city; provided, that the term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing,

or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in the city of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after the effective date of this article [September 1, 1996] for storage, use or other consumption in the city at the rate of one (1) percent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer within the corporate limits of the city. Where any used automotive vehicle, truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference; that is, the price of the net or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the city of any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, which is purchased at retail after the effective date of this article [September 1, 1996], for the storage, use or other consumption in the city at the rate of one (1) percent of the sales price of such property within the corporate limits of the city, regardless of whether the retailer is or is not engaged in the business in the city; provided, however, the one-percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference; that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.
(Ord. No. 1996-6, § 4, 7-1-96; Ord. No. 2003-10, § I, 6-23-03)

Sec. 19-40. Provisions of state use tax statutes applicable to this article and taxes herein levied.

The taxes levied by section 19-39 of this article shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments and deductions that are applicable to the taxes levied by the state use tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state use tax statutes for enforcement and collection of taxes.
(Ord. No. 1996-6, § 5, 7-1-96)

Sec. 19-41. This article cumulative to general license code or ordinance.

This article shall not be construed to repeal any of the provisions of the general license code or ordinance of the city [Chapter 10 of this Code], but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other license taxes imposed by the city by its general license code or ordinance.
(Ord. No. 1996-6, § 6, 7-1-96)

Sec. 19-42. Adding amount of tax to price.

Any person on whom the taxes levied by this article are imposed may add the tax levied pursuant to section 19-37 hereof to the sales price of the goods sold or to the admission price to a place of amusement and may collect the amount so added from the purchaser, or person paying the admission price; but this section is not mandatory.
(Ord. No. 1996-6, § 8, 7-1-96)

Sec. 19-43. Allocation of portion of proceeds.

(a) *Allocation for General Obligation Warrant, Series 1996.* Of the proceeds of the taxes levied by this ordinance, there is hereby apportioned, allocated and ordered to be paid, in connection with the annual debt service requirements pertaining to securities of the city issued for the purpose of providing for the construction and equipping of a new public high school in the city, the sum of five hundred fifty thousand dollars ($550,000.00) for each fiscal year of the City for the payment of the principal of and interest satisfying the Debt Service Requirements of the 1996 General Obligation Warrant. Said apportionment, allocation and payment shall continue until such securities have been paid in full. It is the intention of the Council that the apportionment, allocation and payment herein ordered shall continue throughout, but not beyond, the original term of such securities.

(b) *Allocation for Capital Improvement Fund.* Of the proceeds of the taxes levied by this ordinance, the city clerk is hereby directed and ordered to pay into a special account of the City, set forth as the Capital Improvements Account, the sum of $150,000.00 during each fiscal year of the city, said sum to be expended on order of the Council and solely for the purpose of financing the acquisition, construction and equipping of capital improvements within the City.
(Ord. No. 1996-6, § 9, 7-1-96; Ord. No. 96-13, § 1, 12-10-96; Ord. No. 2003-10, § I, 6-23-03)

Secs. 19-44—19-55. Reserved.

ARTICLE IV. GASOLINE TAX*

Sec. 19-56. Definitions.

As used in this article the following definitions shall apply:

Distributor or *seller* means every person who shall engage in selling or delivering gasoline within the corporate limits of the city.

***State law reference**—Gasoline tax, Code of Ala. 1975, § 40-17-30 et seq.

Gasoline means gasoline, naphtha and all other motor fuel commonly used in combustion engines, but shall exclude kerosene oil.
(Code 1968, § 9-121)

Sec. 19-57. Amount of tax.

Every distributor or seller shall pay a license tax to the city of an amount equal to two cents ($0.02) on every gallon of gasoline sold or delivered within the corporate limits of the city.
(Code 1968, § 9-122; Ord. No. 1989-10, § 1, 9-18-89)

Sec. 19-58. Filing statement.

Each distributor and seller shall on or before the tenth day of each month file with the city clerk a sworn written statement, which shall be a full, true, accurate and correct statement of the amount and quantity of all gasoline sold and delivered by such distributor within the corporate limits of the city.
(Code 1968, § 9-123)

Sec. 19-59. Clerk to record meter readings; filing.

(a) The city clerk is authorized to read and make a record of the gasoline pump meter readings at each filling station or other agency dispensing gasoline within the corporate limits of the city on or before the tenth day of each calendar month.

(b) The city clerk is further instructed to keep all records of the above meter readings and file the same permanently in the records of the city.
(Code 1968, § 9-124)

State law reference—Gasoline tax, Code of Ala. 1975, § 40-17-30 et seq.

Sec. 19-60. Tax need be paid only once on same product.

Any person engaged in selling or distributing gasoline purchased from other sellers or distributors who have paid the license thereon, as herein fixed, shall not be required to pay a license based on the sale or delivery of such gasoline so purchased.
(Code 1968, § 9-125)

State law reference—Authority of city to provide that tax be borne by consumer and paid but once, Code of Ala. 1975, § 40-17-51.

Sec. 19-61. Delivery without license by person outside city, penalty.

It shall be a violation of this article for any distributor having no place of business within the city, to make any sales or deliveries of gasoline therein without first obtaining a license from the city clerk to do so. Such seller or distributor shall be liable for and shall pay the same license tax as that fixed and specified in section 19-57; and any such seller or distributor who shall violate the provisions of this section shall be guilty of an offense against the city and upon conviction shall be fined as provided in section 1-9.
(Code 1968, § 9-126)

Sec. 19-62. Failure to file or false statement.

Any seller or distributor who shall fail or omit to make or file any statement herein provided and required or shall make any false statement therein, shall be guilty of such offense for each day thereafter until such statement is filed.
(Code 1968, § 9-127)

Sec. 19-63. Failure to pay tax.

The license tax herein fixed must be paid by each person against whom the same is levied on or before the tenth day of each calendar month, being the time fixed for the filing of such statement based on sales or deliveries made during the preceding month next before, and any person failing or omitting to pay same within such time shall be guilty of any offense against the city and each day thereafter until paid.
(Code 1968, § 9-128)

Secs. 19-64—19-80. Reserved.

ARTICLE V. LEASING AND/OR RENTAL TAX*

Sec. 19-81. Definitions.

The following words, terms and phrases, when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*__Editor's note__—Ordinance No. 1988-04, adopted April 4, 1988, did not specifically amend this Code; hence, inclusion of §§ 1—9 as §§ 19-81—19-89, comprising a new Art. V, was at the discretion of the editor.

(1) The term "person" or the term "company" herein used interchangeably, includes any individual, firm, co-partnership, association, corporation, receiver, trustee, entity, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(2) The term "city" means the City of Greenville, Alabama.

(3) The term "city clerk" shall mean the city clerk of Greenville, Alabama.

(4) The term "business" means and shall include all activities, engaged in, or caused to be engaged in, by any person with the object of gain, profit, benefit or advantage, either direct or indirect, to such person.

(5) The term "gross proceeds" means the value proceeding or accruing from the leasing or rental of tangible personal property without any deduction on account of the cost of the property so leased or rented, the cost of materials used, labor or service cost, interest paid or any other expense whatsoever, and without any deductions on account of loss, but shall not include the gross proceeds accruing from the leasing or renting to another of the same property which is to be leased or rented in a transaction subject to the provisions of this article as long as the lessee in such excluded transaction (who has leased to release) shall not use the same property to its own use; nor shall it include a transaction whereunder the lessor leases a truck or tractor-trailer or semi-trailer with driver furnished for operation over the public roads and highways (such transaction being deemed to constitute the rendition of service and not a "leasing or rental"); nor shall it include the gross proceeds accruing from charges made by operators of hotels, motels, tourist courts, tourist cabins, lodging houses, and rooming houses renting furnished rooms to transients, on which there is levied an additional license tax equal to three (3) percentum of the gross income of such persons operating the hostelries.

(6) The term "leasing or rental" means and includes a transaction whereunder the person who owns, or controls the possession of, tangible, personal property permits another person in the city to have the possession or use thereof for a consideration and for the duration of a definite or indefinite period of time, without transfer of the title of such property. The detention by the user thereof of freight cars, oxygen, and acetylene tanks, and similar property, in respect of which detention a demurrage or per diem charge is made against the user of such property, shall not be deemed to constitute a transaction whereunder property is leased or rented to another within the meaning of this article.

(7) The term "tangible personal property" means and includes personal property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance or other contracts, or securities.

(Ord. No. 1988-4, § 1, 4-4-88; Ord. No. 1988-6, § 1, 4-8-88)

Sec. 19-82. Levied; amount.

There is hereby levied in addition to all privilege license taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax on each person engaging or continuing within the city in the business of leasing or renting tangible personal property, and such tax shall be in the amounts to be determined by the application of the rates against gross proceeds as follows:

At the rate of two (2) percent of the gross proceeds derived by the lessor or renter from the lease or rental of tangible personal property; provided the privilege or license tax on each person engaging or continuing within this city in the business of leasing or renting any automotive vehicle or truck trailer, semi-trailer, or house trailer, shall be at the rate of one (1) percent of the gross proceeds derived by the lessor from the lease or rental of such automotive vehicle or truck trailer, semi-trailer, or house trailer; provided further, that the tax levied hereby shall not apply to any leasing or rental, as lessor, by the state, or any municipality or county in the state.

(Ord. No. 1988-4, § 2, 4-4-88)

Sec. 19-83. Exemptions.

There are exempted from the computation of the amount of the privilege license tax levied, assessed or payable under this article the gross proceeds accruing from the leasing or rental of tangible personal property which the city is prohibited from taxing under the Constitution or laws of the United States, or under the Constitution and laws of the state.

(Ord. No. 1988-4, § 3, 4-4-88)

Sec. 19-84. Due and payable dates; reports and returns generally.

The privilege license tax levied under the provisions of this article, except as otherwise provided, shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the privilege license tax accrues. On or before the twentieth day of each month after the article shall have taken effect, every person on whom the amounts levied by this article are imposed, shall render to the city on a form prescribed by the city, a true and correct statement showing the gross proceeds of his business, for the next preceding month, the amount of gross proceeds which are not subject to the privilege license tax, or are not to be used as a measurement of the amounts due by such person and the nature thereof, together with such other information as the city may require, and at the time of making such monthly report, such person shall compute the privilege license taxes due and shall pay to the city the amounts shown to be due. If any person subject to this article shall fail to render any report required hereby, or should willfully make a false statement of facts in the statements or returns required hereunder, he shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 19-87 of this article.

(Ord. No. 1988-4, § 4, 4-4-88)

Sec. 19-85. Cash and credit leases or rentals; reporting; payment of tax.

Any person taxable under this article making cash and credit leases or rentals may, if he desires, report such cash leases or rental only, and he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the privilege license tax due thereon at the time of filing such report.
(Ord. No. 1988-4, § 5, 4-4-88)

Sec. 19-86. Records, invoices—To be kept and preserved.

It shall be the duty of every person engaging or continuing in any business for which a privilege tax is imposed by this article to keep and preserve suitable records of the gross proceeds of any such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable, under the provisions of this article. And it shall be the duty of every person to keep and preserve for a period of three (3) years, all invoices of gross proceeds, proceeding or accruing from the leasing or rental herein, taxed and all such books, invoices and other records shall be open for examination, at any time by the city or its agent. Any person leasing, who in addition leases for re-leasing, shall keep his books so as to show separately the gross proceeds of leasing and the gross proceeds of leasing for re-leasing.
(Ord. No. 1988-4, § 6, 4-4-88)

Sec. 19-87. Same—Open to examination; penalties for failure to keep or to permit examination.

The books, records and accounts mentioned in the next preceding section shall at all times be open to examination by the city clerk or any person designated by him. Upon demand by the city clerk or his authorized deputy, auditor, or representative, it shall be the duty of any person subject to this license tax to submit to the city clerk or his authorized deputy, auditor, or representative, for inspection and examination, during reasonable business hours, in the city, all books of accounts. Each occurrence of a failure to keep records, or allow examination thereof shall constitute a separate offense. Any person who shall fail to keep such records or who shall refuse to permit such examination thereof or who violates any other provisions hereof shall be guilty of a misdemeanor and upon conviction shall be punished as provided for in section 1-9 of the city Code.
(Ord. No. 1988-4, § 7, 4-4-88)

Sec. 19-88. Article provisions independent.

Each and every provision of this article, including any part of any definition contained herein, is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid shall not affect any other provision hereof; and it is hereby declared that the other provisions of this article would have been enacted regardless of any provisions which might have been held invalid.
(Ord. No. 1988-4, § 8, 4-4-88)

Sec. 19-89. Failure to pay tax; penalty, interest; waiver.

Any person or firm who fails to pay the tax herein levied within the time required by this article shall pay, in addition to the tax, a penalty of ten (10) percent of the amount of tax due, together with interest at the rate of one (1) percent per month or fraction thereof, from the date at which the tax herein levied became delinquent, that is due and payable, such penalty and interest to be assessed and collected as part of the tax. Provided the city, if a good and sufficient reason is shown, may waive or remit the penalty of ten (10) percent or a portion thereof.
(Ord. No. 1988-4, § 9, 4-4-88)

Secs. 19-90—19-99. Reserved.

ARTICLE VI. MOTION PICTURE THEATER TICKET TAX

Sec. 19-100. Definitions.

The following words, terms and phrases, when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Business. All activities engaged in, or caused to be engaged in, by any person with the object of gain, profit, benefit or advantage, either direct or indirect, to such person.

City. The City of Greenville, Alabama.

City clerk. The City Clerk of Greenville, Alabama.

Motion picture theater. Any business which sells tickets for admission to such business establishment for the purpose of viewing motion picture shows and films for purposes of entertainment or otherwise.

Person or *company.* Herein used interchangeably, includes any individual, firm, co-partnership, association, corporation, receiver, trustee, entity, or any other group or combination acting as a unit, and includes the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

Ticket. Any ducat, document, slip, card or any other paper, instrument or document sold for the purpose of authorizing admission by an individual to the showing of a motion picture or film.
(Ord. No. 2007-05, 6-25-07)

Sec. 19-101. Levied; amount.

There is hereby levied in addition to all privilege license taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax on each company engaging or continuing within the city in the business of owning, managing, or operating a motion picture theater a tax of one dollar ($1.00) per ticket sold.
(Ord. No. 2007-05, 6-25-07)

Sec. 19-102. Due and payable dates; reports and returns generally.

The privilege or license tax levied under the provisions of this article, except as otherwise provided shall be due and payable in full monthly on or before the fifteenth day of the month following the month in which the privilege or license tax accrues. Every company on which the amount levied by this article is imposed, shall render to the city on a form prescribed by the city, a true and correct statement showing the total number of tickets sold by the business during the next preceding month, together with such other information as the city may require, and at the time of making such monthly report, such company shall compute the privilege or license taxes due and shall pay to the city the amounts shown to be due. If any person subject to this article shall fail to render any report required hereby, or shall willfully make a false statement of facts in the statements or returns required hereunder, he shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 19-104 of this article.
(Ord. No. 2007-05, 6-25-07)

Sec. 19-103. Records, invoices—To be kept and preserved.

It shall be the duty of every company engaging or continuing in any business for which a privilege tax is imposed by this article to keep and preserve suitable records of ticket sales of any such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this article. Furthermore, it shall be the duty of every such company to keep and preserve for a period of three (3) years all such records relating to the sale of tickets herein taxed and all such books, invoices and other records shall be open for examination, at any time, by the city or its agent.
(Ord. No. 2007-05, 6-25-07)

Sec. 19-104. Same—Open to examination; penalties for failure to keep or to permit examination.

The books, records and accounts mentioned in the next preceding section shall at all times be open to examination by the city clerk or its designee. Upon demand by the city clerk or its designee, it shall be the duty of any person subject to this license tax to submit during reasonable business hours, in the city, all books of accounts to the city clerk or its designee for inspection and examination. Each occurrence of a failure to keep records, or to allow examination thereof, shall constitute a separate offense. Any person who shall fail to keep such records or who shall refuse to permit such examination thereof or who violates any other provisions hereof shall be guilty of a misdemeanor and upon conviction shall be punished as provided for in section 1-9 of this Code.
(Ord. No. 2007-05, 6-25-07)

Sec. 19-105. Article provisions independent.

Each and every provision of this article, including any part of any definition contained herein, is hereby declared to be an independent provision and the holding of any provision

hereof to be void and invalid shall not affect any other provision hereof; and, it is hereby declared that the other provisions of this article shall be valid and enforceable regardless of any other provisions which might have been held invalid.
(Ord. No. 2007-05, 6-25-07)

Sec. 19-106. Failure to pay tax; penalty, interest; waiver.

Any person or company who fails to pay the tax herein levied within the time required by this article shall pay, in addition to the tax, a penalty of ten (10) percent of the amount of tax due, together with interest at the rate of one (1) percent per month, or fraction thereof, from the date on which the tax herein levied became delinquent, such penalty and interest to be assessed and collected as part of the tax. The city, if a good and sufficient reason is shown, may waive or remit the penalty of ten (10) percent or any portion thereof.
(Ord. No. 2007-05, 6-25-07)

Secs. 19-107—19-109. Reserved.

ARTICLE VII. HOTEL AND MOTEL OCCUPANCY FEE TAX*

Sec. 19-110. Definitions.

The following words, terms and phrases, when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Person or *company*. Herein used interchangeably, includes any individual, firm, co-partnership, association, company, corporation, receiver, trustee, entity, or any other group or combination acting as a unit, and includes the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

City. The City of Greenville, Alabama.

City clerk. The City Clerk of Greenville, Alabama.

Business. All activities engaged in, or caused to be engaged in, by any person with the object of gain, profit, benefit or advantage, either direct or indirect, to such person or entity.

Hotel and motel. Any Business which rents rooms to the general public.
(Ord. No. 2009-03, (§ 19-100), 3-30-09)

Sec. 19-111. Levied; amount.

There is hereby levied in addition to all privilege license taxes of every kind now imposed by law, including but not limited to lodging taxes, and shall be collected as herein provided, a

*__Editor's note—__Ord. No. 2009-03, adopted Mar. 30, 2009, enacted provisions intended for use as Art. VII, §§ 19-100—19-107. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as Art. VII, §§ 19-110—19-117.

privilege or license tax as an occupancy fee on each hotel or motel which rents rooms to the general public within the city and which is in the business of owning, managing, or operating a hotel or motel a tax of two dollars ($2.00) per room so rented per day.
(Ord. No. 2009-03, (§ 19-101), 3-30-09; Ord. No. 2013-01, 1-14-13)

Sec. 19-112. Due and payable dates; reports and returns generally.

The privilege or license tax on occupancy levied under the provisions of this article, except as otherwise provided, shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the privilege or license tax accrues. On or before the twentieth day of each month after this article shall have taken effect, every person on whom the amount levied by this article is imposed, shall render to the city on a form prescribed by the city, a true and correct statement showing the total number of rooms rented per day by the business during the next preceding month, together with such other information as the city may require, and at the time of making such monthly report, such person shall compute the privilege license taxes due and shall pay to the city the amounts shown to be due. If any person subject to this article shall fail to render any report required hereby, or shall willfully make a false statement of facts in the statements or returns required hereunder, he shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-9 of this Code.
(Ord. No. 2009-03, (§ 19-102), 3-30-09)

Sec. 19-113. Records, invoices—To be kept and preserved.

It shall be the duty of every person engaging or continuing in any business for which a privilege or license tax is imposed by this article to keep and preserve suitable records of room rentals of any such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this article. Furthermore, it shall be the duty of every such person to keep and preserve for a period of three (3) years all such records relating to the room rentals herein taxed and all such books, invoices and other records shall be open for examination, at any time, by the city or its agent.
(Ord. No. 2009-03, (§ 19-103), 3-30-09)

Sec. 19-114. Same—Open to examination; penalties for failure to keep or to permit examination.

The books, records and accounts mentioned in the next preceding section shall at all times be open to examination by the city clerk or any person designated by him. Upon demand by the city clerk or his authorized deputy, auditor, or representative, it shall be the duty of any person subject to this license tax to submit to the city clerk or his authorized deputy, auditor, or representative, for inspection and examination, during reasonable business hours, in the city, all books of accounts. Each occurrence of a failure to keep records, or to allow examination thereof, shall constitute a separate offense. Any person who shall fail to keep such records or

who shall refuse to permit such examination thereof or who violates any other provisions hereof shall be guilty of a misdemeanor and upon conviction shall be punished as provided for in section 1-9 of this Code.
(Ord. No. 2009-03, (§ 19-104), 3-30-09)

Sec. 19-115. Article provisions independent.

Each and every provision of this article, including any part of any definition contained herein, is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid shall not affect any other provision hereof; and, it is hereby declared that the other provisions of this article shall be valid and enforceable regardless of any other provisions which might have been held invalid.
(Ord. No. 2009-03, (§ 19-105), 3-30-09)

Sec. 19-116. Failure to pay tax; penalty, interest; waiver.

Any person or firm who fails to pay the tax herein levied within the time required by this article shall pay, in addition to the tax, a penalty of ten (10) percent of the amount of tax due, together with interest at the rate of one (1) percent per month, or fraction thereof, from the date on which the tax herein levied became delinquent, such penalty and interest to be assessed and collected as part of the tax. The city, if a good and sufficient reason is shown, may waive or remit the penalty of ten (10) percent or any portion thereof.
(Ord. No. 2009-03, (§ 19-106), 3-30-09)

Sec. 19-117. Disbursement of net collections.

(a) One dollar ($1.00) of the net collections shall be retained by the City of Greenville treasury until such time as the mortgage indebtedness of the YMCA Park and Recreational Board, absorbed by the city by refinancing the debt through a general obligation bond issue warrant, is paid in full and satisfied.

(b) One dollar ($1.00) of the net collections of occupancy fee hereunder shall be paid over by the City Clerk to the Butler County Commission for Economic Development on or before the first day of the second month following receipt thereof to be used for tourism, event planning, and purposes to provide for additional traffic and hotel occupancy in the City of Greenville.
(Ord. No. 2009-03, (§ 19-107), 3-30-09; Ord. No. 2013-01, 1-14-13)

Editor's note—Ord. No. 2013-01, adopted Jan. 14, 2013, amended § 19-117 title to read as herein set out. Former § 19-117 title pertained to net collections to be paid over to YMCA Park and Recreational Board.

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Chapter 20

UTILITIES*

Art. I. **In General, §§ 20-1—20-25**
Art. II. **Sanitary Sewer Pretreatment Regulations, §§ 20-26—20-164**
Div. 1. Generally, §§ 20-26—20-55
Div. 2. Enforcement of Article, §§ 20-56—20-75
Div. 3. Discharge Prohibitions, §§ 20-76—20-95
Div. 4. SID Permit; Discharge Reports; Administration, §§ 20-96—20-120
Div. 5. Sanitary Sewer Discharge Permit, §§ 20-121—20-140
Div. 6. Fees And Charges Generally; Penalties, §§ 20-141—20-160
Div. 7. Domestic Sewage, §§ 20-161—20-164

ARTICLE I. IN GENERAL

Sec. 20-1. Placement of lines in new or undeveloped subdivisions.

(a) The city shall put in no waterlines or sewerage lines in new or undeveloped subdivisions.

(b) The term "new or undeveloped subdivisions" as used herein shall mean subdivisions in the promotion stage where the lots are unsold and vacant.

(c) Nothing herein shall bind or obligate the city to put in waterlines or sewerage lines in developed or undeveloped subdivisions.
(Code 1968, § 15-2)

Cross reference—Subdivisions, App. B.

Sec. 20-2. Water franchise granted to water works and sewer board.

(a) The words "the city" as used herein mean the City of Greenville in the State of Alabama, as it is now constituted and as it may hereafter be extended or enlarged. The words "the board" as used herein mean the Water Works and Sewer Board of the City of Greenville, a public corporation which was organized under the provisions of sections 394 to 402, inclu-

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***Cross references**—Administration, Ch. 2; buildings, Ch. 5; fire prevention and protection, Ch. 7; health, Ch. 9; mobile homes, Ch. 11; solid waste, Ch. 17; streets and sidewalks, Ch. 18; subdivisions, App. B; mosquito control, § 9-3; water supply and sewage disposal in mobile home parks, § 11-17 et seq.; depositing refuse in sewers, § 17-23.

State law references—Contracts and indebtedness for waterworks systems, consolidation with lighting systems, Code of Ala. 1975, § 11-47-3; public improvements and assessments generally, Code of Ala. 1975, § 11-48-1 et seq.; public utilities in municipalities, Code of Ala. 1975, § 11-50-1 et seq.; water pollution control, Code of Ala. 1975, § 22-22-1 et seq.; environmental management, Code of Ala. 1975, § 22-22A-1 et seq.; waterworks and water supplies generally, Code of Ala. 1975, § 22-23-30 et seq.; public utilities generally, Code of Ala. 1975, Title 37.

sive, of the Code of Alabama of 1940, as amended, and the certificate of incorporation of which has been amended under the provisions of Act No. 175 adopted at the 1951 Regular Session of the Legislature of Alabama.

(b) There is hereby granted to the board the right, privilege, authority and franchise to acquire, own, maintain, construct, enlarge and operate in the city a waterworks plant and a water distribution system, or either of them, together with the right, privilege, authority, and franchise to lay, construct and maintain pipes, mains, and other conductors, fixtures and related appurtenances in, along, across and under the streets, avenues, alleys and other public places of the city for the purpose of conveying and distributing water in and through the city, and to repair, renew, relay and extend such pipes, mains, conductors, fixtures and related appurtenances, and to make all excavations necessary therefor.

(c) The board shall, and by accepting this franchise agrees that it will, upon making any excavations of the streets, avenues, alleys, public ways and public places of the city, restore the surface or paving at the point of such excavations in substantially the same condition as before such work was done, all as promptly as may be practicable and within a reasonable length of time thereafter.

(d) The rights, privileges, franchise and authority hereby granted may be exercised by the board or any successors and assigns of the board, all subject nevertheless to the conditions and obligations herein contained.

(e) This chapter shall become effective upon publication of the ordinance from which it is derived, and the rights, privileges, consent, and franchise herein granted shall begin at such effective date and shall continue for a period of thirty (30) years thereafter, or until such time as all bond indebtedness of the water works and sewer board of the city is satisfied and paid in full.

(Code 1968, § 15-3)

Editor's note—Act No. 175 adopted at the 1951 session of the legislature, as amended, is codified in Code of Ala. 1975, § 11-50-310 et seq. See also the provisions on boards of water and sewer commissioners in Code of Ala. 1975, § 11-50-340 et seq.

Sec. 20-3. Water franchise granted to county water authority.

(a) There is hereby granted to the Butler County Water Authority the right, privilege, authority and franchise to acquire, own, maintain, construct, enlarge and operate a waterworks system in the city for the purpose of supplying water to the inhabitants in the city service area, and the consent of the city is hereby given to the grantee to use the streets, avenues, alleys and public ways and public places of the city for the construction, maintenance and operation of such waterworks plant and system.

(b) The grantee is hereby granted the right, privilege and authority at any time and from time to time, and without any requirement as to permit or fee therefor, to extend its mains over any streets, avenues, alleys and public ways and public places in the city for the purpose of enlarging and extending its system.

(c) The grantee shall, and by accepting this franchise agrees that it will, upon making any excavations of the streets, avenues, alleys, public ways and public places of the city for the purpose of constructing, maintaining or operating a system, restore the surface or paving at the point of such excavations in substantially the same condition as before such work was done, all as promptly as may be practicable and within a reasonable length of time thereafter.

(d) The rights, privileges, franchise and authority herein granted may be exercised by the grantee or any successors and assigns of the grantee, all subject nevertheless to the conditions and obligations herein contained.

(e) The rights, privileges, consent and franchise herein granted shall begin at the effective date of the ordinance from which this section is derived and continue for thirty (30) years thereafter.

(f) This franchise shall be exercised only within the following described area in the city, viz:

The south half of the southwest quarter of Section 10 and north half of the northwest quarter of Section 15, both within Township 10 North, Range 14 East, Butler County, Alabama.

The east half of the east half of the southeast quarter of Section 21; and west half of the west half of the southwest quarter of Section 22; and the south half of the south half of southwest quarter, and the south half of the southwest quarter of the southeast quarter of Section 27, Township 10 North, Range 14 East, Butler County, Alabama.

(Code 1968, § 15-3.1)

Sec. 20-4. Unlawful to drill in the Ripley Formation; exception.

No one shall drill for water in the Ripley Formation within the city limits of Greenville or within the police jurisdiction of the City of Greenville unless the same shall be approved by the city council.

Unless otherwise established, any violation of this section shall be punishable on conviction as set out in section 1-9 of the Code of Ordinances of the City of Greenville, Alabama.

(Ord. No. 1998-4, 5-12-98)

Editor's note—Ord. No. 1998-4, adopted May 12, 1998, added provisions to the Code, but did not specify manner of inclusion. Therefore, at the discretion of the editor, said provisions have been included as § 20-4 herein.

Sec. 20-5. Connection of private and public premises to city water and sewer systems.

(a) It is hereby determined and declared to be necessary and conducive to the public health, safety, welfare, and convenience to cause all public and private properties in the city, whether commercial, residential, eleemosynary, industrial, or otherwise to be connected to the city water system and to the sanitary sewer system of the city and/or of the water works and sewer board of the city (both of which shall be collectively referred hereinafter as the "water and sewer board").

(b) All premises located within two hundred (200) feet of the municipal water system and/or the sanitary sewer in the city, whether such premises be public, private, eleemosynary, commercial, residential, or industrial, are hereby required to be connected to the municipal water system and to the sanitary sewer lines of the water and sewer board.

(c) Each user shall pay all costs of making the connections and all costs of service as the rates are set or shall hereafter be set by the water and sewer board in its service rules and regulations.

(d) The water and sewer board is hereby given the authority to terminate water services for any premises covered by this section which is not connected to the sewer system and vice versa, as set out herein, and shall discontinue service to any premises for which the water bill and/or sewer bill, or either of them, have not been paid for a period of thirty (30) days after such bill is rendered, all without notice in advance, at such time otherwise.

(e) Each owner of property subject to the provisions of this section who has not connected the improvements on his property to the municipal water system and/or the sanitary sewer system of the water and sewer board under the provisions hereof shall be given thirty (30) days' written notice by registered or certified mail, signed by the clerk of the water and sewer board, to make such connections. If such connections shall not be made and completed within sixty (60) days after the date of such notice, then the water and sewer board may connect such premises to the municipal water system and/or the sewer system of the water and sewer board. All costs and expenses incurred by the water and sewer board in making such connections shall be the liability of the owner of the premises and shall also be assessed against the owner as a lien on the premises, in favor of the water and sewer board, superior to all other liens, and such indebtedness shall be collected as other debts are collected and/or liens on real property are enforced.

(f) Whenever any such connection shall be made to the municipal water system and/or sewer system of the water and sewer board by the water and sewer board pursuant to the provisions for this section, the clerk of the water and sewer board shall prepare a verified statement in writing, setting forth the name and owner of the premises and a description of the premises with respect to which improvements have been made, together with a statement of the cost of the connection, all of which shall be signed by the clerk in his or her official capacity as such, and filed with the probate judge of this county for recordation in the appropriate records of this county.

(g) Owners of privately owned properties within the city shall be exempt from the initial operation of this section as it pertains to sewage disposal if on June 4, 1984, such owner has on his or her premises a properly installed and operating private septic tank for sewage disposal or a state department of public health approved sewage lagoon system. Such system must have been approved within sixty (60) days prior to the date of passage hereof for use as such or must be approved for use as such by the state department of public health. If such approval does not exist in writing, then such approval must be obtained in writing within sixty (60) days following enactment of the section and presented to the water and sewer board for

verification. If such approval is obtained for the use of a private septic tank or lagoon system, then the same may be continued in use so long as same remains approved for such use by the state department of public health. Each such property owner must provide such proof in writing to the water and sewer board no less than annually, no later than one (1) year from the date of the previous written statement of approval and on each anniversary date thereafter until the same is no longer operable or until the premises are connected to the sewer system. (Code 1968, § § 15-5, 15-136)

Sec. 20-6. Water works and sewer board property; unlawful acts, penalty for violation of section.

(a) It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is the property of the water works and sewer board of the city.

(b) The penalty for violation of this section shall be the cost of repair or replacement of such property and/or a fine as the court may assess or impose.
(Code 1968, § 10-13)

State law reference—Acts which make gas, electricity or water unlawfully available, Code of Ala. 1975, § 13A-8-23.

Sec. 20-7. Water user charges.

(a) Following below is a list of water user charges:

First	3,000 gallons per month, minimum	$7.00
Next	2,000 gallons per month, per thousand gallons	1.00
Next	5,000 gallons per month, per thousand gallons	.85
Next	40,000 gallons per month, per thousand gallons	.75
Next	50,000 gallons per month, per thousand gallons	.70
Next	400,000 gallons per month, per thousand gallons	.60
Over	500,000 gallons per month, per thousand gallons	.50

(b) Connection tap fees are:

¾"	$175.00

Other sizes check with superintendent

(c) Deposits are:

Residential	$15.00
Commercial-industrial	35.00

(d) Reconnect fees for water cutoff for nonpayment are:

First	$10.00
Second	15.00
Third (and all others)	20.00

Sec. 20-8. Fees for returned checks or change of address.

Fees are scheduled as follows:

(1)	Returned checks	$10.00
(2)	Change of address fee	10.00

Secs. 20-9—20-25. Reserved.

ARTICLE II. SANITARY SEWER PRETREATMENT REGULATIONS*

DIVISION 1. GENERALLY

Sec. 20-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act, the Act or CWA means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Approval authority means the Alabama Department of Environmental Management.

Authorized representative of an industrial user means any one (1) of the following:

(1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(2) A general partner or proprietor, if the industrial user is a partner or proprietorship, respectively;

(3) A duly authorized representative of the individual above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in parts per million by weight. BOD shall be determined by standard methods as hereinafter defined.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Categorical standards means the national categorical pretreatment standards or pretreatment standard.

CFR means Code of Federal Regulations.

***Editor's note**—The complete original text of Ord. No. 1982-1, adopted Nov. 1, 1982, including Exhibit No. 1, from which this article is derived, is on file and available to the public in the office of the city clerk.

State law references—Exercise of police jurisdiction over lands acquired or used for sanitary or stormwater sewers, Code of Ala. 1975, § 11-47-22; municipal sewers and sewer systems generally, Code of Ala. 1975, § 11-50-50 et seq.; local sewer regulations and charges, Code of Ala. 1975, § 11-50-108.

City means the City of Greenville or its duly authorized deputy, agent or representative.

COD means chemical oxygen demand.

Color means the true color as established by standard method, due to the substances in solution, expressed in mg/l.

Combined sewer means a sewer receiving both surface runoff and wastewater.

Composite sample means the makeup of a number of individual samples, so taken as to represent the nature of wastewater or industrial wastes.

Constituents means the combination of particles, chemicals or conditions which exist in the industrial wastes.

Contribute means the addition, discharge or introduction of any substances into the POTW, as hereinafter defined.

Control authority means the "approval authority," defined hereinabove (the state department of environmental management).

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DEM means the state department of environmental management or its duly authorized deputy, agent or representative.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Domestic sewage or *normal sewage* means any wastewater that is not prohibited by section 20-76 contained herein.

Effluent means the discharge or flow of a treatment facility.

EPA means the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the regional administrator or other duly authorized official of that agency.

Flammable means as defined by existing fire regulations covering the city.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

GPD means gallons per day.

Grab sample means a sample that is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste means any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Indirect discharge means the discharge or introduction of nonresidential wastewater from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the POTW (including holding tank waste discharge into the system).

Industrial user or *contributor* means a source of direct discharge, which constitutes a discharge of pollutants under regulations issued pursuant to Section 402 of the Act.

Industrial wastes means the liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

Industrial waste surcharge means the additional service charge assessed against industries in the city service area whose waste characteristics exceed those of normal wastewater.

Influent means the wastewater arriving at the wastewater treatment plant for treatment, and those structures associated with its initial treatment.

Interference means the inhibition or disruption of the POTW's treatment processes, operations or sewer system, which contributes to a violation of any requirement of its NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, or any criterial guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Water Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

l means a liter.

MBAS means methylene-blue-active substances.

Metered water means the amount of all sources of water, including wells, consumed by the sewer customer.

mg/l means milligrams per liter, and shall mean ratio by weight, interchanged with ppm.

National pollution discharge elimination system permit or *NPDES* means a permit issued to a POTW pursuant to Section 402 of the Act (33 U.S.C. 1342).

National pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA, in accordance with Section 307(b) and (c) of the Act, which applies to industrial users.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

New source means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(b) or (c) categorical pretreatment standard that will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the federal register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source shall mean any source, the construction of which is commenced after the date of promulgation of the standard.

Normal means those values taken as standards in the measurement of this division; these limits are defined in context.

NPDES state means a state or interstate water pollution control agency with an NPDES permit program approved pursuant to Section 402(b) of the Act (33 U.S.C. 1342).

Person or *owner* means any individual, firm, company, joint stock company, association, society, corporation, group, partnership, copartnership, trust, estate, governmental or legal entity, or their assigned representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural, where indicated by context.

pH shall mean the logarithm of the negative concentration of hydrogen ions, in grams per liter of solution. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subject to aeration. pH shall be determined by standard methods, as hereinafter defined.

Pollutant means any constituent identified in a national categorical preteatment standard or any item identified as incompatible in division 3 of this article.

Pollution means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.

ppm means part per million, and shall mean ratio by weight.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as provided by 40 CFR Section 403.6(d).

Pretreatment requirement or *pretreatment standard* means any substantive or procedural requirement related to pretreatment, or other than a national pretreatment standard imposed on an industrial user.

Properly shredded garbage means the waste from the preparation, cooking and dispensing of food, that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Publicly owned treatment works or *POTW* shall mean a treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned, in this case, by the city. This definition includes any sewers that convey wastewater to such treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term shall also mean the city, a municipality, as defined in Section 502(4) of the Act (33 U.S.C. 1362), which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Receiving waters means those waters into which wastes are discharged.

Residential or *domestic user* means a premises or person who discharges wastewater to the city sewers, that is of a volume and strength typical for residences, and further, for billing purposes, is defined as a dwelling place or place of residence.

Sanitary sewer means a sewer which carries wastewater and to which storm, surface and ground waters are excluded.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage or wastewater.

SIC means the standard industrial classification code.

SID permit means a state indirect discharge permit issued by the state department of environmental management. Such permits shall be issued to discharger of nondomestic pollutants from any source, including, but not limited to, those regulated under Section 307(b) or (c) of the federal Act, to a POTW.

Slug means any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes or more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Standard industrial classification or *SIC* means the classification pursuant to the *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget, 1972.

Standard methods means those sampling and analysis procedures established by and in accordance with EPA pursuant to Section 304(g) of the Act, and contained in 40 CFR, Part 136, as amended, or the *Standard Methods for the Examination of Water and Sewage,* as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. In cases where procedures vary, the EPA methodolgies shall supersede.

Storm sewer or *storm drain* means a sewer that carries storm and surface waters and drainage, but excludes wastewater and polluted industrial wastes.

Superintendent means the superintendent of the city sewer department.

Suspended solids means solids that either float on the surface or are in suspension in water, wastewater or liquid, and which are removable by laboratory filtering.

SWDA means the Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.

TOC means the quantity of dissolved oxygen required for the chemical oxidation of decomposable matter under aerobic conditions. TOC shall be determined by standard methods, as hereinabove defined.

Total solids means total weight ppm of all solids: Dissolved, undissolved, organic or inorganic.

Toxic means constituents of wastes that adversely affect the organism involved in wastewater treatment.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of CWA 307(a) or other acts.

TSS means total suspended solids.

U.S.C. means the United States Code.

User means any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

Wastewater means any solid, liquid, gas or radiological substance originating from residences, business buildings, institutions and industrial establishments, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Waters of the State of Alabama shall mean any water, surface or underground, within the boundaries of the state.
(Code 1968, § 15-23)

State law reference—Toxic substances in the workplace, Code of Ala. 1975, § 22-33-1 et seq.

Sec. 20-27. Purpose and policy.

(a) This article sets forth uniform requirements for contributors into the wastewater collection and treatment system for the city, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, and the General Pretreatment Regulations (40 CFR, Part 403).

(b) The objectives of this article are as follows:

(1) To prevent the introduction of pollutants into the city's wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the city's wastewater system that will pass through the system, inadequately treated, into receiving waters, the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;

(4) To provide for equitable distribution of the cost of the city wastewater system;

(5) Establish a distribution of equitable costs for services and improvements to the sewerage systems for all consumers within the areas that are furnished sanitary sewer services and sewage treatment. The rate schedule for all customers using the sewerage systems shall be on a unit-volume basis that does not allow any quantity discount;

(6) Prohibit the contribution of toxic compounds or substances in toxic concentrations and/or wastewater or sewage which may cause operational or maintenance difficulties or deteriorations in the sewers, force mains, pumping stations, and other structures appurtenant to the sewerage system;

(7) Establish a system of controls and municipal permits for all industries and commercial establishments listed in the *Standard Industrial Classification Manual* or other dischargers whose wastewater contribution requires greater treatment expenditure for hydraulic and/or organic loading than are required for equal volumes of normal domestic wastewater;

(8) Establish effluent pollutant limits and maximum effluent pollutant concentrations (pounds/day) for all industries and commercial establishments whose effluent pollutant concentrations exceed domestic wastewater concentrations and/or which contain toxic compounds or substances in toxic concentrations. The effluent limits shall consist of both maximum and minimum values, depending on the nature of the pollutant in question;

(9) Establish hydraulic and organic loading requirements for industrial wastes before discharge of these wastes into the sewerage system;

(10) Establish a uniform procedure for design, installation, inspection, operation, maintenance, record keeping and billing for the entire sewerage system;

(11) Require residential dwellings, housing developments and all other dischargers not permitted under section 20-162 to obtain a permit for their discharge to be made into the sanitary sewer on or before December 31, 1982.

(c) This article shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city POTW.
(Code 1968, § 15-22)

Sec. 20-28. Inspections, monitoring and entry—Generally.

(a) The city and/or the state department of environmental management shall require any nondomestic primary or significant industrial user, as defined by the state department of environmental management, to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods (including, where appropriate, biological monitoring methods), sample such effluents (in accordance with such methods, at such intervals and in such manner as the city and the state department of environmental management shall prescribe), and provide such other information as they may reasonably require.

(b) Further, the city, its representatives, the state department of environmental management, and the EPA shall have a right of entry to all properties, for purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article, and may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required above, and sample any effluents which the owner or operator is required to sample under division 4. Failure to permit entry in accordance with the above conditions shall constitute a misdemeanor, punishable as provided in section 1-9 of this Code.
(Code 1968, § 15-24)

Sec. 20-29. Same—Monitoring facilities.

Industrial wastewater disposal connections, where pretreatment is required by the city to satisfactorily carry out its inspection and monitoring responsibilities, may be required to have a control manhole or equivalent, with a city-approved automatic flow proportional refrigerated sampler and flow measuring device with continuous recorder and totalizer. Such a facility will be required to enable observation, measurement and sampling of all waste discharged to the POTW. Such control facility shall be constructed at such location and in such manner as may be directed by the city. Such a facility shall be installed by the industrial user discharging to the POTW, without cost to the city. The city shall arrange for maintenance of the facility, collect the samples and be responsible for testing of samples. The city, in a manner to be prescribed, shall be reimbursed by the user for any expense incurred in the above-mentioned maintenance, sampling, testing and any other related expenses required to make such facility safe, accessible and in proper operating condition.
(Code 1968, § 15-25)

Sec. 20-30. Responsibility.

(a) While performing the necessary work on private properties as indicated in this division, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises, established by the company.

(b) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a fully negotiated easement, for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Code 1968, § 15-26)

Sec. 20-31. Determination of wastewater volume.

(a) Unless otherwise provided, the volume of wastewater delivered to the POTW will be considered the same as the quantity of water purchased from and metered by the city. If the volume of water delivered to the POTW is greater or less than the volume of water purchased

from the city, the user shall make known to the city such differences. If differences do exist, it shall be the obligation of the user to install city-approved meters or other devices to determine the portion or quantity of wastewater delivered to the POTW.

(b) The city may consider establishing a constant ratio, factor or percentage to be applied to the metered water quantity delivered by the water system, in order to determine the waste delivered by the industry. Determining, as well as justifying, the factor to the city will be the responsibility of the user. The value of this factor may be periodically reviewed for accuracy by the city.
(Code 1968, § 15-27)

Sec. 20-32. Damage to POTW.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any portion of the POTW.
(Code 1968, § 15-28)

Sec. 20-33. Noncontractuality.

Neither this article nor any permission or approval granted hereunder shall be considered or construed as a contract by the city and any person. The city hereby expressly reserves the right to amend, change or repeal this article at any time.
(Code 1968, § 15-29)

Sec. 20-34. Exceeding capacity of POTW.

(a) If the service applied for cannot be furnished in accordance with city, state and federal rules and regulations, and if the designed sewerage system capacity is exceeded, there shall be no liability of, or by, the city to the applicant for such services.

(b) The city may, at its discretion, investigate expansion to its POTW for the express purpose of satisfying the needs of a new customer or the increased capacity requirements of an existing customer. Appropriate costs assessed to the customer would be determined by the city, covering arrangements for such service.
(Code 1968, § 15-30)

Sec. 20-35. Remoteness to existing interceptor.

The city may deny and not be liable for service to a new customer, if the customer's point of discharge will be at a distance considered to be prohibitive by the city for connection to the closest sizeable city sewer interceptor. Extension of such interceptor may be arranged, if technically feasible, at a cost to the customer, unless public funding is available to defray part of such cost and the time element is acceptable.
(Code 1968, § 15-31)

Sec. 20-36. Industries and commercial users outside corporate limits.

The city, as lead agency within this planning area, shall receive and adequately treat wastewaters from all industrial and commercial establishments furnished with sanitary sewers in accordance with all provisions of this article, with no increase in charges for these services.
(Code 1968, § 15-32)

Sec. 20-37. Inspection of connections.

No industrial or commercial sewer service, with or without a control and/or inspection manhole, shall be connected until the plumbing and connections incident thereto shall have been inspected and approved by the appropriate city agency. The sewer service connection shall be inspected and approved by the agency inspector before any underground portion of the sewer service is covered.
(Code 1968, § 15-33)

Sec. 20-38. Interruption of service.

The city shall not be liable for any damage resulting from failure of any sewer main, service pipe or valve, or by discontinuing the operation of its wastewater collection, treatment and sewerage facilities for repair, extensions or connections, or from the accidental failure of the wastewater collection system or treatment and disposal facilities, or from any cause whatsoever. In cases of emergency, the city shall have the right to restrict the use of its wastewater collection, treatment and disposal facilities in any reasonable manner, for the protection of the city and its sewerage system.
(Code 1968, § 15-34)

Sec. 20-39. Discontinuance of service; refusal to connect service.

The city shall, after written notice, have the right to discontinue or to refuse to render service, or to revoke a permit for service, for a violation of, or a failure to comply with, these rules and regulations, or for the nonpayment of any obligation due to the city's sewerage system. Discontinuance of service by the city for any causes stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under the billing provisions or other provisions of the customer's agreement. The city shall have the right to refuse to render service to any applicant whenever the applicant, or any member of the industry, company or firm to which service is to be furnished, is in default in the payment of any obligation to the city or has heretofore had his service disconnected because of a violation of the rules and regulations of this article.
(Code 1968, § 15-35)

Sec. 20-40. Use and maintenance of sewer laterals.

Sewer laterals that have been previously used but have been abandoned due to the razing of a building or structure may be used in connection with new buildings only when they are

found, on examination and test by the agency, to meet all requirements of this article. All others must be sealed to the satisfaction of the agency. Each individual, commercial or industrial user of the sewerage facilities of the city shall be entirely responsible for the maintenance of the sewer lateral that extends from the sewer mains to the city to the private lateral which extends from the sewer mains of the city to the private premises.
(Code 1968, § 15-36)

Sec. 20-41. Grease, oil interceptors (traps).

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of type and capacity approved by the superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.
(Code 1968, § 15-37)

Sec. 20-42. Control manhole.

When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such a manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
(Code 1968, § 15-38)

Sec. 20-43. Tests by standard methods.

(a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of *Standard Methods of the Examination of Water and Wastewater,* published by the American Public Health Association, or by approved EPA procedures, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb, and property.

(b) The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.
(Code 1968, § 15-39)

Sec. 20-44. Exceptions to article.

(a) Section 20-76(a)(2) prohibits entry into the city sewer system of wastes having a pH above 9.0. However, if the waste is to be conducted by an industrial interceptor directly into the POTW plant which was designed to accept and treat wastes of very high pH, then it is the option of the city to consider such application for service and make arrangements for the proper permit covering such installation and service.

(b) Section 20-76(a)(5) prohibits entry into the city sewer system of wastes having a temperature above one hundred four (104) degrees Fahrenheit. However, if arrangements are made to provide an industrial interceptor directly to the POTW plant for such wastes above one hundred four (104) degrees Fahrenheit, the city has the option to consider such application for service to allow the issuance of the proper permit subject to other agency restrictions.
(Code 1968, § 15-40)

Secs. 20-45—20-55. Reserved.

DIVISION 2. ENFORCEMENT OF ARTICLE

Sec. 20-56. Criminal.

It shall be unlawful to violate any of the provisions of this article or any requirement of a permit issued, including an SID permit, pursuant to the terms of this article. Violation shall be punishable as a misdemeanor, pursuant to the provisions of section 1-9 of this Code. Each day a violation continues to exist shall constitute an independent and separate offense.
(Code 1968, § 15-151)

Sec. 20-57. Civil.

(a) The discharge of wastewater or any other pollutant in violation of this article is hereby declared to be a public nuisance.

(b) The city may file in the circuit court of the county or any other court of competent jurisdiction, a suit seeking to have the user's conduct declared a public nuisance, pursuant to Code of Ala. 1975, sections 11-47-117, 11-47-118, and 6-5-122, or any other law, and further, seeking the issuance of an injunction to abate such a nuisance and/or any other appropriate relief to enforce the provisions of this article.
(Code 1968, § 15-152)

Sec. 20-58. Revocation of permit and/or termination of services.

(a) In addition to any other action the city may take against a user for violations of the provisions of this article or of a permit issued pursuant to this article, the city may also revoke, amend or suspend the user's city permit and/or terminate the user's connection to the sanitary sewer system, by excluding the wastewater of the user for violations of this article or permits issued pursuant to this article.

(b) Action by the city to revoke, suspend or amend the user's permit and/or terminate the user's sanitary sewer connection may be taken when the user commits any one (1) of the following acts or allows any one (1) of the following to occur:

(1) A violation of the terms or conditions of this article occurs or a violation of any regulation issued pursuant to this article;

(2) The action is necessary to protect the city's POTW;

(3) When the user has obtained a permit by misrepresentation or has failed to disclose fully all relevant facts;

(4) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(5) A violation of any term or condition of the SID permit issued by the state;

(6) User discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the POTW;

(7) User fails to pay either quarterly or monthly bills for sanitary sewer services when due or a claim by the city;

(8) User repeats a discharge of prohibited waste to the POTW;

(9) The city is reliably informed or has reason to believe that effluent from the wastewater treatment plant is no longer of quality permitted for discharge to a watercourse, and it is found that the user is delivering wastewater to the POTW that cannot be sufficiently treated or the same requires treatment that is not provided by the city as a normal domestic treatment.

(c) Notice.

(1) The city, prior to any action as enumerated in section 20-57 of this article, shall notify the user or his designated representative in writing, either by personal service or by certified mail.

(2) The notice shall set forth the specific violation and/or the reason enumerated in section 20-57, for which revocation, amendment or suspension of the user's permit and/or termination of the user's connection to the city sanitary sewer system is sought by the city.

(3) The notice shall also set forth the character of the violation and the dates on which such violations occurred, to enable the user to prepare his defense.

(4) The notice shall also set a time and a place for a hearing, not to exceed ten (10) days from the date of service of the notice of the user. At the hearing, the user may appear and be afforded a full opportunity to be heard.

(d) Hearing.

(1) The hearing shall be conducted by the city sewer superintendent at a date and a time as specified in the notice and, in any event, not to exceed ten (10) days from the date of service of notice on the user.

(2) At the hearing, the user shall be allowed to be represented by anyone of his choosing, and the user shall also have the right to produce any evidence he deems relevant. The city sewer superintendent shall hear such other evidence as he deems relevant to the issues.

(3) The city sewer superintendent shall make a written decision within ten (10) days from the date of the hearing. Written notice of the decision shall be served on the user or his designated representative within ten (10) days from the date of the decision. The decision shall set forth what action the city will take and the reasons therefor.

(e) Decision.

(1) The city sewer superintendent is authorized to revoke, suspend or amend the user's city permit and/or terminate the user's connection to the city sanitary sewer system, upon a finding as set forth in sections 20-58(c) and 20-58(d) of this article.

(2) Such action, as decided by the city sewer superintendent, shall be taken only after the time for appeal has expired and shall continue until such time as the industrial customer or user provides additional pretreatment or other facilities designed to remove the interfering constituents from his wastewater, and/or the reasons for the action have ceased to exist.

(f) Appeal.

(1) Any user, aggrieved by the decisions of the city sewer superintendent, shall have the right to appeal to the council.

(2) The appeal must be filed by the user, with the city clerk, within ten (10) days from the date of service of the city sewer superintendent's decision made on the user. The appeal shall be in writing.

(3) The timely filing of the appeal by the user shall stay the decision of the city sewer superintendent, no action shall be taken on the city sewer superintendent's decision, and the appeal to the council shall be *de novo.* However, the appeal shall not stay any civil or criminal action initiated by the city against the user.

(4) The city clerk shall set the appeal for a public hearing before the council. The hearing shall be held no later than ten (10) days from the date of the filing of the appeal with the city clerk.

(5) At the public hearing, the user may appear and shall be provided an opportunity to be heard. The council may require the city sewer superintendent or any other employee of the city to also appear and be heard by the council.

(6) The council shall render a decision by resolution within ten (10) days from the date of the hearing before the council. A certified copy of the resolution shall be served on the user within ten (10) days from the date of the decision by the council. The resolution of the council's decision shall set forth the action to be taken and the reasons, including violations of the article, which necessitate any action as enumerated in sections 20-58(c) and 20-58(d) of this article.

(Code 1968, § 15-153)

Sec. 20-59. Emergency termination of service.

(a) In the event of an actual discharge or threatened discharge to the POTW of any pollutant which, in the opinion of the wastewater treatment engineer, poses an immediate threat of serious irreparable harm to the public health, safety and welfare, either directly or indirectly, through interference with the operation of the POTW, the superintendent may immediately terminate sewer service and shall immediately notify the mayor and the state department of environmental management of action taken and the nature of the emergency.

(b) The superintendent shall immediately make every reasonable effort to notify the user or other person causing the emergency and request his assistance in abating the same.

(c) The city shall give notice to the user upon taking any action. This notice shall conform in all respects to that required in section 20-58. The city shall also immediately implement the procedures as enumerated in section 20-58, with the exception that the city may immediately terminate sewer service pending the hearing before the council as set out in section 20-58.
(Code 1968, § 15-154)

Sec. 20-60. Assessment of damages to users.

When a discharge of waste proximately causes an obstruction, damage or other impairment to the facilities of the city, or any expense of whatever character or nature to the city, the wastewater treatment engineer shall assess the expenses incurred by the city to clear the obstruction, repair damage to the facility, and any other expenses or damages proximately caused to the city by the discharge. The city shall file a claim with the user or any other person causing or suffering such damage to occur, seeking reimbursement for any and all expenses or damages suffered by the city. If the claim is ignored or denied, the city shall notify its legal department to take such measures as shall be appropriate to recover any expense or other damage suffered by the city.
(Code 1968, § 15-155)

Sec. 20-61. Petition for federal or state enforcement.

In addition to any other remedies for enforcement provided herein, the city may petition the state or the United States Environmental Protection Agency, as appropriate, to exercise such methods or remedies as shall be available to such government entities, to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal laws.
(Code 1968, § 15-156)

Secs. 20-62—20-75. Reserved.

DIVISION 3. DISCHARGE PROHIBITIONS

Sec. 20-76. General discharge prohibitions.

(a) No user, person, firm or corporation shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that will interfere with the operation or

performance of the POTW. These general prohibitions apply to all such users of a POTW, whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

(b) A user may not contribute the following substances to any POTW:

(1) Any liquids, solids or gases which, by reason of their nature or quantity, are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to:

a. Alcohols; Aldehydes; Benzene; Bromates; Carbides; Chlorates; Commercial solvents; Ethers; Fuel oil; Gasoline or any hydrocarbon derivatives; Hydrides; Kerosene; Ketones; Mineral spirits; Motor oils; Naphtha; Perchlorates; Peroxides; Sulfides; Toluene; Xylene; and

b. Any other substances that the city, the state or EPA has notified the user is a fire hazard or a hazard to the system;

(2) Any pollutants that will cause corrosive structural damage to the POTW (in no case with a pH less than 6.0 or higher than 9.0) or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW, unless the POTW is specifically designed to accommodate such wastewater;

(3) Solid or viscous substances in amounts that may cause obstruction to the flow in a sewer or other interference with the operation of the POTW, such as, but not limited to:

a. Garbage not properly shredded or garbage with particles greater than one-half inch in any dimension; Ashes; Cinders; Animal entrails; Paunch manure; Offal; Bones; Hair; Hides or fleshings; Whole blood; Beer or distillery slops; Feathers; Sand; Lime residues; Stone or marble dust; Metal; Glass; Straw; Grass clippings; Rags; Spent grains; Spent hops; Waste paper; Wood; Plastics; Fiberglass; Paint; Ink residues; Gas, tar or asphalt residues; Chemical residues; Residues from refining or processing of wastes; Any water or waste which contains more than one hundred (100) ppm (by weight) of animal or mineral fats, oil or grease; or

b. Any water or waste which contains a substance that will solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and ninety (90) degrees Fahrenheit.

The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent;

(4) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which will cause interference to the POTW. In no case

shall a discharge have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration, quantities or flow during normal operation of the discharger's facility;

(5) Any wastewater having a temperature that will inhibit biological activity in the POTW, resulting in interference, but in no case wastewater with a temperature at introduction into the POTW plant which exceeds forty (40) degrees Celsius (104°F). Unless a higher temperature is allowed in the user's SID permit, no user shall discharge into any sewer line or appurtenance of the POTW, wastewater with a temperature exceeding sixty-five and six-tenths (65.6) degrees Celsius (150°F);

(6) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act;

(7) Any noxious or malodorous liquids, gases or solids that either singly or by interaction with other wastes, are sufficient to create a public nuisance, while being conveyed through the sanitary sewer and at the POTW operating in its normal mode, as defined by state law, or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair;

(8) Any substances that may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, unusual concentrations of inert suspended solids, to be unsuitable for reclamation and reuse or to interfere with the reclamation process, where the POTW is pursuing a reuse and reclamation program, or to cause undue additional labor and materials in connection with its operation. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, state criteria applicable to the sludge management method being used or any future federal regulation;

(9) Any substance that will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards;

(10) Any wastewater with objectionable color (greater than fifty (50) ppm) not removed and discharged into the POTW, such as, but not limited to, dye wastes and spent tanning solutions;

(11) Any liquid or wastewater containing quantities of radioactive waste in excess of presently existing or subsequently accepted limits for drinking water, as established by applicable state or federal regulations;

(12) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern, as long as the POTW operation complies with the NPDES limits authorized by EPA and the state department of environmental management.

(Code 1968, § 15-51)

Sec. 20-77. Fixed upper limits on wastewater constituents.

(a) The limits enumerated in Table 1 may be used as a guide in design and plant control. The city may enforce a more stringent limitation than that which is imposed by the limits in Table 1, if, in the opinion of the city, an interference exists in the city's POTW.

(b) The toxic materials listed in Table 1 shall be limited to the maximum average daily (twenty-four-hour day) quantities and concentrations, as noted when measured at the point of discharge into the sanitary sewer, and at no time shall a concentration of one (1) of these materials in an instantaneous grab sample exceed two (2) times the maximum average daily concentration:

TABLE 1
PROPOSED TREATMENT LIMITS

			Calculated Limits			*Standards*		
Pollutant	*Stream Standards*	*Background Level*	*Aerated Lagoon Inhibition*	*Receiving Water Quality*	*Aerated Lagoon Inhibition*	*State*	*Proposed City*	*Maximum Quantity To Lagoon System lb/day*
Arsenic	0.0500	0.0036	0.1	6.68	2.80	—	2.00	1.00
Cadmium	0.0007	0.0320	1.0	0.00	28.10	0.1	.05	0.10
Chromium	0.0210	0.0750	1.0	0.75	26.90	2.5	0.50	0.50
Copper	0.0200	0.0650	1.0	0.89	27.18	1.0	0.50	0.50
Cyanide	0.0520	0.0770	0.1	4.90	0.74	0.5	0.50	0.50
Lead	0.0317	0.0200	0.3	3.74	8.14	0.1	1.00	1.00
Mercury	0.0000017	0.0030	0.1	0.00	2.82	—	0.01	0.01
Nickel	0.5000	0.0850	1.0	65.42	26.62	0.5	5.00	2.00
Silver	0.0004	0.0050	0.25	0.00	7.11	0.25	0.01	0.01
Zinc	0.1017	0.3170	1.20	4.92	25.92	1.8	2.00	1.00

Notes:

1. All units are in mg/l, unless otherwise noted.
2. Stream standards determined through discussions with the state department of environmental management personnel.
3. Background level concentrations determined through discussions with the state department of environmental management personnel.
4. Calculated limits were obtained by material balances.
5. The maximum quantity (lb/day) allowed to enter the lagoon system does not include the levels of metals found naturally in domestic wastewaters.

(c) The proposed city limits are based on monthly average concentrations of fifty thousand (50,000) GPD or less. The specific standards of an industry discharging over fifty thousand (50,000) GPD shall be determined on a case-by-case basis.

(d) Standards have not been determined for organic pollutants or other priority pollutants. These shall be determined on a case-by-case basis.
(Code 1968, § 15-52)

Sec. 20-78. Prohibitions on storm drainage and ground water.

(a) Stormwater, groundwater, rain water, street drainage, rooftop drainage, basement drainage, subsurface drainage, yard drainage, uncontaminated cooling water, and unpolluted industrial process waters shall not be discharged through direct or indirect connections to a community sewer, unless a storm sewer or other reasonable alternative for removal of such drainage does not exist, and then only when such discharge is permitted by the user's SID permit and the appropriate fee is paid for the volume thereof.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the state department of environmental management. Industrial cooling water or unpolluted process waters may be discharged, on approval of the state department of environmental management, to a storm sewer or natural outlet.
(Code 1968, § 15-53)

Sec. 20-79. National categorical pretreatment standards.

Certain industrial users now or hereafter shall become subject to national categorical pretreatment standards promulgated by the EPA, specifying quantities or concentrations of pollutants or pollutant properties that may be discharged into the POTW. All industrial users subject to a national categorical pretreatment standard shall comply with all requirements of such standard, and shall also comply with any additional or more stringent limitations contained in this article.
(Code 1968, § 15-54)

Sec. 20-80. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.
(Code 1968, § 15-55)

Sec. 20-81. Excessive discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards or in any pollutant specific limitation developed by the city and the state department of environmental management. Where necessary, in the opinion of the state department of environmental

management, equalizing may be required to bring constituents or volume to an acceptable level and to hold or equalize flows such that no peak flow conditions may interfere with the POTW. Each equalization or holding unit shall have a capacity suitable to serve its intended purpose, as stated above, and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the waste flow.
(Code 1968, § 15-56)

Sec. 20-82. Accidental discharges; user's responsibilities.

(a) In the case of accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include:

(1) Location of discharge;

(2) Type of waste;

(3) Concentration and volume; and

(4) Corrective actions.

(b) Within five (5) calendar days following an accidental discharge, the user shall submit to the city and the department of environmental management a detailed written report, describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law. Violation of this provision shall constitute a misdemeanor, punishable as provided in section 1-9 of this Code.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees to call 382-2647 (city hall) or 382-3451 (POTW) in the event of a discharge of any of the substances enumerated in section 20-76 of this Code.
(Code 1968, § 15-57)

Secs. 20-83—20-95. Reserved.

DIVISION 4. SID PERMIT; DISCHARGE REPORTS; ADMINISTRATION

Sec. 20-96. Application and permit requirements for primary and significant industrial users.

All primary or significant industrial users, as defined by the state department of environmental management, prior to discharging nondomestic waste into the POTW, shall submit an original and two (2) copies of an application and engineering report to the city for the purpose of obtaining an SID permit. The original and copies of the package shall be forwarding to the superintendent for review and comment prior to forwarding to the state department of environmental management. The engineering report shall contain the information speci-

fied in section 20-97 hereof. The user shall submit, to the city and the state department of environmental management, revised plans, whenever alterations or additions to the user's premises deviate from the originally submitted plans. Any currently connected primary or significant user discharging waste other than domestic waste, who has heretofore filed such a report, shall file same with the city and the state department of environmental management no later than six (6) months after November 1, 1982.
(Code 1968, § 15-71)

Sec. 20-97. Application and report requirements.

The application and report, required by section 20-96 or other provisions of this article for all primary and significant industrial users, shall contain in units and terms appropriate for evaluation the information listed in subsections (1) through (7) below. Industrial users subject to national categorical pretreatment standards shall submit to the city and the state department of environmental management a report which contains the information listed in subsections (1) through (10) below, within one hundred eighty (180) days after the promulgation by the Environmental Protection Agency of a national categorical pretreatment standard under Section 307(b) or (c) of the Act (33 U.S.C. 1317(b) or (c)), where such national categorical pretreatment standards have been promulgated prior to the effective date of the ordinance from which this section derives. Primary or significant industrial users who are unable to achieve compliance with the provisions of division 3 hereof without improved operation and maintenance procedures or pretreatment, shall submit a report which contains the information listed in subsections (1) through (10) below. As specified hereinabove, the report shall be certified by a professional engineer registered in the state and shall contain all or applicable portions of the following:

(1) General information, including name and affiliation of company, number of employees, product(s) to be manufactured, including rate of production and SIC number(s), hours of operation, and water supply or supplies (i.e., well water) and disposition;

(2) Location map showing location of manufacturing plant (with latitude and longitude), treatment facilities, drainage and appurtenant structures, such as manholes, and indicating locations of each discharge point. In case of indirect discharges, location of sewer and point of industry tie-in should be shown;

(3) Narrative account of manufacturing operation(s), explaining and/or defining raw materials, processes and products. Blockline or schematic diagrams indicating points of waste origin and its collection and disposition should be included;

(4) The average and maximum total flow, the daily flow pattern and seasonal variations of each discharge from such industrial user to the sewer system, in gallons per day;

(5) The average and maximum of both quantity and quality of the wastewater discharge from each regulated process from such industrial user, and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level, as provided for in the applicable pretreatment standard. If an equivalent concentration limit has been calculated in accord-

ance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the state department of environmental management for approval;

(6) Description of existing or proposed waste treatment facilities, where applicable, including plans and specifications, design parameters, pretreatment measures and recovery systems. Means of handling cooling waters, storm drainage and sanitary wastes should be discussed. Containment systems for product storage areas, loading and intermediate, or raw material handling areas, process areas and other areas with spill potential should be described. Where applicable, the availability of spill prevention control and containment (SPCC) plan should be indicated;

(7) When treatment sludges are generated, dewatering, handling and method and location of disposal should be indicated. Quantity and analysis information should also be furnished;

(8) In the case of new or expanded treatment systems, copies of logs for test borings in the vicinity of treatment facilities or earthen construction should be furnished to facilitate a geologic/hydrologic review;

(9) A statement reviewed and signed by an authorized representative of the industrial user, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

(10) If additional pretreatment or operation and maintenance procedures will be required to meet the pretreatment standards, then the report shall contain the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(Code 1968, § 15-72)

Sec. 20-98. Incomplete SID application.

Persons who have filed incomplete applications will be notified in writing by the city that the application is deficient and the nature of such deficiency, and they will be given forty-five (45) days or within such extended period as allowed by the city to respond in writing. If no written response is received from the applicant in the time frame specified by the city, the city shall submit the application to the state department of environmental management with a recommendation that it be denied, and notify the applicant in writing of such action.

(Code 1968, § 15-73)

Sec. 20-99. Evaluation of SID applications.

(a) All SID permit applications will be dealt with in accordance with procedures enumerated in the memorandum of agreement executed between the city and the state department of environmental management. The city may recommend to the AWIC and the SID permit applications require any of the following items:

(1) Pretreatment requirements;

(2) The average and maximum wastewater constituents and characteristics;

(3) Limits on rate and time of discharge or requirements for flow regulations and equalization;

(4) Requirements for installation of inspection and sampling facilities;

(5) Specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;

(6) Requirements for submission of technical reports of discharge reports;

(7) Requirements for maintaining records relating to wastewater discharge;

(8) Mean and maximum mass emission rates, or other appropriate limits, when incompatible (as set forth in division 3) are proposed or present in the user's wastewater discharge;

(9) Other conditions as deemed appropriate by the city to ensure compliance with this article or other applicable ordinance, law or regulation;

(10) Requirements for the installation of facilities to prevent and control accidental discharges or spills at the user's premises;

(11) Mass limitations, where dilution is used to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are deemed appropriate.

(b) The user shall design any necessary facility, and submit detailed design plans and operating procedures to the city, state and federal agencies having jurisdiction. The city shall review and comment on the plan within forty-five (45) calendar days and recommend to the user any change it deems appropriate. Upon comment by the city and approval by state and federal agencies of plans as specified above, the user shall secure such building, electrical, plumbing or other permits as may be required by applicable codes, and proceed to construct any necessary facility and establish such operating procedures as are required, within the time provided in the user's SID permit.
(Code 1968, § 15-74)

Editor's note—The memorandum of agreement, dated Nov. 2, 1982, is not set out herein, but remains on file with Ord. No. 1982-1, from which this article is derived, in the office of the city clerk.

Sec. 20-100. Applicant's notification of proposed SID permit conditions and objection procedures.

(a) Upon receipt of a draft SID permit, the applicant shall have thirty (30) calendar days to review same and file written objections with the city and the state department of environmental management.

(b) Within fifteen (15) calendar days of receipt of an applicant's request or written objections, the city may schedule a meeting between itself, the applicant, and the state

department of environmental management, for the purpose of resolving the disputed SID permit issues.

(c) If an applicant files no written objection to the draft SID permit proposed by the state department of environmental management, or a subsequent agreement is reached concerning the same, issuance of the permit will be in accordance with the memorandum of agreement executed between the city and the state department of environmental management.
(Code 1968, § 15-75)

Editor's note—See the editor's note following section 20-99.

Sec. 20-101. Permission to discharge.

Issuance of an SID permit by the state department of environmental management shall constitute permission by the city to discharge into the city sewer system, under the terms and conditions as enumerated in the SID permit. All users not required to operate under an SID permit or who currently contribute wastewater other than normal domestic sewage or discharge in excess of five thousand (5,000) GPD shall comply with the provisions of division 5.
(Code 1968, § 15-76)

Sec. 20-102. Compliance schedule and reporting requirements.

(a) Compliance with national categorical pretreatment standards, for existing sources subject to such standards or for existing sources which become subject to such standards after November 1, 1982, shall be within three (3) years following promulgation of the standards, unless a shorter compliance time is specified in the standard. Compliance with national categorical pretreatment standards for new sources shall be required upon promulgation of the standard. The city shall attempt to notify in writing any user whom it has cause to believe is subject to a national categorical pretreatment standard, upon promulgation of such federal regulations, but any failure of the city in this regard shall not relieve the user of the duty of complying with such national pretreatment standards.

(b) The following conditions shall apply to the schedule required by sections 20-97 and 20-99 of this article:

(1) The schedule shall contain increments of progress, in the form of calendar dates, for the commencement and completion of major events leading to the construction and operation of additional pretreatment requirements for the industrial user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);

(2) No increment referred to in subsection (b)(1) above shall exceed nine (9) months;

(3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the city and the state department of environmental management including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reasons for

the delay, and steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the city and the state department of environmental management;

(4) Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the city and the state department of environmental management a report, indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the industrial user which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance procedure or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, as defined in section 20-26, and certified by a professional engineer registered in the state;

(5) Any industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge of the POTW, shall submit to the city and the state department of environmental management, during the months of June and December, unless required more frequently in the pretreatment standard or by the city and the state department of environmental management, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in section 20-97(4) of this article. At the discretion of the city or the state department of environmental management, as applicable, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city or the state department of environmental management, as applicable, may agree to alter the months during which the above reports are to be submitted;

(6) If mass limitations have been imposed on the industrial user's discharge, the report required by subsection (b)(1) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user;

(7) The frequency of monitoring effluent discharge shall be prescribed by the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of Section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 CFR Part 136, and amendments thereto, or with any other test procedures approved by the Environmental Protection Agency. Sampling shall be performed in accordance with the techniques approved by the Environmental Protection Agency.

(Code 1968, § 15-77)

Sec. 20-103. Maintenance of records.

Any industrial user subject to the reporting requirements established in this article shall maintain records of all information resulting from any monitoring activities required by this article. Such records shall include, for all samples:

(1) The date, exact place, method and time of sampling, and the names of the persons taking the samples;

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques/methods used; and

(5) The results of such analyses.

(Code 1968, § 15-78)

Sec. 20-104. Retention of records.

Any industrial user subject to the reporting requirement established in this article shall be required to retain for a minimum of five (5) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the city, the state department of environmental management or the EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user, or when requested by the city, the state department of environmental management or the EPA.

(Code 1968, § 15-79)

Sec. 20-105. Confidentiality of records.

Any records, reports or information obtained in accordance with this article are intended to be used to determine applicable effluent limitations, toxic conditions, pretreatment requirements or permit conditions, and shall be available to the public, except that upon a showing satisfactory to the city and the state department of environmental management by any person, that records, reports or information, or a particular part thereof (other than effluent data), to which the city and the state department of environmental management has access to under this article, if made public would divulge methods or processes entitled to protection as trade secrets of such persons, then the city and state department of environmental management shall consider such record, report or information or particular portion thereof confidential in accordance with the purposes of this article, except that such record, report or information may be disclosed to officers, employees or authorized representatives of the state or of the United States concerned with carrying out the provisions of the Clean Water Act, or when relevant in any proceeding under this article or other applicable laws.

(Code 1968, § 15-80)

Sec. 20-106. Duration of permits.

(a) SID permits shall be issued for a period of five (5) years, provided that original permits may be issued for a period between three (3) and five (5) years, for the administrative convenience of the state department of environmental management, so as to stagger the renewal dates of the permits.

(b) Notwithstanding the foregoing, users becoming subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment standards.
(Code 1968, § 15-81)

Sec. 20-107. Permit renewal.

A user must apply in writing to the city and the state department of environmental management for the renewal permit, within the period of time not more than ninety (90) days and not less than thirty (30) days prior to expiration of the current permit.
(Code 1968, § 15-82)

Sec. 20-108. Permit modifications.

(a) Limitations or conditions of a permit are subject to modification or change as such changes may become necessary due to changes in applicable water quality standards, changes in the city's NPDES permit, changes in division 3, changes in other applicable law or regulation, or for other just cause. Any proposed change or new condition in a permit shall include a provision for a reasonable time schedule for compliance and shall be made known to the user. Upon receipt of the draft modification, the user shall have thirty (30) calendar days to review same and file written objection with the city and the state department of environmental management.

(1) Within fifteen (15) calendar days of receipt of a user's request or written objection, the city may schedule a meeting between itself, the applicant and the state department of environmental management for the purpose of resolving the disputed SID permit change.

(2) If a user files no written objection to the draft modification, or a subsequent agreement is reached concerning the same, the state department of environmental management shall incorporate such modification into the user's SID permit, in accordance with the memorandum of agreement between the city and the state department of environmental management.

(b) Any significant change in the nature or volume of the wastewater constituents of a permitted user shall be reported to the city and may require the user to be subject to a modified SID permit.
(Code 1968, § 15-83)

Sec. 20-109. Transfer of a permit.

SID permits are issued to a specific user for a specific operation. An SID permit shall not be reassigned, transferred or sold to a new owner, new user, or for different premises.
(Code 1968, § 15-84)

Secs. 20-110—20-120. Reserved.

DIVISION 5. SANITARY SEWER DISCHARGE PERMIT

Sec. 20-121. Application—For existing users.

All users who currently contribute wastewater other than normal domestic sewage, a discharge volume greater than five thousand (5,000) gallons per day, and not required to operate under an SID permit, shall submit a sanitary sewer discharge permit application and copy of the existing city discharge permit, within thirty (30) calendar days of receiving written notification from the city.
(Code 1968, § 15-101)

Sec. 20-122. Same—For new users.

All new users who wish to contribute wastewater other than normal domestic sewage, a discharge volume greater than five thousand (5,000) gallons per day, and not required to operate under an SID permit, shall submit a sanitary sewer discharge permit application for the purpose of connecting the facility to the POTW.
(Code 1968, § 15-102)

Sec. 20-123. Applicant's notification of proposed sanitary sewer discharge permit; objection procedures.

(a) Upon completion of its evaluation, the city shall issue or deny a sanitary sewer discharge permit within thirty (30) calendar days of receipt of the application.

(b) If denied, written notice shall be provided, which specifies the reasons for denial.

(1) Such notice shall also set a time and place for a hearing, not to exceed fourteen (14) calendar days from the date of service of the notice. At the hearing, the applicant may appear and be afforded a full opportunity to be heard.

(2) The hearing shall be conducted by the sewer superintendent at a date and a time specified in the notice. At the hearing, the user shall be allowed to be represented by anyone of his choosing, the user shall also have the right to produce any evidence he deems relevant. The sewer superintendent shall hear other evidence as he deems relevant to the issues. The sewer superintendent shall make a written decision within ten (10) days from the date of the hearing. Written notice of the decision shall be served on the user or his designated representative within ten (10) days from the date of the decision. The decision shall set forth what action the city will take and the reasons therefor.

(3) Any applicant, aggrieved by the decision of the sewer superintendent, shall have the right to appeal to the council. The appeal must be filed by the user, with the city clerk, within ten (10) days from the date of service of the sewer superintendent's decision made on the user. The appeal shall be in writing. The timely filing of the appeal by the user shall stay the decision of the sewer superintendent, no action shall be taken on the sewer superintendent's decision, and the appeal to the council shall be *de novo.* However, the appeal shall not stay any civil or criminal action initiated by the city against the user. The city clerk shall set the appeal for a public hearing before the council. The hearing shall be held no later than ten (10) days from the date of the filing of the appeal with the city clerk. At the public hearing, the user may appear and shall be provided an opportunity to be heard. The council may require the sewer superintendent or any other employee of the city to also appear and be heard by the council. The council shall render a decision by resolution, within ten (10) days from the date of the hearing before the council. A certified copy of the resolution shall be served on the user within ten (10) days from the date of the decision by the council.

(c) If the permit is issued and the applicant objects to the permit's conditions, the applicant may object through the procedures enumerated in subsections (b)(1) through (b)(3) above.
(Code 1968, § 15-103)

Sec. 20-124. Reporting requirements.

Any significant change in the nature or volume of the wastewater constituents of a permitted user shall be reported to the city in a timely fashion and may require the user to apply for a revised sanitary sewer discharge permit.
(Code 1968, § 15-104)

Sec. 20-125. Duration of permits.

Sewer system discharge permits shall be issued for an indefinite time period, provided all requirements of this article continue to be met.
(Code 1968, § 15-105)

Sec. 20-126. Transfer of permit.

Sewer system discharge permits are issued to a specific user for a specific operation. A sewer system discharge permit shall not be sold, reassigned or transferred to a new owner, new user, or for different premises.
(Code 1968, § 15-106)

Secs. 20-127—20-140. Reserved.

DIVISION 6. FEES AND CHARGES GENERALLY; PENALTIES

Sec. 20-141. User charges.

User charges shall be as follows:

(1) Monthly base charge $3.50

(2) Plus, per 1,000 gallons water consumption:

First 500,000 gallons	0.25
Next 500,000 gallons	0.15
Over 1,000,000 gallons	0.10

(3) Minimum sewer charge 4.25

(4) Maximum sewer charge, one- or two-family residence 6.75

(5) Commercial-industrial surcharge for all waste containing more than 200 mg. BOD_5 per pound 0.06

(Code 1968, § 15-121)

Sec. 20-142. Connection tap fees.

Connection tap fees shall be as follows:

Diameter of Connection	
Four inch	$150.00
Six inch	300.00
Eight inch	500.00

(Code 1968, § 15-121)

Sec. 20-143. Industrial waste surcharge elements.

(a) An industrial waste surcharge may be assessed against any industry in the city service area whose wastewater characteristics exceed the following normal wastewater strengths:

BOD	200 ppm
Suspended solids (SS)	200 ppm
Grease (animal and vegetable fats and oils)	100 ppm
Oil and grease (mineral)	100 ppm

(b) At the discretion of the city and at such times when data has been compiled and established, additional or modified surcharge elements shall be imposed. Such surcharges shall be based upon the higher cost of treatment of the pollutant.

(Code 1968, § 15-122)

Sec. 20-144. Industrial cost recovery.

All industrial and some commercial users may be subject to the industrial cost recovery (ICR) requirement of Public Law 92-500. The ICR requirement applies to those industrial and included commercial users who discharge to a grant-funded facility. ICR fees shall be assessed in accordance with applicable federal guidelines.

(Code 1968, § 15-123)

Sec. 20-145. Holding tank discharges.

(a) All persons owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall not discharge, directly or indirectly, wastewater into the POTW, unless such

person shall first have applied for and received a mobile discharge operation permit from the water and sewer department. All applicants for a mobile discharge operation permit shall complete such forms as required by the city, pay appropriate fees, and agree in writing to abide by the provisions of this article and any special conditions or regulations established by the city. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period one (1) year from date of issuance, provided that such permit shall be subject to revocation by the city for violation of any provision of this article or any reasonable regulation established by the city. Such permits shall be limited to the discharge of wastewater which has none of the prohibited wastes enumerated in division 3. The city shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste, in its absolute discretion, where it appears that the waste could interfere with the effective operation of the POTW.

(b) No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the city. Such user shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the city. However, no permit will be required to discharge domestic waste from a recreational vehicle holding tank, provided such discharge is made into an approved facility designed to receive such waste.

(c) A treatment fee shall be paid annually on the date of permit issuance. This fee shall cover the cost of providing treatment for domestic sewage waste discharged during the preceding year by the permit applicant. Fees shall be paid to, and permits issued by, the city water and sewer department office.

(d) Septic tank waste shall be discharged to the POTW only at the designated manholes located at the wastewater treatment plant.
(Code 1968, § 15-124)

Sec. 20-146. Miscellaneous fees.

(a) It is the purpose of this section to provide for the recovery of costs from the users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth by the city's schedule of charges and fees.

(b) The superintendent may establish charges and fees when necessary, which may include:

(1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;

(2) Fees for monitoring, inspections and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Fees for mobile discharge operations permit;

(5) Fees for permit applications;

(6) Fees for permit renewal;

(7) Fees for filing appeals;

(8) Other fees as the city may deem necessary to carry out the requirements contained herein.

(c) These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the city.
(Code 1968, § 15-125)

Secs. 20-147—20-160. Reserved.

DIVISION 7. DOMESTIC SEWAGE

Sec. 20-161. Use of public sewers required.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of section 20-5 and the provisions of this article.
(Code 1968, §§ 15-1, 15-136)

Sec. 20-162. Private sewage disposal.

The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available
(Code 1968, § 15-137)

State law reference—Municipal regulation of privies, water closets, septic tanks, etc., Code of Ala. 1975, § 11-50-55.

Sec. 20-163. Building sewers and connections.

(a) No unauthorized persons shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(b) There shall be two (2) classes of building sewer permits:

(1) For residential and commercial service; and

(2) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of ten dollars ($10.00) for a residential or commercial building sewer permit and five hundred dollars ($500.00) for an industrial building sewer permit shall be paid to the city at the time the application is filed.

(c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) A separate and independent building sewer shall be provided for every building, except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

(e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.

(f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the *ASTM* and *WPCF Manual of Practice No. 9,* shall apply.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(h) No person shall make connection of roof downspouts, exterior foundations drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the *ASTM* and the *WPCF*

Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(j) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(k) All excavations for building sewer installation shall be adequately guarded with barricades and lights, so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
(Code 1968, § 15-138)

Sec. 20-164. Use of the public sewers.

Use of the public sewers is restricted to the handling of domestic sewage only. Restrictions for nonsewage neutral waters are listed under section 20-78(a) (stormwaters, yard waters, etc.) and general restrictions are listed under section 20-76.
(Code 1968, § 15-139)

[The next page is 1849]

APPENDIX A

ZONING*

Art. I. Preamble and Enactment Clause
Art. II. Short Title
Art. III. Definition of Certain Terms Used Herein, §§ 301, 302
Art. IV. Establishment of Districts, §§ 401—403
Art. V. Use Provisions for Residential Districts, §§ 501—506
Art. VI. Use Provisions for Business Districts, §§ 601—603
Art. VII. Use Provisions for Industrial Districts, §§ 701, 702
Art. VIII. Application of Regulations, §§ 801—807
Art. IX. Area, Yard and Height Requirements
Art. X. Off-Street Parking and Loading Areas, §§ 1001, 1002
Art. XI. General and Supplemental Provisions, §§ 1101—1110
Art. XII. Nonconforming Uses, §§ 1201—1203
Art. XIII. Administration and Enforcement, §§ 1301—1304
Art. XIV. Board of Adjustment, §§ 1401—1407
Art. XV. Amendments, §§ 1501—1503
Art. XVI. Legal Status Provisions, §§ 1601—1604

TITLE

An ordinance of the City of Greenville, Alabama, regulating the location, height, bulk, number of stories and size of buildings and other structures; the size of yards; the density and distribution of population; and the uses of buildings, structures, and land for trade, industry, residence, recreation, transportation, agricultural, conservation, public activities, and other purposes; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, amendment, and appeal, and providing for the imposition of penalties for the violation of the provisions of this ordinance.

ARTICLE I. PREAMBLE AND ENACTMENT CLAUSE†

Whereas Title 37, Chapter 16, Articles 1 and 2, Sections 772 to 785 inclusive, Code of Alabama, 1940 (recompiled 1958), empowers the City of Greenville to enact a zoning ordinance and to provide for the administration, enforcement and amendment thereof, and

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***Editor's note**—The zoning ordinance is derived from Ord. No. 1975-7, adopted by the city council on April 14, 1975. Amendatory ordinances are identified in parentheses following the amended section; where no history note appears the section remains as enacted by the basic zoning ordinance. Any provisions in brackets [ ] were added by the editors for purposes of clarity. References to a "map" or "zoning map" refer to the zoning map on file in the office of the city clerk.

Cross references—Administration, Ch. 2; alcoholic beverages, Ch. 3; animals, Ch. 4; licenses and business regulations, Ch. 10; mobile homes, Ch. 11; subdivisions, App. B; location of retail alcoholic beverage establishments, § 3-4; buildings under subdivision regulations to conform to zoning ordinance, App. B, § 26.

State law reference—Zoning, Code of Ala. 1975, § 11-52-70 et seq.

†**Editor's note**—The statutes cited in this article are now found in Code of Ala. 1975, §§ 11-52-70—11-52-84. This note also applies to similar references in other articles of this appendix.

Whereas the city council deems it necessary, for the purpose of promoting the public health, safety, convenience, order, prosperity, and general welfare of the city to enact such an ordinance, and

Whereas the city council has appointed the planning commission to recommend the boundaries of the various districts, and

Whereas the planning commission has divided the town [city] into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the stability of neighborhoods; to protect property against blight and depreciation; to conserve the value of buildings; and to encourage the most appropriate use of land, buildings and structures throughout the municipality, and

Whereas the planning commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

Whereas the planning commission has prepared a preliminary report and held public hearings thereon, and submitted its final report to the city council, and

Whereas the city council has given due public notice of hearings related to the adoption of zoning districts, regulations, and restrictions, and has held such public hearings, and

Whereas all requirements of Title 37, Chapter 16, Articles 1 and 2, Sections 772 to 785 inclusive, Code of Alabama, 1940 (recompiled 1958), with regard to the preparation of the report by the planning commission and subsequent action of the city council, have been met:

Now, therefore, the public welfare requiring it, the mayor and council of the City of Greenville, Alabama, do ordain and enact into law the following articles and sections:

ARTICLE II. SHORT TITLE

This ordinance shall be known and may be cited as the Zoning Ordinance of the City of Greenville, Alabama.

ARTICLE III. DEFINITION OF CERTAIN TERMS USED HEREIN

The purpose of this article is to clarify the meaning of certain words as they are used in this ordinance.

Section 301. Interpretation of certain terms and words.

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms are to be interpreted as follows.

Words used in the present tense include the future tense.

Words used in the singular include the plural and words used in the plural include the singular.

Building includes the word "structure."

Lot includes the word "plot" or "parcel."

Map or *zoning map* means the "Zoning Map, City of Greenville, Alabama."

Person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Shall is always mandatory.

Used or *occupied,* as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

Section 302. List of definitions.

For the purpose of this ordinance, certain words are defined as follows:

Accessory use or *building:* A use of building customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use or building.

Airport: The Greenville Municipal Airport.

Airport elevation: The established elevation of the highest point on the usable landing area.

Airport hazard: Any structure, tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

Automobile parts sales store: A retail establishment where the retail sale of automotive "TBA" and aftermarket parts is carried out, but no repair, maintenance, reconditioning or rebuilding activities are permitted.

Automobile repair garage: A retail establishment where sales and services permitted under Gas Service Stations may be offered, and where general automotive repair is carried out. General automotive repair shall include any combination of the following: rebuilding and reconditioning of automotive vehicles; rebuilding and replacement of automotive systems, including engine rebuilding and replacement; painting and undercoating of automotive vehicles; and collision repair of automotive vehicles.

Automobile sales center: A retail establishment where the retail sale and installation of automotive "TBA" is carried out, but not repair, maintenance, reconditioning, or rebuilding activities are permitted.

Boarding or *rooming house:* Any dwelling in which three (3) or more persons either individually or as families are housed for rent with or without meals.

Buffer strip: An evergreen buffer which shall consist of a greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedge, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and will eventually grow to not less than ten (10) feet.

Building: Any structure which is permanently affixed to the land, and intended for shelter, housing or enclosure of persons, animals or property.

Business signs: An attached or freestanding structure on which is announced the business use of the premises and/or the name of the operator of the business.

Comprehensive plan: Any officially adopted part or element of the general comprehensive plan of the City or its environs. This may include but is not limited to: The land use plan, the major street plan, the community facilities plan, and the capital improvements program.

Condominium: A multiunit dwelling or group of multiunit dwellings, including townhouses, wherein each unit owner enjoys exclusive ownership of his individual dwelling unit and holds fee simple title thereto, while retaining an undivided interest, as a tenant in common, in the common facilities and areas of the building(s) and grounds which are used by all unit owners.

Dwelling: A building designed or used for living quarters for one (1) or more families.

Dwelling unit: A dwelling or portion thereof arranged, designed or used as permanent living quarters for one (1) family.

Family: One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Flood: An overflow of water onto lands not normally covered by water and results in significant adverse effects in the vicinity.

Floodway: The natural channel and the portion of the floodplain along the channel which must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream.

Floodway fringe areas: Areas lying outside the floodway but within the area subject to flooding.

Front yard: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot.

Gas service station: A retail establishment where engine fuels for sale are stored in underground tanks, and the following business operations may be carried out: (1) engine fuels,

kerosene, motor oil, lubricants or grease for the operation of automobiles, and automotive "TBA" (tires/batteries/accessories) are retailed directly to the public on premises; (2) the above items and other "remove and replace" components are installed on or in vehicles as a retail service, in completely enclosed service bays; and (3) automotive preventive maintenance as prescribed by manufacturers is carried out as a retail service in completely enclosed service bays.

Health officer: The county health officer or his authorized representative; or the state health officer or his authorized representative.

Height: For the purpose of determining the height limits in the airport hazard areas, the datum shall be the mean sea level elevation unless otherwise specified.

Hotel: Every building or structure or enclosure, or any part thereof, kept, used as, maintained as, advertised as, intended for, or held out to the public as, a place where sleeping accommodations are furnished—whether with or without meals—and furnishing accommodations to transient guests, in contradistinction to a boarding, rooming, lodging or apartment house, shall for the purpose of this ordinance be deemed a hotel and provide the customary hotel services such as maid and linen service, telephone and secretarial or desk service.

Junk yard: An area of more than two hundred (200) square feet, that is not inside a completely enclosed building, whether or not operated as a business or associated with a business, where waste and other unserviceable materials are bought, sold, exchanged, stored, baled, packed, disassembled, or otherwise handled, including but not limited to machinery, appliances, vehicles, scrap metals, paper, rags, rubber good, glassware and wood products.

Landing area: The area of the airport used for the landing, takeoff or taxiing of aircraft.

Lot: A parcel of land occupied or capable of being occupied by one (1) or more buildings and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this ordinance.

Lot width: The distance between the side boundaries of the lot measured at the front building line.

Major street plan: The plan for the street system of the City of Greenville as adopted by the planning commission as an element of the comprehensive plan. The terms "major thoroughfare," "major collector street," "minor collector street" and "minor street," when used in this ordinance refer to the classification of the city's street system found in the major street plan.

Mobile home: A detached single-family dwelling unit, whether on wheels or a foundation, with the following characteristics:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels; and

(c) Arriving at the site where it is to be occupied as a complete dwelling ready for occupancy except for assembly operations, location on foundation supports, connection to utilities and the like.

Mobile home park: The term "mobile home park" shall mean any parcel of land within the City of Greenville on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

Mobile home space: The term shall mean a parcel of land within a mobile home park designated for the accommodation of one (1) mobile home.

Mobile home stand: That part of an individual mobile home space which has been reserved for the placement of a mobile home.

Mobile home subdivision: A planned unit development, specifically designed for mobile home occupancy, in which individuals have interest in the development or hold title to mobile home lots through a cooperative or condominium arrangement.

Motel: Lodging primarily for transient guests traveling by automobile with parking spaces on the lot for each lodging unit and with access to each such unit directly from the outside or from an interior hallway having direct access to the outside. The term motel includes buildings designed as auto courts, tourist courts, motor lodges, and similar terms.

Nonconforming use: A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district in which it is located.

Nursing home: Any building in which aged, chronically ill or incurable persons are housed and furnished with meals and nursing care for compensation.

Outdoor advertising sign: An attached or freestanding structure conveying some information, knowledge or idea to the public.

Patio-garden home, patio-garden home area: A patio-garden home is a single-family residential building having a minimum of one (1) side yard, which may be attached by a party wall to one (1) other similar single-family residential building, and which together with other patio-garden homes constructed under the same development plan shall constitute a patio-garden home area of similar and/or complementary design and construction.

Runway: The paved surface of an airport landing strip.

Side yard: An open, unoccupied space on the same lot with a principal building located between the side of the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Special exception: A use, specifically designated as a special exception in this ordinance, that would not be appropriate for location generally or without restriction throughout a given zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would not in the opinion of the board of appeals [adjustment], be detrimental to public health, safety, welfare, order, comfort, convenience or community appearance.

Structure: Anything constructed or erected on the ground or attached to something located on the ground.

Townhouse, townhouse complex, townhouse area: A townhouse is a single-family residential building, attached by not more than two (2) party walls to a series of not less than four (4), nor more than twelve (12) similar single-family residential buildings, which together shall constitute a townhouse complex, and which alone, or together with other townhouse complexes constructed under the same development plan shall constitute a townhouse area of similar and/or complementary design and construction.

Travel trailer: A travel trailer, pickup camper, converted bus, tent-trailer, tent, or similar device used for temporary portable housing, or:

(a) A portable structure not more than thirty (30) feet long or eight (8) feet wide which is equipped, designed, converted or used for temporary living quarter by one (1) or more individuals; or

(b) A unit that is identified by the manufacture as a travel trailer.

Travel trailer park: The term "travel trailer park" shall mean any parcel of land within the City of Greenville designed, intended or designated for accommodation of travel trailers, which will be occupied for camping or for short-term housing.

Tree: Any object of natural growth.

Variance: A modification of the strict terms of this ordinance granted by the board of adjustment where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of this ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located. (Ord. No. 1983-2, 6-6-83; Ord. No. 1988-2, §§ 1, 2, 2-1-88; Ord. No. 1988-7, § 1, 6-6-88)

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

This article is established to provide districts for the various uses of land within the city and to provide boundaries for the designated districts.

Section 401. [Districts enumerated.]

For the purposes of this ordinance, the City of Greenville, Alabama, is hereby divided into eleven (11) zones or districts, designated as follows:

R-A Residential-Agricultural District
R-1 Low-Density Residential District
R-2 Medium-Density Residential District
R-3 High-Density (Multifamily) Residential District
R-4 High-Density (General) Residential District
R-TH Residential Townhouse/Patio-Garden Home District
C-1 Neighborhood Commercial District

C-2 General Commercial District
C-3 Highway Commercial District
M-1 Light Industrial District
M-2 General Industrial District

Editor's note—Ord. No. 1983-2, adopted June 6, 1983, amended the zoning ordinance by the addition of provisions regarding the R-TH Residential Townhouse District; the editor has incorporated the requisite changes into § 401.

(Ord. No. 1988-2, § 3, 2-1-88)

Section 402. [Zoning map adopted; identification; amendment; location; procedure for adoption of new map.]

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map, City of Greenville, Alabama." Said map, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this ordinance.

402.1 The official zoning map shall be identified by the signature of the mayor attested by the city clerk, and shall bear the seal of the city, together with the date of the adoption of this ordinance.

402.2 If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the zoning map, such changes, with a notation of the date of amendment shall be entered on the zoning map promptly after the amendment has been approved by the city council. No amendment to this ordinance which involves matter portrayed on the zoning map shall become effective until after such change and entry has been made on said map.

402.3 No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance.

402.4 The zoning map which shall be located in the office of the city clerk shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the town [city].

402.5 In the event that the zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the city council may by resolution adopt a new zoning map which shall supersede the prior zoning map.

(a) The new zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such correction shall have the effect of amending the original zoning map or any subsequent amendment thereof.
(b) The new zoning map shall be identified in the manner specified in subsection 402.1.

(c) Unless the original zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 403. Interpretation of district boundaries.

Unless otherwise indicated, the following rules shall apply in determining the location of the district boundaries:

403.1 Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.

403.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

403.3 Boundaries indicated as approximately following the corporate limits shall be construed as following such corporate limits.

403.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

403.5 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follows such center lines.

403.6 Boundaries indicated as parallel to or extensions of features indicated in subsections 403.1 through 403.5 above shall be so construed. Distances not specifically on the zoning map shall be determined by use of the scale of said zoning map.

403.7 Where physical or cultural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by above, the board of adjustment shall interpret the district boundaries.

403.8 Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the board of adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE V. USE PROVISIONS FOR RESIDENTIAL DISTRICTS

Residential districts are established to promote desirable, safe and healthful living conditions, to protect the stability and character of neighborhoods, to ensure orderly and proper development of residential areas, to protect property against blight and depreciation, to conserve the value of buildings, to discourage any use which would generate other than normal residential traffic on minor streets, to secure economy in governmental expenditures, to encourage certain public and semipublic uses which are necessary to serve the residents, and to promote the most appropriate use of land and buildings in accordance with the comprehensive plan.

Section 501. R-A Residential-Agricultural District.

It is the intent of the R-A Residential-Agricultural District to provide areas for low-density residential development where continuation of certain farms uses, which are compatible with this type of development, are permitted.

In the R-A Residential-Agricultural District, the following uses are permitted:

501.1 Any use permitted in the R-1 Residential District.

501.2 Agricultural.

501.3 Animal hospitals and veterinary clinics, including kennels.

501.4 Cemeteries, provided that the application procedures conform with the provisions set forth in the Code of Alabama 1975 Section 22-20-4, and the Code of Alabama 1975 Section 11-47-40, and further provided that satisfactory evidence of adequate perpetual care shall be furnished the city council.

501.5 Open land recreation, such as a boating and fishing establishment, a swimming area or beach, or a riding stable, and the structures incidental thereto.

501.6 Roadside stands for farm produce grown on the premises.
(Ord. No. 1993-16, 12-20-93)

Section 502. R-1 Low-Density Residential District.

The R-1 Residential District is composed chiefly of existing low-density residential areas of the city, and vacant or open areas where similar residential development appears likely to occur. The regulations for this district are designed to protect existing residential development and to encourage similar and complementary residential development, together with associated recreational, religious and educational facilities.

In the R-1 Residential District, the following uses are permitted:

502.1 One-family dwellings.

502.2 Agricultural, except commercial dairy operations, livestock feeding yards, and poultry feeding operations.

502.3 Church bulletin boards not exceeding twenty (20) square feet in area.

502.4 Churches, and hospitals or clinics for treatment of human ailments provided that:

(a) There is a planted buffer strip of at least ten (10) feet wide along the property line, except the front; and
(b) The buildings are located not less than thirty-five (35) feet from any property line.

502.5 Customary accessory buildings, including private garages and noncommercial greenhouses and workshops, provided they are located in the rear yard and not closer than five (5) feet from any lot line.

502.6 Customary incidental home occupations including the professional office of an architect, artist, dentist, engineer, lawyer, physician, barber, beauty and tailor shops, or the accommodation of not more than two (2) boarders or roomers provided that there is no external evidence of such occupation except an announcement sign not more than two (2) square feet in area and that the operations are conducted within a dwelling by not more than one (1) person in addition to those persons resident therein.

502.7 Municipal, county, state or federal buildings or land uses.

502.8 Nursery schools or kindergartens provided that:

(a) There is at least one hundred seventy-five (175) square feet of outdoor play area for each child; and
(b) The play area is enclosed by a fence at least five (5) feet high that will contain children.

502.9 Nursery schools, kindergartens and day-care centers provided that the size of the play area and the fencing around the play area conform to standards established by the Alabama Department of Pensions and Security.

502.10 Public and private schools offering general education courses, provided that:

(a) The buildings are placed not less than fifty (50) feet from any property line;
(b) There is a planted buffer strip at least ten (10) feet wide along any property line abutting residential property.

502.11 Signs not more than six (6) square feet in area advertising the sale or rental of the property on which they are located.

502.12 Substations, such as electric, telephone or gas, if essential for service to the zoning district in which it is proposed they be located, provided that:

(a) The structures are placed not less than fifty (50) feet from any property line;
(b) The structures are enclosed by a woven-wire fence at least eight (8) feet high;
(c) No vehicles or equipment are stored on the premises; and
(d) The lot is suitably landscaped, including a planted buffer strip at least ten (10) feet wide along the side and rear property lines.

State law references—Powers and duties of state department of pensions and security, Code of Ala. 1975, § 38-2-6; child care, Code of Ala. 1975, § 38-7-1 et seq.

Section 503. R-2 Medium-Density Residential District.

It is the intent of the R-2 Residential District to provide suitable areas for the development of medium-density residential housing and complementary uses under environmental conditions similar to the R-1 District and to facilitate greater convenience and economy in the use of urban facilities.

In the R-2 Residential District the following uses are permitted:

503.1 Any use permitted in the R-1 Residential District.

503.2 Two-family dwellings.

503.3 Adult congregate living centers. (Ord. No. 84-8, § 1, 7-16-84)

503.4 Townhouses, subject to the "General provisions" contained in section 506. (Ord. No. 1986-10, 12-15-86)

Section 504. R-3 High-Density (Multifamily) Residential District.

It is the intent of the R-3 Residential District to provide suitable areas for controlled development of apartments and similar types of higher density residential housing.

In the R-3 Residential District the following uses are permitted:

504.1 Any use permitted in the R-2 Residential District.

504.2 Multifamily dwellings.

504.3 Boarding and rooming houses.

504.4 Dormitories.

504.5 Fraternity and sorority houses.

504.6 [Repealed by Ord. No. 1986-7, 6-2-86]

504.7 Nursing homes.

Section 505. R-4 High-Density (General) Residential District.

It is the intent of the R-4 Residential District to provide suitable areas for all types of higher density residential development.

In the R-4 Residential District the following uses are permitted:

505.1 Any use permitted in the R-3 Residential District.

505.2 [Repealed by Ord. No. 1999-3, 3-23-99]

505.3 Mobile home parks, not including the sale or service of mobile homes.

505.4 Mobile home subdivisions.

Section 506. R-TH Residential Townhouse/Patio-Garden Home District.

It is the intent of this ordinance that townhouses and patio-garden homes, in areas where they are or may be permitted, shall be intermingled appropriately with other types of development; shall constitute groupings resulting in efficient, economical, comfortable and convenient use of land and open space; and shall benefit the general public through zoning by means alternative to conventional arrangements of yards and building areas. In line with these general considerations, the following planning and design criteria are established.

In the R-TH Townhouse/Patio-Garden Home District, the following uses are permitted:

506.1 Townhouses.

506.2 Condominiums.

506.3 Patio-garden homes.

506.4 Church bulletin boards, not exceeding twenty (20) square feet in area.

506.5 Municipal, county, state or federal buildings or land uses.

506.6 Signs not more than six (6) square feet in area, advertising the sale of the property on which they are located.

506.7 Temporary buildings or structures for construction purposes.

506.8 Accessory uses incidental to principal uses permitted in the R-TH district.

General provisions.

1. Townhouse Design Criteria.
    a. Townhouse complexes shall not form long unbroken lines of row housing.
    b. A townhouse complex shall contain no less than four (4), and no more than twelve (12) townhouses, which shall be contiguous.
    c. Not more than six (6) contiguous townhouses shall be built in a row with the same front line. In a group of townhouses consisting of more than six (6) units, the required difference in front line shall be a minimum of three (3) feet.
    d. Minimum width for the portion of the lot on which [is situated] a townhouse unit shall be twenty (20) feet.
    e. No portion of a townhouse complex or accessory structure in or related to one townhouse complex shall be closer than thirty (30) feet to any tract of land adjacent to the townhouse area which is not under same ownership and zoned for patio-garden home or townhouse development.
    f. Townhouse complexes and accessory structures in or related to townhouse complexes shall be located such that public safety equipment has clear (fifteen-foot minimum width) access to the rear of each townhouse unit.
    g. Minimum lot area or each townhouse unit shall be two thousand (2,000) square feet.
    h. Each townhouse shall be constructed on its own lot. Townhouses constructed in condominium developments may be exempted from this provision by the planning commission.
    i. Side yards apply only to end townhouse units, or a townhouse complex, in which case the minimum setback shall be fifteen (15) feet.
    j. Minimum depth of front yards for townhouses shall be thirty-five (35) feet where they front on the street bordering the townhouse area. Minimum depth of front yards for townhouses that front on a street developed within the townhouse area shall be twenty (20) feet.

k. Each townhouse shall have on its own lot, one (1) yard containing not less than four hundred (400) square feet, reasonably secluded from view from streets or neighboring property. In condominium townhouse developments not subdivided into individual lots, one yard containing not less than four hundred (400) square feet, reasonably secluded from view from streets or neighboring property, shall

be provided contiguously to, and for the private use of the occupants of each dwelling unit.

l. Off-street parking shall be provided at the rate of two (2) spaces per townhouse. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

m. In townhouse developments with a total area greater than five (5) acres, at least twenty (20) percent of the total development area shall be devoted to common open space, exclusive of parking areas and accessory buildings. Such common areas may include recreational facilities. Provisions satisfactory to the city council and approved by the city attorney shall be made to assure that common open areas for the use and enjoyment of occupants of townhouses shall be maintained in a satisfactory manner without expense to the general taxpayer. In addition, the developer of a townhouse complex/area, or a homeowners association created by the developer, by recorded covenants and restriction, shall reserve for the owners and occupants of the development such lands set aside for open area, parks or recreational use, and the common off-street parking spaces established for the development.

n. The maximum height for townhouses shall be thirty-five (35) feet.

o. Firewalls will be placed between each unit and will be a nonload bearing wall, according to the Southern Standard Building Code.

2. *Patio-Garden Homes Design Criteria.*

a. A patio-garden home area shall contain no less than four (4) dwelling units of similar or complementary design and construction.

b. Minimum width for the portion of the lot on which [is situated] a patio-garden home shall be thirty-five (35) feet.

c. No portion of a patio-garden home development, or accessory structure in or related to a patio-garden home development, shall be closer than thirty (30) feet to any tract of land adjacent to the patio-garden home area, which is not under same ownership and zoned for patio-garden home or townhouse development.

d. Minimum lot area for each patio-garden unit shall be three thousand five hundred (3,500) square feet.

e. Each patio-garden home shall be constructed on its own lot.

f. Each patio-garden home shall have one (1) side yard with a minimum width of eight (8) feet from the building line to the lot line. Side yards may be averaged, but at least one shall have a minimum width of six (6) feet. Fireplaces and chimneys may be placed in the side yard setback, provided they do not project beyond the thirty-inch permitted roof overhang defined at m., below, and provided they do not restrict or obstruct any drainage or drainage easement, either existing or as proposed in the development plan.

g. The required eight-foot side yard must be kept perpetually free of permanent obstructions, accessory structures, and walls and fences without gates.

h. Minimum depth of front yards for patio-garden homes shall be thirty-five (35) feet where they front on a street bordering the patio-garden home area. Mini-

mum depth of front yards for patio-garden homes that front on a street within the patio-garden home area shall be twenty (20) feet. Fireplaces and chimneys may be placed in the front yard setback, provided they do not project beyond the thirty-inch permitted roof overhang defined at m., below, and provided they do not restrict or obstruct any drainage or drainage easement, either existing or as proposed in the development plan.

i. Minimum depth of rear yards for patio-garden homes shall be fifteen (15) feet. Fireplaces and chimneys may be placed in the rear yard setback, provided they do not project beyond the thirty-inch permitted roof overhang defined at m., below, and provided they do not restrict or obstruct any drainage or drainage easement, either existing or as proposed in the development plan. Patio-garden homes and accessory structures shall be located such that public safety equipment has clear (fifteen-foot minimum width) access to the rear of each patio-garden home.

j. Privacy fences or walls may be placed on or along any lot lines, provided that such fences or walls are not constructed in such a manner as to block any local lot drainage and provided gates or other openings are provided that will not restrict access for police and fire protection. An eight-foot maximum height limit will be permitted for privacy fences or walls located on or along any required side or rear yard, except that when a patio-garden home fronts on a street bordering the patio-garden home area, such walls and fences placed in front of the building line shall conform to any and all city ordinances and regulations applicable to fences and walls in residential areas.

k. Each patio-garden home shall have on its own lot, one (1) yard containing not less than five hundred twenty-five (525) square feet, reasonably secluded from view from streets or neighboring property.

l. Off-street parking shall be provided at the rate of two (2) spaces per patio-garden home, and shall be located within the interior of the lot. Garages shall not be credited towards this parking requirement, if said garage is a part of the main dwelling unit, or shares a wall in common with the main dwelling unit.

m. The exterior walls of the patio-garden home, or any accessory structures located on the zero-foot side yard setback, shall not project over the property line. Roof overhang may penetrate the maintenance and drainage easement of the adjacent lot to a maximum of thirty (30) inches, provided the roof shall be so designed that water runoff shall be restricted to the drainage easement area.

n. No windows, doors or other openings shall be permitted on the zero-foot setback side of any patio-garden home.

o. Where adjacent zero-foot setback dwellings are not connected by a party wall, a perpetual wall maintenance easement of three (3) feet in width, shall be provided along and parallel to each adjacent lot.

p. Where adjacent zero-foot setback dwellings are not connected by a party wall, a perpetual drainage easement of adequate capacity shall be provided. Fences and walls may be placed on or along this easement, provided gates or other openings

that will not block drainage are maintained. A hold harmless agreement shall be required.

q. Any lot adjacent to a zero (0) setback side yard must be under the same ownership at the time the development plan is submitted, so as to ensure that a developer does not infringe on the property rights of adjacent traces, provided the adjacent property is not under same ownership and zoned for patio-garden homes or townhouses.

r. No accessory structures shall be erected in a required front yard, side yard, yard fronting a public street, or open space.

s. Accessory structures shall be permitted in the rear yard. Accessory structures placed in the rear yard, except for unattached garages and carports, shall not exceed one and one-half (1½) stories in height; nor shall accessory structures cover more than twenty-five (25) percent of the required yard; nor shall any accessory structure be placed less than five (5) feet from any other roofed structure, either on the same lot or on an adjacent lot.

t. Accessory structures shall be permitted a zero (0) setback from lot lines to the rear of the building line, consistent with s., above. Except for unattached garages and carports, a fence or wall shielding such structures from view from adjacent property shall be placed between said accessory structures and the lot line. Accessory structures not shielded by such a fence or wall shall conform to the setback restrictions specified for residential districts elsewhere in this ordinance.

u. Unattached garages and carports shall be permitted in addition to the twenty-five (25) percent coverage for accessory structures. Garages and carports so exempted shall not exceed six hundred (600) square feet in area. Garages and carports shall not be placed in any required front, side or street yard, or open space; shall not exceed one and one-half (1½) stories in height; and consistent with s., above, shall be permitted a zero (0) setback from the lot lines to the rear of the building line.

v. The maximum height for a patio-garden home shall be thirty-five (35) feet.

w. Firewalls will be placed between each unit attached to another unit, and will be a nonload-bearing wall, according to the Southern Standard Building Code.

(Ord. No. 1988-2, § 5, 2-1-88)

Editor's note—Section 4 of Ord. No. 1988-2, adopted Feb. 1, 1988, repealed former § 506, R-TH residential townhouses district, which derived from Ord. No. 1983-2, adopted June 6, 1983. Section 5 of Ord. No. 1988-2 added a new § 506 to read as herein set out.

ARTICLE VI. USE PROVISIONS FOR BUSINESS DISTRICTS

Business districts are established to provide locations for convenient exchange of goods and services in a reasonable and orderly manner; to protect the character and established pattern of desirable commercial development; to promote traffic access and movement; to conserve the value of property; and to exclude those uses that are incompatible with designated uses for the districts.

Section 601. C-1 Neighborhood Commercial District.

The C-1 Commercial District is established to reserve and protect land for local or neighborhood oriented business purposes, to encourage the formation and continuance of a stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenience shopping and service facilities, to reduce traffic and parking congestion, and to discourage the encroachment of industrial or incompatible commercial uses which would adversely affect the surrounding residential development and the localized commercial character of the district.

In the C-1 Neighborhood Commercial District, the following uses are permitted:

601.1 Retail establishments customarily serving residential neighborhoods and business establishments rendering personal or professional services or repairing and servicing small equipment.

601.2 Appliance, radio and television sales and service stores.

601.3 Art supply stores.

601.4 Bakery shops, including the manufacture of products to be sold primarily on the premises.

601.5 Book, magazine and newspaper stores.

601.6 Branch banks and branch offices savings and loan companies.

601.7 Barbershops and beauty shops.

601.8 Bicycle repair and sales shops.

601.9 Candy stores.

601.10 Churches and other places of worship.

601.11 Clothing stores.

601.12 Delicatessens, restaurants and soda fountains, excluding drive-in facilities.

601.13 Dressmaker, seamstress or tailor shops.

601.14 Dry cleaners and laundries, including self-service facilities.

601.15 Drugstores.

601.16 Florist shops.

601.17 Gasoline service stations, provided that all structures, including pumps and underground storage tanks, are placed not less than twenty-five (25) feet from any property line and that such use shall front on a major thoroughfare or major collector street. Points of access and egress shall be located not less than twenty (20) feet from the intersection of street lines.

601.18 Grocery stores and the food stores.

601.19 Gift shops.

601.20 Hardware stores.

601.21 Hobby and toy shops.

601.22 Hospitals or clinics for treatment of human ailments.

601.23 Household furnishings stores.

601.24 Jewelry and watch repair stores.

601.25 Locksmiths or gunsmiths.

601.26 Millinery or hat stores.

601.27 Music stores and record shops.

601.28 Parks and public recreation facilities.

601.29 Personal services.

601.30 Photographic studios and camera supply and service stores.

601.31 Professional offices for doctors, lawyers, dentists, architects, artists, engineers, and similar professional services.

601.32 Public and semipublic recreation facilities and grounds.

601.33 Public and private schools offering general education courses.

601.34 Public uses, structures and facilities.

601.35 Shoe stores.

601.36 Signs, business and professional, which are attached to a building, do not extend over ten (10) feet above the roof line or more than five (5) feet from the face of such building.

601.37 Sporting goods stores.

601.38 Variety stores.

Section 602. C-2 General Commercial District.

The C-2 General Commercial District is established to protect present business and commercial uses; to encourage the eventual elimination of uses inappropriate to the function of the central business area; and to encourage intensive development of this zone as a pedestrian-oriented shopping and business center for the City of Greenville and the surrounding trade area.

In the C-2 General Commercial District, the following uses are permitted:

602.1 Any retail business or service, including the making of products sold on the premises, providing such manufacturing is incidental to the retail business or service.

602.2 Automobile, truck, motor vehicle, watercraft, boat, or trailers for same, new and/or used, sales or display or repair, for fully operational watercraft and motor vehicles (precluding nonoperational, junked or abandoned watercraft or motor vehicles; and further precluding any sales of parts therefrom), provided that sales lots displays shall be offset from the street right-of-way at a distance determined by the Greenville Police Department for pedestrian and traffic safety. (Ord. No. 1977-7, § 1, 5-2-77)

602.3 Bakery shops, including the manufacture of products sold on the premises.

602.4 Banks, business offices, savings and loan associations, and personal loan company offices.

602.5 Barbershops and beauty shops.

602.6 Bicycle repair and sales shops.

602.7 Bus terminals and taxicab stands.

602.8 Churches and other places of worship.

602.9 Dressmaker, seamstress and tailor shops.

602.10 Dry cleaners and laundries, including self-service facilities.

602.11 Drugstores.

602.12 Florist shops.

602.13 Funeral parlors.

602.14 Gasoline service stations, provided that all structures, including pumps and underground storage tanks, are placed not less than twenty-five (25) feet from any property line and that such use shall front on a major thoroughfare or major collector street. Points of access and egress shall be located not less than twenty (20) feet from the intersection of street lines.

602.15 Grocery and other food stores.

602.16 Hospitals and clinics for human ailments.

602.17 Hotels.

602.18 Insurance and real estate offices.

602.19 Light industries in upper floors.

602.20 Lodges, fraternal organizations, clubs and union halls.

602.21 Newspaper offices and printing plants.

602.22 Off-street parking lots and garages.

602.23 Office supply and equipment stores.

602.24 Parks and recreational facilities.

602.25 Personal or business services.

602.26 Pet shops, provided all animals are housed within the principal building so that no sound is perceptible beyond the premises.

602.27 Philanthropic institutes.

602.28 Photographic studios and camera supply and service stores.

602.29 Professional offices for doctors, lawyers, dentists, architects, artists, engineers and similar professional services, including medical or dental clinics or laboratories.

602.30 Public uses and structures.

602.31 Public utility structures, including telephone exchanges, telegraph offices, and adjunct storage and parking facilities for equipment and supplies.

602.32 Radio, television and appliance repair stores.

602.33 Radio and television stations and transmission towers.

602.34 Restaurants, bars, cafes, grills, lounges and similar establishments, excluding drive-ins.

602.35 Schools, colleges and similar public and private institutions of learning, including institutions offering instruction in art, music, drama or similar cultural activities.

602.36 Shoe repair shops.

602.37 Signs, business, professional and outdoor advertising, which are attached to a building, do not extend over ten (10) feet above the roof line or more than five (5) feet from any face of such building.

602.38 Theaters, movie houses, billiard halls and similar indoor places of entertainment.

602.39 Residential units are permitted above the first floor. This permitted use is not allowed in any other commercial or industrial zone. (Ord. No. 1983-1, 5-2-83)

Section 603. C-3 Highway Commercial District.

The C-3 Commercial District is established to protect and control highway-oriented commercial uses and to establish suitable areas along major thoroughfares and major collector streets for these types of development.

In the C-3 Highway Commercial District the following uses are permitted:

603.1 Any use permitted in the C-2 General Commercial District, except light industry, other than that which is incidental to a retail business or service.

603.2 Any retail business or service directly related to serving the needs of highway traffic provided they shall front on a major thoroughfare or major collector street.

603.3 Any retail business or service customarily serving residential neighborhoods.

603.4 Animal hospitals and veterinary clinics.

603.5 Agricultural implement and machinery sales, service and repair.

603.6 Automobile and truck sales and service, including used car lots.

603.7 Automobile parts sales.

603.8 Bakery shops, including the manufacture of products to be sold primarily on the premises.

603.9 Bus terminals, provided they shall front on a major thoroughfare or major collector street.

603.10 Bowling alleys.

603.11 Car washing establishments.

603.12 Cemeteries, provided that the application procedures conform with the provisions set forth in the Code of Alabama (recompiled 1958), Title 22, Section 88, and the Code of Alabama (recompiled 1958), Title 37, Section 478,* and further provided that satisfactory evidence of adequate perpetual care shall be furnished by the city council.

603.13 Commercial amusements and recreation services.

603.14 Drive-in restaurants.

603.15 Drive-in theaters and outdoor theaters, provided they shall front on a major thoroughfare or major collector street.

*Editor's note—See Code of Ala. 1975, §§ 22-20-4, 11-47-40.

603.16 Dry cleaning and laundry pickup stations and self-service (coin-operated) establishments.

603.17 Garden centers, nurseries and greenhouses.

603.18 Gasoline service stations, provided that all structures, including pumps and underground storage tanks, are placed not less than twenty-five (25) feet from any property line and that such use shall front on a major thoroughfare or major collector street. Points of access and egress shall be located not less than twenty (20) feet from the intersection of street lines.

603.19 Hobby, antique and souvenir shops.

603.20 Motels, tourist courts and tourist homes.

603.21 Sales and service of boats, boat trailers, mobile homes, prefabricated homes and travel trailers.

603.22 Signs:

(a) Business, professional or announcement;
(b) Outdoor advertising.

603.23 Travel trailer parks.

ARTICLE VII. USE PROVISIONS FOR INDUSTRIAL DISTRICTS

Industrial districts are established to provide suitable locations to meet the needs of the city's present and future manufacturing uses, to promote good traffic access and movement, to protect adjacent residential and commercial uses, to discourage uses incompatible with manufacturing, and to protect the existing industries in the district. Consideration has been given to need for a choice of sites and a variety of transportation facilities.

Section 701. M-1 Light Industrial District.

The M-1 Industrial District is established to provide a suitable area for firms engaged in light manufacturing and the storage and distribution of goods, to protect the surrounding land uses, to discourage uses incompatible to light manufacturing, and to protect the existing industries in the district.

In the M-1 Light Industrial District the following uses are permitted:

701.1 Light industries, plus operations incidental to such uses, which involve manufacturing, processing, assembly or storage, in no way involve any junk or salvage operations; provided that there is no open storage of junk or salvage materials; and provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard or other injurious, obnoxious or objectionable conditions related to the operation are not sufficient to create a nuisance beyond the premises.

701.2 Agriculture.

701.3 Agricultural equipment sales and service.

701.4 Automobile, truck, equipment or machine parts or servicing establishments.

701.5 Baking establishments.

701.6 Bottling and distribution plants.

701.7 Cemeteries, provided that the application procedures conform with the provisions set forth in the Code of Alabama (recompiled 1958), Title 22, Section 88, and the Code of Alabama (recompiled 1958), Title 37, Section 478,* and further provided that the satisfactory evidence of adequate perpetual care shall be furnished the city council.

701.8 Commercial trade or vocational schools.

701.9 Electronic firms.

701.10 Gasoline service stations, provided that all structures, including pumps and underground storage tanks, are placed not less than twenty-five (25) feet from any property line and that such use shall front a major thoroughfare or major collector street. Points of access and egress shall be located not less than twenty (20) feet from the intersection of street lines.

701.11 Heavy equipment sales and service.

701.12 Horticultural nursery.

701.13 Laundry and dry cleaning establishments.

701.14 Newspaper and printing plants.

701.15 Off-street parking lots and garages.

701.16 Public buildings and uses.

701.17 Public utility structures.

701.18 Radio and television stations and transmission towers.

701.19 Restaurants, cafes, drive-in restaurants and similar establishments.

701.20 Sales and service of boats, boat trailers, prefabricated structures and mobile homes.

701.21 Storage and parking facilities for equipment and supplies.

701.22 Signs:

(a) Business; and
(b) Outdoor advertising.

701.23 Transportation terminal facilities, including airfields and truck terminals.

701.24 Wholesaling, warehousing, storage and those businesses which are incidental thereto, including building material yards, provided that the operation does not involve the storage of any materials of an explosive nature and provided that there is no open storage of junk or salvage materials of any type in connection with the operation.

701.25 Veterinary hospitals and kennels.

***Editor's note**—See Code of Ala. 1975, §§ 22-20-4, 11-47-40.

Section 702. M-2 General Industrial District.

The M-2 Industrial District is established to provide a suitable area for the location of heavy manufacturing plants, to protect the existing industries in the district, and to discourage uses incompatible with heavy industry.

In the M-2 General Industrial District the following uses are permitted:

702.1 Any uses permitted in M-1 Light Industrial District.

702.2 Any industrial use, plus operations incidental to or required for such use, which involves manufacturing, processing, assembly, transportation or storage operations aimed at the subsequent storage, reprocessing, reshipment or sale of products, heavy materials or equipment; but not including activities which may cause noise, vibration, smoke, gas, fumes, odor, dust, fire hazards, dangerous radiation or any other conditions which constitute a nuisance beyond the property lines, except under conditions as specified in subsection 702.3.

702.3 Any industrial use, plus operations incidental to such use, which may produce injurious or obnoxious noise, vibrations, smoke, gas fumes, odor, dust, fire hazard or other objectionable conditions, provided that:

(a) Such objectionable conditions are not a nuisance to adjoining properties;
(b) Such use is located at least two hundred (200) feet from any abutting property line;
(c) Such use is located on a site at least ten (10) acres in size; and
(d) There is a planted buffer strip at least ten (10) feet wide along the side and rear property lines.

702.4 Bulk storage of petroleum, bottled gas or related products.

702.5 Junkyards or salvage yards, provided that the total area be screened from all adjacent development and any public rights-of-way by a planted evergreen buffer strip at least ten (10) feet wide along the property line.

702.6 Stockyards, livestock sales, slaughterhouses, and the processing of poultry and livestock.

ARTICLE VIII. APPLICATION OF REGULATIONS

This article is established to provide conditions that must be met by everyone under the jurisdiction of this ordinance, except as hereafter provided.

Section 801. Use.

No building, structure or land shall hereafter be used and no existing building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

Section 802. Height and density.

No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

802.1 Exceed the height limits;

802.2 Accommodate or house a greater number of families or occupy a smaller lot area per family than provided for in this ordinance; or

802.3 Have less setback from the street right-of-way or narrower side yards than are herein required for the district in which said building is located.

Section 803. Lot area and reduction of lot size.

No lot even though it may consist of one (1) or more adjacent lots in the same ownership at the time of passage of this ordinance, shall be reduced in size so that lot width, or size of yards, or lot area per family or any other requirement of this ordinance is not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 804. Yards.

No part of a yard or other open space or the off-street parking or loading space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of the yard or off-street parking or loading space required for another building.

Section 805. One principal building on a lot.

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any one lot.

Section 806. Public street frontage.

No residential structure shall be erected on a lot which does not abut for at least twenty-five (25) feet on a public street.

Section 807. Future street lines.

On any lot which, at the time of adoption of this ordinance or at the time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line, as indicated on the duly adopted major street plan, or as reserved under the mapped street provisions of Title 37, Article 3, Sections 804 through 808, inclusive, Code of Alabama 1940 (Recompiled 1958), the minimum required side yards, lot area, lot width and front yard setback shall be measured by considering the future street line as the lot line of such lot.

Editor's note—See Code of Ala. 1975, §§ 11-54-50—11-54-54.

ARTICLE IX. AREA, YARD AND HEIGHT REQUIREMENTS

This article is established to show the minimum size, width and height requirements for the land uses within each designated district.

	Minimum Lot Size			*Minimum Front Yard Setback from Right-of-Way of Street*			
District	*Area in Square Feet*	*Square Feet per Family*	*Lot Width in Feet*	*Major Street or Major Collector*	*All Other Streets*	*Minimum Side Yards in Feet*	*Maximum Height in Feet*
R-A	12,000[1]	12,000	100	35	35	10 with a total of 25	35
R-1	10,000[1]	10,000	90	35	35	10 with a total of 25	35
R-2	7,500[1] 8,000[1]	One family 7,500 Two family 4,000	75	35	35	5 with a total of 15	35
R-3 and R-4	6,000[1] 8,000[1] 9,000[1]	One family 6,000 Two family 4,000 Multi-family 3,000	60 75 90	35	35	5 with a total of 15	35
R-TH	Note 5	Note 5	Note 5	Note 5	Note 5	Note 5	Note 5
C-1	None		None	45[4]	35	None[3]	35
C-2	None		None	None	None	None[3]	45
C-3	None		100	45	35	None[3]	35
M-1	None		100	35[2] 45[4]	35	20	45
M-2	None		100	45	35	20	45

1. For lots not served by a public sewer system, the Butler County Health Department may specify larger required lot size so as to accommodate adequate tank filter fields.

2. If fronting on minor streets or minor collector streets.
3. Clearance between structures on adjoining lots (including any overhang) must either be less than one (1) inch, or be greater than ten (10) feet.
4. If fronting on major thoroughfares or major collector streets as shown in the major street plan.
5. See requirements for townhouses and patio-garden homes at Article V, Section 506.

(Ord. No. 1988-8, 6-6-88)

ARTICLE X. OFF-STREET PARKING AND LOADING AREAS

This article is established to define requirements for the provisions of off-street parking and loading areas for designated uses.

Section 1001. Off-street automobile parking.

Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established, enlarged or increased in capacity, except in the C-2 General Commercial District where the provision of parking by individual owners would not be practical. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance.

1001.1 *Plans and specifications required.* Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the building inspector for review at the time of application for a building permit or a certificate of occupancy.

1001.2 *Off-street parking area design.* Each off-street parking space shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, shall be of usable shape and condition, and shall have vehicular access to a public street. Except for single-family residences in residential districts, turning space shall be provided so that no vehicle will be required to back into a public street.

(a) There shall be provided an access drive of not less than ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.

(b) Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisle shall be as follows:

(1) For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.

(2) For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.

(3) For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.

(4) For parallel parking, the aisle shall not be less than ten (10) feet in width.

(c) All off-street parking areas shall be drained so as to prevent runoff onto abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.

(d) All lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.

1001.3 *Off-street parking requirements.* The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

(a) Automobile or machinery sale and service garages: One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
(b) Barbershops and beauty parlors: One (1) space for each chair plus one (1) space for each employee.
(c) Bowling alleys. Seven (7) spaces for each alley.
(d) Banks, businesses and professional offices: One (1) space for each four hundred (400) square feet of gross floor area.
(e) Churches, auditoriums, stadiums, sports arenas, theaters, and other places of public assembly, other than schools: One (1) space for each four (4) seats.
(f) Funeral homes and mortuaries: One (1) space for each four (4) seats in the chapel or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.
(g) Furniture, appliance stores, household equipment and furniture repair shops: One (1) space for each five hundred (500) square feet of floor area.
(h) Gasoline filling stations: Three (3) spaces for each grease rack or similar facility plus one (1) space for each attendant.
(i) Hospitals and nursing homes: One (1) space for each four (4) beds plus one (1) space for each four (4) employees, including nurses.
(j) Hotels, motels and tourist homes: One (1) space for each guest bedroom plus one (1) space for each three (3) employees.
(k) Industrial: One (1) space for each two (2) employees at a maximum employment on a single shift plus one (1) space for each employee vehicle operating from the premises.
(l) Lodges, clubs and fraternal halls: One (1) space for each four (4) seats in the main assembly room or seating area, or one (1) space for each fifty (50) square feet of floor area usable for seating if seating is not fixed.
(m) Medical and dental clinics: One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.
(n) Mobile home parks: Two (2) spaces for each mobile home stand.
(o) Places of amusement or assembly without fixed seats: One (1) space for each three hundred (300) square feet of floor area devoted to patron use.
(p) Restaurants, beer parlors, taverns and night clubs: One (1) space for each four (4) seats provided for patron use, plus one (1) space for each two (2) employees.
(q) Residential: Two (2) spaces for each dwelling unit (a driveway may be used for parking).
(r) Retail trade, commercial or personal service: One (1) space for each two hundred (200) square feet of floor area.
(s) Rooming and boarding houses: One (1) space for each two (2) bedrooms.

(t) Schools: One (1) space for each two (2) staff members plus one (1) space for each four (4) auditorium seats.

(u) Self-service laundry or dry cleaning stores: One (1) space for each two (2) washing and/or dry cleaning machines.

(v) Shopping centers: Five and one-half (5.5) spaces for each one thousand (1,000) square feet of floor space.

(w) Supermarket, self-service food and discount stores: One (1) space for each one hundred fifty (150) square feet of floor area.

(x) Wholesale establishments and warehouses: One (1) space for each four hundred (400) square feet of floor space.

(y) For the purposes of determining off-street parking requirements the following units of measurement shall apply:

(1) *Floor area.* Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, or in the case of a shopping center, the gross leasable floor space, except that any area used for parking within the principal building and any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses, need not be included in the computation.

(2) *Places of assembly:* In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

(3) *Fractions:* When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking space.

(z) The parking requirements for all uses proposed on a lot shall be cumulative, unless the board of adjustment shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses such that particular land use parking areas and be advantageously used during nonconflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the board of adjustment to a minimum of the greatest number of spaces required for any of such contiguous land uses.

1001.4 *Location on other property.* If the required automobile parking spaces for commercial, industrial or public uses cannot be reasonably provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within three hundred (300) feet of the entrance of such principal use. Such automobile parking space shall be associated with the principal use and shall not hereafter be reduced or encroached upon in any manner.

1001.5 *Extension of parking space into a residential district.* Required parking space may be extended one hundred (100) feet into a residential zoning district, provided that:

(a) The parking space adjoins a commercial or industrial district;
(b) Has its only access to or fronts upon the same street as the property in the commercial or industrial district for which it provides the required parking spaces; and
(c) Is separated from abutting properties in the residential district by a ten (10) foot wide evergreen buffer strip.

1001.6 *Joint use of off-street parking areas.* Nothing in this ordinance shall be construed to prevent the joint use of an off-street parking area or facility by two (2) or more buildings or uses if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses or buildings computed separately.

Section 1002. Off-street loading and unloading space.

Off-street loading and unloading space with access to a public street or alley shall be provided on every lot on which is hereafter established a business, trade or industrial use which customarily receives or distributes material or merchandise, except in the C-2 General Commercial District where provision of off-street loading space by individual owners would not be practical.

1002.1 *Plans and specifications required.* Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the building inspector for review at the time of application for a building permit or certificate of occupancy.

1002.2 *Off-street loading area design and requirements.* Off-street loading and unloading space, which shall be located on the same lot with the use which it is intended to serve, shall be provided as indicated below:

(a) All retail sale facilities, having less than five thousand (5,000) square feet of floor area, shall provide at least one (1) loading space which shall not be less than ten (10) feet by thirty-five (35) feet.
(b) All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading and unloading space. Said loading and unloading spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length with not less than fifteen (15) feet in height clearance.
(c) Wholesale and industrial users shall provide one (1) space of at least ten (10) feet in width by fifty-five (55) feet in length for each ten thousand (10,000) square feet of floor area or part thereof, with a minimum of not less than two (2) loading spaces.

(d) Bus and truck terminals shall provide one (1) space to accommodate each bus or truck that will be stored or loading and unloading at the terminal at any one time.

(e) In the case of mixed uses on one lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.

(f) Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.

(g) All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

ARTICLE XI. GENERAL AND SUPPLEMENTAL PROVISIONS

It is the purpose of this article to provide certain general and supplemental provisions which modify or clarify regulations and requirements found elsewhere in this ordinance; to permit flexibility for the establishment of planned unit developments, which could not reasonably adhere to the provisions of this ordinance; and to provide for the regulation of floodways, floodway fringe areas, and airport hazard areas.

Section 1101. Existing lots.

Where the owner of a plot of land consisting of one (1) or more adjacent lots at the time of the enactment of this ordinance did not at that time own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this ordinance; or if the topography, physical shape or other unique feature of such lots of record prevent reasonable compliance with the setback or other requirements of this ordinance, such plot of land may nevertheless be used as a building site. The yard and other space requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit reasonable use of the property as a building site. However, in no case shall the building inspector permit any lot in a residential district to be used as a building site which is less than four thousand (4,000) square feet in total area and forty (40) feet in width, or has a front yard setback of less than fifteen (15) feet and a side yard setback of less than five (5) feet.

Section 1102. Setback requirements.

The following provisions shall apply to the setback requirements defined in this ordinance:

1102.1 The front yard setback requirement of this ordinance for dwellings shall not apply on any lot, where the average setback of existing dwellings located wholly or in part within one hundred (100) feet on each side of such lot, within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on said lot may be less than the required setback, but no less than the average of the setbacks of the aforementioned existing dwellings. However, in no case, shall setbacks be less than fifteen (15) feet.

1102.2 The side yard setback requirements for corner lots shall be the same as the front yard setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces. If the width of the permitted buildable portion of the lot is reduced below thirty (30) feet, the side yards may be reduced sufficiently to permit this buildable width. However, in no case shall the setback be reduced to less than fifteen (15) feet.

1102.3 On lots having the frontage on two (2) streets, but not located on a corner, the minimum front yard setback shall be provided on each street in accordance with the provisions of this ordinance.

1102.4 On lots having frontage on more than two (2) streets, the minimum front yard setback shall be provided in accordance with the regulations set forth in this ordinance on at least two (2) of the street frontages. The front yard setback on the other frontage or frontages may be reduced to one-half the regulated distance, provided that the setback shall not be reduced to less than fifteen (15) feet.

Section 1103. Height limits.

The height limitations of this ordinance shall not apply to belfries, church spires, cupolas, domes and similar structures not intended for human occupancy, nor to chimneys, conveyors, derricks, flagpoles, monuments, observation towers, silos, smokestacks, television or radio aerials, transmission towers, water towers and similar structures.

Section 1104. Visibility at intersections and railroad crossings.

In all districts, except the C-2 General Commercial District, no fence, wall, terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision between the heights of three (3) and fifteen (15) feet above the finished grade of streets shall be erected, permitted or maintained within twenty (20) feet of the intersection of the right-of-way lines of streets or of streets and railroads.

Section 1105. Curb cuts and access points.

Ingress-egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as "curb cuts," as well as other means of vehicular access to and from private property, shall be regulated in the several zoning districts established by this ordinance in accordance with the following requirements:

1105.1 *Size and shaping of curb cuts and other access points.* In no case shall a curb cut or other access point be less than nine (9) feet or more than fifty (50) feet in length. No two curb cuts or other access points shall be closer than twenty (20) feet from each other except in residential zoning districts.

1105.2 *Location of curb cuts and other access points.* At street intersections, no curb or other access point shall be located closer than:

(a) Twenty (20) feet from the intersecting point of the two street right-of-way property lines involved (or such lines extended in case of a rounded corner); or

(b) Twenty-five (25) feet from the intersection of the two curblines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

Section 1106. Accessory structures and uses.

In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

1106.1 *Uses customarily accessory to farms and other agricultural uses:*

(a) Barns, stables and other facilities for livestock;
(b) Creameries;
(c) Condensaries;
(d) Dwellings for migration [migrant] workers;
(e) Facilities for hatching or butchering of fowl;
(f) Feed lots;
(g) Greenhouses;
(h) Private docks or boathouses;
(i) Private garages;
(j) Private swimming pools and bathhouses or cabanas;
(k) Sheds or toolrooms for the storage of equipment used in grounds or building maintenance;
(l) Storage facilities for produce;
(m) Swimming beach.

1106.2 *Uses customarily accessory to dwellings:*

(a) Private garage not to exceed the following storage capacities:

(1) One- or two-family dwelling—Four (4) automobiles;
(2) Multifamily dwelling—Two (2) automobiles per dwelling unit;

(b) Open storage space or parking area for motor vehicles having current license plates provided that such space shall not be used for more than one (1) commercial vehicle; provided that no more than one (1) travel trailer per dwelling unit shall be stored on the premises; and further provided that said travel trailer shall not be serviced by utilities and shall not be temporarily or permanently occupied as a dwelling unit;

(c) Home workshop provided that:

(1) Articles for sale are not manufactured on the premises;
(2) There is no external storage of materials or equipment; and
(3) No nuisances shall be generated by heat, glare, noise, smoke, vibrations, noxious fumes, odors, vapors, gases or matter at any time;

(d) Shed or toolroom for the storage of equipment used in grounds or building maintenance;

(e) Private kennel or other quarters for the keeping of poultry or animals for noncommercial purposes provided that such use does not generate a nuisance to adjoining properties;
(f) Private swimming pool and bathhouse or cabana;
(g) Private dock or boathouse;
(h) Swimming beach;
(i) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.

1106.3 *Uses customarily accessory to church buildings:*

(a) Religious education buildings;
(b) Kindergartens;
(c) Parsonages, pastoriums or parish houses, together with any use accessory to a dwelling as listed under subsection 1106.2 above;
(d) Off-street parking areas for the use without charge of members and visitors to the church.

1106.4 *Uses customarily accessory to retail business, office uses and commercial recreational facilities:*

(a) Off-street parking or storage area for customers, clients and employee-owned vehicles;
(b) Completely enclosed building for the storage of supplies, stock or merchandise;
(c) Repair facilities incidental to the principal use, provided that dust, odor, smoke, vibrations, heat or glare produced as a result of such repair operations are not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located;
(d) Sheds or toolrooms for the storage of equipment used in operations or maintenance;
(e) Boat marinas;
(f) Private docks, boathouses;
(g) Public port and docking facilities;
(h) Private swimming pools, bathhouses or cabanas;
(i) Swimming beach;
(j) Bait house.

1106.5 *Uses customarily accessory to public uses, buildings or activities.* There shall be no limitations regarding accessory uses to any use, building or activity operated within the public domain except that such uses, buildings or activities must be directly related and subordinate to the principal public use.

1106.6 *Setback and other yard requirements for accessory uses.* All accessory uses operated in structures above ground level shall observe all setbacks, side yard and other requirements set forth for the district within which they are located, unless otherwise specified.

Section 1107. Planned unit developments.

It is the intent of this section to provide for the establishment and continuance of shopping centers, group housing projects, planned industrial developments, medical centers, resort areas and similar types of large-scale compatible use developments. The regulations which apply to planned unit developments are designed to encourage the formation of such projects when and as appropriate and to permit the greatest latitude possible with respect to:

(a) Internal site planning considerations; and

(b) The location of these developments within the city in a manner calculated to best achieve the goals of the comprehensive plan.

1107.1 *Specific requirements.* In order to qualify as a planned unit development, a proposed project must first meet the following specific requirements:

(a) The site utilized for the planned unit development must contain the following minimum acreages:

(1) Residential and industrial developments—Five (5) acres;
(2) Medical centers, shopping centers and others—Three (3) acres;

(b) The area proposed shall be in one ownership or if in several ownerships, the application for the building permit shall be filed jointly by all of the owners of the properties included in the plan; and

(c) A suitable plan shall be submitted by the developers for review and approval by the planning commission and the city council. Specifically, such plan shall include the following elements, where applicable:

(1) The plat drawn to scale by a registered civil engineer, registered landscape architect, or registered architect showing exact dimensions of the parcel or parcels of land under consideration. The plat shall include the following elements:

a. All property dimensions, platting and street systems, proposed building sites and sizes, types of uses proposed for buildings, plans for the screening and protection of abutting properties, means of ingress and egress, access and circulation arrangements, off-street parking and loading facilities, proposed reservations or dedications for streets, open spaces and other public facilities and, if requested, two (2) foot vertical contour intervals shall be provided on the site plan;

b. The plat shall also include the name of the development and the developers, a north arrow, the date of field survey, tract boundary lines, dimensions, bearings, angles and reference points to at least two (2) permanent monuments;

c. If the proposal includes the subdivision of land for any purpose or the provision of new public streets, the information required above and any additional information which may be required under procedures established by the subdivision regulations of the city shall be included. The

plat may then be processed simultaneously for recording and as a part of the application for a building permit for a planned unit development as provided for in this ordinance;

(2) A written report, accompanied by appropriate graphic illustrations, diagrams and plats, shall be submitted by the developers for review and approval by the planning commission and the city council; such report shall explain the type, nature, intent and characteristics of the proposed development, and shall specifically include, where applicable:

a. A general description of the proposal;
b. A detailed legal description of the location of the site;
c. Proposed standards for development, including restrictions on the use of the property, density standards and yard requirements and restrictive covenants;
d. Proposed dedication or reservation of land for public use, including streets, easements, parks and school sites;
e. Variations from the requirements of the zoning ordinance, if any are being requested;
f. Plan for the provision of utilities, including water, sewer, gas, electrical, telephone and storm drainage systems;
g. Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including public facilities;
h. Plans for parking, loading, access ways, signs and means of protecting adjacent areas from lighting and other potentially adverse effects;
i. A statement defining the manner in which the city council is to be assured that all improvements and protective devices, such as buffers, are to be installed and maintained; and
j. Tabulations showing the number of dwelling units by type, if any, and other data that the planning commission and the city council may require;

(3) The following certificates shall accompany the plan:

a. Owner's certificate of accuracy;
b. Evaluation of the soil characteristics of the site by the district conservationist or the soil conservation service;
c. Approval of the proposed design of the water and sewer systems by the waterworks and sewer board;
d. Approval of the proposed design for provisions of electrical, gas and telephone service by the Alabama Power Company, the Southeast Alabama Gas District and the General Telephone Company;
e. Certification by a registered engineer that the design and material standards of streets, sidewalks and drainage structures meet accepted standards and will be constructed in accordance with the approved plans; and

f. Approval of the proposed location of a septic tank and filter fields or approval of an alternate method of sewage treatment by the Butler County Health Department, if the public sewer system is not accessible;

(4) In all planned unit developments, all provisions of Article IX, Article X and this article shall govern, unless relief is granted by the planning commission and the city council.

1107.2 *Administrative procedures with regard to planned unit developments.* Any request pertaining to the establishment of the planned unit development shall be administered in the same manner as an amendment to the zoning ordinance and processed in accordance with the regulations set forth in Article XV of this ordinance. All data set forth in subsection 1107.1 shall be submitted to the planning commission and subsequently forwarded to the city council with the recommendation of the planning commission. If approved by the city council, all information pertaining to the proposal shall be officially adopted by the city council and shall define the standards of development for that particular planned unit development.

(a) All subsequent development in the project shall conform to the standards adopted for that particular planned unit development regardless of any changes in ownership. Any proposed changes in the planned unit development shall be treated in the same manner as amendments to the zoning ordinance and must be considered in accordance with procedures set forth in Article XV of this ordinance. Appeals based on hardship or an alleged misinterpretation of the ordinance by the building inspector shall be processed in accordance with procedures set forth in Article XIV.

(b) Before approval of a planned unit development, the city council may require a contract with safeguards satisfactory to the city attorney guaranteeing completion of the development plan in a period to be specified by the city council, but which period shall not exceed five (5) years unless extended by the city council for due cause shown. Such guarantee may include the submission of a performance bond in an amount as set by the city council.

(c) The violation of any provisions of the plans, as submitted under the provisions provided herein, shall constitute a violation of this ordinance.

1107.3 *Permitted developments.* Any planned large-scale development which meets the provisions of this ordinance and is considered by the planning commission and the city council to be appropriate for planned unit development may be so classified. Such planed unit development might, with proper safeguards, encompass areas proposed or designated for preservation for historical, conservation, agricultural, recreation or flood-control purposes; and may include areas to be utilized for specialized purposes, such as educational, civic, governmental, transportation or recreation complexes. Planned unit developments may contain a combination of residential, commercial and industrial uses provided that each use conforms to the regulations for the particular district in which that specific use is located.

1107.4 *General design criteria and development standards.* Overall site design should be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes, and streets patterns and use relationships. Variety in building types, heights, facades, setbacks and size of open spaces shall be encouraged.

(a) Densities per acre for residential dwelling units and internal dimensional requirements for each planned unit development may be set by the city council, upon recommendation of the planning commission.

(b) Parking, loading and other requirements for each planned unit development may be set by the city council upon recommendation of the planning commission. The standards of Article X shall serve as a general guide to such requirements for uses proposed for location in a planned unit development.

(c) Where a nonresidential planned unit development abuts a residential district, buildings and activities must be set back a sufficient distance from the separating property line. This setback shall be not less than thirty (30) feet for public or institutional uses and fifty (50) feet for commercial or industrial uses, the distance separating all buildings and activities from surrounding residential districts should in fact be great enough to constitute a reasonable buffer. Loading docks and truck maneuvering areas and terminals, where possible, should be further removed from residential lot lines than buildings. Where a nonresidential planned unit development has property lines abutting a residential district, there shall be a ten (10) foot planted evergreen buffer strip along the rear and side lot lines adjacent to the residential district.

(d) Within a planned unit development the design should include buffers suitable for screening residential areas from institutional, commercial and industrial uses when a danger of incompatibility appears to exist.

(e) Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

(f) In planned unit developments, areas used for parking and loading or for trafficways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicles ingress and egress. Shopping centers and other individual commercial, industrial, institutional and multifamily uses shall have not more than two (2) access points to any one public street, unless unusual circumstances demonstrate the need for additional access points.

Section 1108. Floodway and floodway fringe area requirements.

Use of land lying within the areas subject to periodic floodings shall be governed by the following regulations:

1108.1 No new residential structure shall be erected in the floodway fringe areas, and no existing residential structure shall be extended or moved unless the lowest floor (including basements) of said structure is placed above the elevation of projected flooding.

1108.2 No nonresidential structure or building shall be erected, relocated, extended or substantially improved in the floodway fringe areas unless the lowest floor (including basements) of said structure or building is placed above the elevation of projected flooding; or said structure together with attendant utility and sanitary facilities shall be floodproofed up to the elevation of projected flooding.

1108.3 Land may be filled within the floodway fringe areas, provided such fill extends twenty-five (25) feet beyond the limits of any structures erected thereon; and

1108.4 In a designated floodway, no building may be erected, land filled, or materials or equipment stored.

1108.5 Where a floodway has not been designated, any structures proposed to be located within one hundred (100) feet of any main drainage channel or stream (hereafter referred to as stream) within the city must be approved by the planning commission. The planning commission with the advice of the city engineer shall determine, on the basis of the area of the watershed and the probable runoff, the floodway or openings needed for the stream, or how far a structure or fill must be located from the stream in order to assure adequate space for the flow of floodwater. However, no building or fill shall be permitted within twenty-five (25) feet of the banks of any stream.

Cross reference—Flood damage prevention, Ch. 8.

Section 1109. Mac Crenshaw Memorial Airport Zoning Ordinance.

1109.1 Short Title. This section shall be known as the "Mac Crenshaw Memorial Airport Zoning Ordinance."

1109.2. Definitions. As used in this section, unless the context otherwise requires:

(1) *Airport*—The Mac Crenshaw Memorial Airport.

(2) *Airport elevation*—The established elevation of the highest point on the usable landing area measured in feet from mean sea level. For the Mac Crenshaw Memorial Airport, this value is 451.12 feet MSL.

(3) *Airport hazard*—Any structure or tree or use of land which obstructs the air space required for the flight of aircraft or which obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off, or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of the flight craft; hazardous, interfering with, or obstructing such landing, taking off, or flight of aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

(4) *Airport hazard area*—Any area of land or water upon which an airport hazard might be established if not prevented as provided in this section.

(5) *Airport reference point (ultimate)*—The point established as the approximate geographic center of the airport landing area and so designated. For the Mac Crenshaw Memorial Airport, this point is defined as Latitude N31 degrees, 50 minutes, 44.50 seconds, and Longitude W86 degrees, 36 minutes, 38.66 seconds.

(6) *Approach surface*—A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 1109.4 of this section. The perimeter of the approach surface coincides with the perimeter of the approach zone.

(7) *Approach, transitional, horizontal, and conical zones*—These zones are set forth in Section 1109.3 of this section.

(8) *Conical surface*—A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of five hundred sixty (560) feet.

(9) *Hazard to air navigation*—An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(10) *Height*—For the purpose of determining the height limits as to all zones set forth in this section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(11) *Horizontal surface*—A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which plane coincides with the perimeter of the horizontal zone.

(12) *Landing area*—The surface area of the airport used for the landing, takeoff, or taxiing of aircraft.

(13) *Nonconforming use*—Any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this section or an amendment thereto.

(14) *Nonprecision instrument runway*—A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

(15) *Obstruction*—Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 1109.4 of this section.

(16) *Person*—An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(17) *Precision instrument runway*—A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

(18) *Primary surface*—A rectangular surface longitudinally aligned with the runway and defined by the largest rectangular area definable containing the runway

within the Mac Crenshaw Memorial Airport property boundaries. For Runway 14-32 at the Mac Crenshaw Memorial Airport, a five thousand five hundred (5,500) foot long Runway with non-precision instrument approaches with visibility minimums greater than three-fourths mile, the Primary Surface is a rectangular area five hundred (500) feet in width (east-west orientation) and five thousand nine hundred (5,900) feet in length (north-south orientation). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(19) *Runway*—A defined area on an airport prepared for landing and take-off of aircraft along its length.

(20) *Structure*—An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

(21) *Transitional surfaces*—These surfaces extend outward and upward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

(22) *Tree*—Any object of natural growth.

(23) *Visual runway*—A runway intended solely for the operation of aircraft using visual approach procedures.

(24) *Utility runway*—A runway that is constructed for and intended to be used by propeller driven aircraft twelve thousand five hundred (12,500) pounds maximum gross weight and less.

1109.3. Zones. In order to carry out the provisions of this section, there are hereby created and established certain zones, which include all of the land lying beneath the approach surface, transitional surfaces, horizontal surface, and conical surface as they apply to the Mac Crenshaw Memorial Airport. Such zones are shown on a zoning map consisting of sheets 1-3 inclusive, which is attached to this section as Attachment A* and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

Note—Attachment A is not set out herein, but on file as an attachment to Ord. No. 2002-01.

(1) *Approach zones.*

A. Runway 14 Approach zone is established beneath the approach surface at the end of Runway 14 on Mac Crenshaw Memorial Airport for nonprecision instrument landings and takeoffs. The inner edge of the approach zone shall have a width of five hundred (500) feet which coincides with the width of the primary surface at the North end of the primary surface, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at

horizontal distance of ten thousand (10,000) feet beyond the end of the primary surface, its centerline being continuation of the centerline of the primary surface.

B. Runway 32 Approach zone is established beneath the approach surface at the end of Runway 32 on Mac Crenshaw Memorial Airport for non-precision instrument landings and takeoffs. The inner edge of the approach zone shall have a width of five hundred (500) feet which coincides with the width of the primary surface at the South end of the primary surface, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet beyond the end of the primary surface, its centerline being the continuation of the centerline of the primary surface.

(2) *Transitional zones.* Transitional zones are hereby established beneath the transitional surface adjacent to each runway and approach surface as indicated on the zoning map. Transitional surfaces, symmetrically located on either side of runways—have variable widths as shown on the zoning map. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of approach surfaces.

(3) *Horizontal zone.* The area beneath a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of runway(s) 14 and 32 and connecting the adjacent arcs by lines tangent to those arcs.

(4) *Conical zone.* The area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of five hundred sixty (560) feet.

1109.4. Height Limitations. Except as otherwise provided in this section, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1) *Approach zones.*

A. Runway 14: One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point ten thousand (10,000) feet from the end of the primary surface.

B. Runway 32: One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point ten thousand (10,000) feet from the end of the primary surface.

(2) *Transitional zones.* Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is 451.12 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

(3) *Horizontal zone.* Established at one hundred fifty (150) feet above the airport elevation, or a height of 601.12 feet above the mean sea level.

(4) *Conical zone.* Slope twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of one hundred seventy-eight (178) feet above the airport elevation.

1109.5. Use Restrictions. Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking-off, or maneuvering of aircraft intending to use the airport.

1109.6. Nonconforming Uses.

(1) *Regulations not retroactive.* The regulations described by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the relations as of the effective date of this section, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section and which has been diligently prosecuted.

(2) *Marking and lighting.* Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Greenville Planning Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Greenville.

1109.7. Permits.

(1) *Future uses.* Except as specifically provided in A, B, and C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise

established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with Section 1109.7, paragraph (4).

A. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than five thousand one hundred (5,100) feet from each end of the runway no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

C. In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transitional zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this section except as set forth in Section 1109.4, paragraph (5).

(2) *Existing uses.* No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this section or any amendments hereto or than it is when the application for a permit is made.

(3) *Nonconforming uses, abandoned or destroyed.* Whenever the Greenville Planning Commission determines that a nonconforming structure or tree has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning relations.

(4) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or use his property in violation of the regulations prescribed in this section, may apply to the Greenville Board of Adjustment for a variance from such regulations in question. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe-efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the relations will result in unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice, and be in accordance with the spirit of this section. Additionally, no application for variance to the requirements of this section may be considered by the Greenville Board of Adjustment unless a copy of the application has been furnished to the manager of Mac Crenshaw Memorial Airport for advice as to the aeronautical effects of the variance. If the manager of the Mac Crenshaw Memorial Airport does not respond to the application within fifteen (15) days after receipt, the board of adjustment may act on its own to grant or deny said application.

(5) *Obstruction marking and lighting.* Any permit or variance granted, if such action is deemed advisable by the Greenville Planning Commission or the Greenville Board of Adjustment to effectuate the purpose of this section and be reasonable in the circumstances, may be so conditioned as to require the owner of the structure or tree in question to allow the City of Greenville to install, operate, and maintain, at the expense of the city, such markings and lights as may be necessary.

1109.8. Enforcement. It shall be the duty of the Greenville Planning Commission to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the planning commission upon a form published for that purpose. Applications required by this section to be submitted to the planning commission shall be promptly considered and granted or denied. Applications for variance shall be made to the Greenville Board of Adjustment by filing said application for variance determination.

1109.9. Appeals and Judicial Review.

(1) Any person aggrieved by any decision of the Greenville Planning Commission, the Greenville Board of Adjustment or the Greenville City Council made in administration of this section may appeal such decision to the Circuit Court of Butler County, Alabama.

(2) All appeals hereunder must be taken within ten (10) days after such ruling by filing a notice of appeal specifying the grounds thereof. The notice of appeal shall forthwith be transmitted by the City Clerk of the City of Greenville to the Clerk of the Circuit Court for Butler County, Alabama and shall include papers constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all activities in furtherance of the action by the application and appeal in accordance with applicable law.

1109.10. Enforcement and Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this section, the Greenville City Council, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct, or abate any such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. No. 2002-01, §§ 1—10, 2-25-02)

Section 1110. Development Plans.

1110.01 Applicability. In the following named districts, development shall not proceed until a development plan has been submitted to, and approved unconditionally by the planning commission or other authority as designated herein:

R-TH C-1 C-2 C-3 M-1 M-2

R-2, R-3 and R-4 for townhouse and patio-garden home development.

1110.2 Purpose. The purpose of development plan review and approval is to ensure that all new construction in the above listed districts will meet the minimum standards of the zoning, floodplain, subdivision, traffic, fire, health and other applicable ordinances, codes, regulations, etc. applicable to development in the City of Greenville.

1110.3 Scope. Development plans shall:

a. Include all site information set forth elsewhere in ordinances, codes, regulations etc. for development in the City of Greenville, especially pertaining to any required subdivision of land, rezoning, variances, health, water/sewer, and/or building permits, as may apply to a given development proposal; and

b. Show the proposed development in detail sufficient to enable the planning commission to determine impact of the proposed development on:

(1) The character of the surrounding neighborhood.

(2) Matters of public safety and welfare, such as (but not limited to) traffic flow, noise levels and congestion; and

(3) The capacity of public, service and commercial resources such as (but not limited to) utilities, public safety, streets, schools, health care, recreation, public service agencies, retail outlets, and private service providers to serve the proposed development satisfactorily.

1110.4 Content. At initial submission, the developer shall provide six (6) sets of scaled site plans showing clearly:

a. Location and lot dimensions, including existing lots and any proposed subdivision.

b. Public and private easements, existing and proposed.

c. The location, shape, height, type of construction and use of each proposed building on each proposed lot to be developed.

d. The number of dwelling units, if any, within each building to be constructed.

e. Existing and proposed setbacks of all existing and proposed buildings on existing and proposed lots within the development, and existing setbacks on parcels adjoining the parcel proposed for development.

f. Layout and type of surfacing of existing and proposed off street parking and loading/unloading spaces.

g. Existing and proposed curb cuts, and ingress/egress routes from/to existing public streets.

h. Existing and proposed surface drainage.

i. Location and size of existing and proposed public water and sewer mains serving the proposed development, and/or layout, design, capacity and other appropriate specifications of any proposed nonpublic water/sewer service.

j. Location of existing and proposed fire hydrants.

k. Location, height and materials of existing and proposed fences, walls and vegetation buffers.

l. Elevation(s) of finished floors of all existing and proposed principal structures and attached accessory structures.

m. Other site information required for permits and licenses applicable to the proposed development.

1110.5 *Process*

a. Development plans shall be submitted to the building inspector for preliminary review, which shall be completed within fifteen (15) calendar days, unless consultation with the developer is required. When such is required, the building inspector shall complete an initial review within the fifteen-day period, consult as appropriate with the developer for items needed, and complete the preliminary review in a timely manner.

b. Once the preliminary review has been completed, the building inspector shall forward the development plan to local utilities, fire and police departments, as well as local health, soil conservation, educational, etc. authorities as appropriate, for comments and recommendations, which to be considered, shall be forwarded to the building inspector within fifteen (15) calendar days after receipt.

c. After receiving comments and recommendations from other authorities, or after the fifteen-day period has elapsed, the building inspector shall provide the developer all comments and recommendations received, and the developer shall be given fifteen (15) calendar days to consider comments and recommendations, and to modify the proposed development if so desired.

d. Following developer review of comments and recommendations, and modification of the development plan as desired, or after the fifteen-day period has elapsed, the building inspector shall prepare final technical recommendations, and forward the development plan, his technical recommendations and all comments and recommendations received, to the planning commission for consideration at its next regular meeting.

e. The planning commission shall review the development plan, consider all comments and recommendations, and within thirty-one (31) calendar days thereafter shall either:

(1) Approve without conditions;

(2) Approve with conditions that must be met before a building permit can be issued; or,

(3) Disapprove the proposal.

f. Approval or approval with conditions shall embody all required planning commission approvals, including recommended rezoning and subdivision approval.

g. Approval with conditions may include:

(1) Conditions imposed by the planning commission as the result of its review, which may be removed by the building inspector when such conditions are satisfied;

(2) Conditions based on recommendations submitted by other authorities, which may be removed by the building inspector subsequent to these other authorities agreeing that such conditions have been satisfied; and/or

(3) Conditions involving the necessity for the developer to obtain a zoning ordinance amendment, a variance, or other permit(s)/approval(s) beyond the purview of the planning commission, which may be removed by the building inspector when the developer has obtained such permits and/or approvals.

1110.6 *Fee.* [Refer to local resolution]

(Ord. No. 1988-2, § 6, 2-1-88; Ord. No. 1997-6, § 1, 7-22-97)

ARTICLE XII. NONCONFORMING USES

The intent of this article is to regulate nonconforming uses of land and structures and the use of nonconforming lots and structures without placing an unreasonable or unnecessary hardship on the individual landowner.

Section 1201. Continuance of nonconforming uses.

The lawful use of any structure or land existing at the time of the enactment of this ordinance may be continued even though such use does not conform with the provisions of this ordinance except that the nonconforming use of any structure, nonconforming use of land, or nonconforming use of a combination of land and structures, shall not be:

1201.1 Changed to another nonconforming use;

1201.2 Reestablished after discontinuance of one (1) year;

1201.3 Extended to occupy a greater area of land;

1201.4 Extended to occupy a larger floor area of a building or structure, unless such additional floor area already existed as a part of the building and structure and is manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside said structure.

1201.5 To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently.

Section 1202. Limitations on the use of any land or structure by nonconforming uses.

Where at the time of passage of this ordinance lawful use of any land or structure exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1202.1 No nonconforming use shall be extended, altered or enlarged except in conformity with this ordinance, except in order to make the building safe, or to improve the building provided the floor area is not increased, or except to provide off-street parking within one hundred fifty (150) feet of the principal building provided the parking area is separated from abutting residential properties in a residential district by a ten (10) foot wide evergreen planted buffer strip. Should the nonconforming use of a building or structure be created solely by the failure of said building or structure to meet the minimum yard setback requirements of Article IX hereof, then a nonconforming use building or structure may be altered or enlarged to occupy a greater area of land provided that said alteration or enlargement does not violate the minimum yard setback requirements of Article IX hereof.

1202.2 A nonconforming use may be rebuilt, altered, or repaired after damage by fire, windstorm, casualty, or other means; provided, however, such structure is so reestablished to its former condition or better within one year after such damage.

1202.3 No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

1202.4 Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

1202.5 No additional structure not conforming to the requirements of this ordinance shall be erected in connection with any nonconforming use of land.

(Ord. No. 1985-6, 8-15-85; Ord. No. 1988-9, 6-6-88; Ord. No. 1988-14, 8-15-88)

Section 1203. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1203.1 Should any nonconforming structure or nonconforming portion of a structure be damaged by fire, windstorm, casualty or other means, it may be reconstructed to its former condition or better within one year after such damage and still be permissible as a nonconforming structure under the grandfather clause; provided, however, if such structure is not so reconstructed and reestablished to its former condition or better within one year after such damage, then it shall not be reconstructed except in conformity with the provisions of this ordinance.

1203.2 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. No. 1985-6, 8-15-85)

ARTICLE XIII. ADMINISTRATION AND ENFORCEMENT

The intent of this article is to provide for suitable and proper administration and enforcement of the provisions of this ordinance; to designate the enforcing officer; to outline the proper steps to be taken by parties interested in constructing, erecting or modifying a structure or other land use; to include a means whereby appeals can be made; and to set forth the penalties for violating the provisions of this ordinance.

Section 1301. Administration.

The provisions of this ordinance shall be administered by the planning commission in accordance with the authority granted by Title 37, Chapter 16, Article 3, Subdivision 1, Section 796, Code of Alabama, 1940, as same may be amended.

Editor's note—See Code of Alabama 1975, § 11-52-7.

1301.1 *Zoning administrator.* It shall be the duty of the building inspector and he is hereby given the authority to administer and enforce the provisions of this ordinance. The building inspector shall have the right to enter upon any premises during a reasonable period of time prior to the issuance of a certificate of occupancy for the purpose of making inspections of the buildings or premises necessary to carry out his duties in the administration and enforcement of this ordinance.

1301.2 *Builiding permit required.* It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures and signs, or to store building materials or erect temporary field offices, or to commence the moving, alteration (provided the cost of said alteration is in excess of five hundred dollars ($500.00)) or repair (except repairs not changing the character of the structure) any structure including accessory structures, or to commence the development of land for a use not requiring a building, including the dredging, filling, grading or excavation of land, until the building inspector has issued a building permit for such work, including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this

ordinance. Except on the written order of the board of adjustment, no building permit shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this ordinance. Application for a building permit shall be made to the building inspector or forms provided for that purpose.

1301.3 *Application for building permit.* All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing:

(a) The actual dimensions of the lot to be built upon;
(b) The shape, height, use, location on the lot and size of the building or structure to be erected or altered;
(c) The sizes and locations of the existing buildings or structures on the lot;
(d) The number of dwelling units the building, if residential, is designed to accommodate;
(e) The setback lines of buildings on adjoining lots;
(f) The layout of off-street parking and unloading spaces;
(g) A certificate from the waterworks and sewer board indicating;
  (1) Tentative approval of the proposed sewer installation; or
  (2) Absence of public sewerage;
(h) A certificate from the Butler County Health Department approving the proposed location of the septic tank and field lines, provided public sewerage is not available; and
(i) Such other information as may be necessary to provide for the proper enforcement of the provisions of this ordinance.

The issuance of the permit does not waive any requirements or provisions of this ordinance.

If the application is rejected, the building inspector will state in writing on the application the reason for rejection.

1301.4 *Construction progress.* Any building permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issue or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

1301.5 *Certificate of occupancy required.* A certificate of occupancy issued by the building inspector is required in advance of the use or occupancy of:

(a) Any lot, or a change in the use thereof;

(b) A building hereafter erected or altered, or a change in the use of an existing building; and

(c) Any nonconforming use that is existing at the time of the enactment of this ordinance or an amendment thereto that is changed, extended, altered or rebuilt thereafter. The certificate of occupancy shall state specifically wherein the nonconforming use fails to meet the provisions of this ordinance.

1301.6 *Application for certificate of occupancy.* All applications for certificates of occupancy shall be accompanied by a plan showing the required open space reserved for off-street parking in compliance with Article X, and no certificate of occupancy shall be issued unless the required facilities have been provided in accordance with the approved plan.

(a) No certificate of occupancy shall be issued unless the lot or building or structure complies with all of the provisions of this ordinance. The installation of the septic tanks and field lines, when said facilities are required, shall be approved by the county health officer before backfilling. Written approval of said installation shall then be presented to the building inspector before a certificate of occupancy may be issued.

(b) A record of all certificates of occupancy shall be kept on file in the office of the building inspector and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land involved.

Section 1302. Temporary uses.

Temporary uses, as set forth below, are declared to possess characteristics which require certain controls in order to ensure compatibility with other uses in the districts within which they are proposed for location.

1302.1 The building inspector is authorized to issue a temporary certificate of zoning compliance for temporary uses as follows:

(a) Carnival, circus or fair in any commercial or industrial district or in the R-A Residential-Agricultural District, for a period not to exceed twenty-one (21) days, subject to the approval of the city council.

(b) Religious meetings in a tent or other temporary structure in any commercial or industrial district or in the R-A Residential-Agricultural District, for a period not to exceed sixty (60) days.

(c) Open lot sale of Christmas trees in any district for a period not to exceed forty-five (45) days.

(d) Real estate sales office in any district for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.

(e) Contractor's office and equipment sheds in any district for a period of one (1) year, provided that such office is to be placed on the property to which it is appurtenant.

1302.2 All temporary certificates of zoning compliance may be renewed, provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

Section 1303. Penalties for violations.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense. Each day such violation continues shall constitute a separate offense.

Section 1304. Remedies.

If any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building inspector or other appropriate authority or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction mandamus or other appropriate action in proceedings to stop the violations in the case of such building, structure or land.

ARTICLE XIV. BOARD OF ADJUSTMENT*

It is the purpose of this article to provide for the establishment of a board of adjustment and to define the powers, duties and administrative procedures of the board.

Section 1401. Appointment.

The board shall consist of five (5) members, each to be appointed for a term of three (3) years by the city council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing.

Section 1402. Meetings.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

Section 1403. Procedures.

The board shall adopt and publish its own rules of procedure and keep the minutes of its proceedings, showing the vote of each member upon each question or [,] if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record.

***Cross reference**—Variances under flood damage prevention requirements, § 8-17.
State law reference—Board of adjustment, Code of Ala. 1975, § 11-52-80 et seq.

Section. 1404. Duties and powers of the board of adjustment.

The board of adjustment shall have the following powers:

1404.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building inspector in the enforcement or administration of this ordinance, such as:

(a) Hear and decide upon requests for the interpretation of the provisions of this ordinance; or

(b) Determine the precise location of boundary lines between zoning districts where there is dissatisfaction with a decision upon said subject made by the building inspector; or

(c) Classify a use which is not specifically mentioned along with a comparable permitted use for purpose of the use regulations of any zoning district; or

(d) Determine the off-street parking and loading space requirements of any use which is not mentioned in Article X, either by classifying with one of the groups listed in Section 1001.3 or by analysis of the specific need.

1404.2 To hear and decide special exemptions as defined in this ordinance. Any special exception shall include as a condition the building area, any accessory structures, fences and other similar appurtenances, none of which shall be altered without, authorization by the board.

1404.3 To authorize upon appeal in specific cases such variance from the terms of this ordinance where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. Such variance may be granted when all of the basic conditions listed in the following, together with any one of the special conditions listed thereafter, can be satisfied:

(a) *Basic conditions:* That any variance granted:

(1) Will not be contrary to public interest and will insure that the spirit of this ordinance shall be observed;

(2) Shall not permit the establishment within a district of any use which is prohibited;

(3) Will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the applicant is located;

(4) Relates to property that is under the control of the applicant; and

(5) Shall include as a condition to the variance the building area, any accessory structures, fences and other similar appurtenances, none of which shall be altered without authorization by the board.

(b) *Special conditions:* When the foregoing conditions can be satisfied, a variance may be granted when any one of the following conditions can be clearly demonstrated to apply:

(1) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these regulations;

(2) Where there are exceptional or extraordinary circumstances or conditions pertaining to the particular piece of property in question of its size, shape or topography, which are peculiar to that piece of property, but do not generally apply to other property in the same zoning district and have not resulted from the adoption of this ordinance; and

(3) Where such is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.

1404.4 The board of adjustment may require the conduct of any use, conforming or non-conforming, which results in unreasonable noise, smoke, gas, vibration, dust, fire, radio interference, explosive hazard, or public nuisance to surrounding property, or to the community as a whole. Such use shall be modified or changed to abate such hazard to health, safety, comfort and/or convenience. The board may direct the building inspector to issue an abatement order, but such order may be directed only after a public hearing by the board, notice of which shall be advertised in a local newspaper of general circulation, and shall be sent by certified mail to the owners and/or operators of the property on which the objectionable use is conducted. A hearing to consider issuance of an abatement order shall be held by the board either upon petition signed by any person affected by the hazard or nuisance, or at the initiative of the board by majority vote. An abatement order shall be directed by the board only upon reasonable evidence of hazard or nuisance, and such order shall specify the date by which the hazard or nuisance shall be abated.

1404.5. A variance granted shall expire six (6) months after granted unless the person granted the variance has fully completed the work or project for which the variance was granted. (Ord. No. 2011-03, 6-20-11)

(Ord. No. 1988-7, § 2, 6-6-88)

Section 1405. Procedure for granting a variance.

When, in its judgment, the public welfare will be substantially served and the appropriate use of neighboring property will not be injured thereby, the board of adjustment may in specific cases, after due notice and public hearing, determine and grant variances from the terms of this ordinance, in the following instances:

1405.1 Reduce, modify or waive lot area, side yard, setback, lot width, height and street frontage requirements. (Ord. No. 1978-2, § 1, 2-6-78)

1405.2 Reduce, modify or waive special conditions which are attached to a specific use, provided that the variance from such special conditions will not cause any substantial adverse effects to adjoining property or to existing or projected improvements in the vicinity.

1405.3 Reduce off-street parking requirements based on the shared use of parking areas as discussed in subsection 1001.3(z).

1405.4 Reduce or modify off-street parking or loading space requirements. (Ord. No. 1978-2, § 1, 2-6-78)

Section 1406. Appeals.

An appeal may be taken to the board by any person aggrieved, or by any officer, department, board or bureau of the city affected by any decision of the building inspector.

1406.1 Such appeal be taken within a reasonable time, as provided by the rules of the board, by filing with the board of adjustment a notice of appeal specifying the grounds thereof and by the payment to the city clerk of a filing fee of sixty dollars ($60.00) to cover the cost of technical study, investigation, and publication necessary in connection with such appeal. No such appeal shall be considered filed until such filing fee has been paid.

1406.2 The officer from whom the appeal is taken shall transmit to the board all papers constituting the record of the action which was appealed. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from who [whom] the appeal is taken certifies to the board of adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record.

1406.3 The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the public hearing, any party may appear in person or by agent or attorney.

(Ord. No. 1986-7, 6-2-86)

State law reference—Similar provisions, Code of Ala. 1975, § 11-52-80.

Section 1407. Appeals from action of the board of adjustment.

Any party aggrieved by any final judgment or decision of the board of adjustment may within fifteen (15) days thereafter appeal to the circuit court or court of like jurisdiction. In case of such appeal, the board shall cause a transcript of the proceedings in the case to be certified to the court in which such appeal is taken and the case in such court be tried de novo.

State law reference—Similar provisions, Code of Ala. 1975, § 11-52-81.

ARTICLE XV. AMENDMENTS

This article is established to provide a means whereby certain desirable changes and additions can be made to the zoning ordinance from time to time.

Section 1501. Amendments.

This zoning ordinance, including the zoning map, may be amended from time to time by the mayor and council; but no amendment shall become effective unless it shall have been proposed by, or shall have first been submitted to the planning commission for review and recommendation. The planning commission shall have thirty (30) days within which to submit its report. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

1501.1 The planning commission upon its own initiative may hold public hearings with proper public notice, for the purpose of considering amendments to the provisions of this ordinance, or to the zoning map, and then submit its recommendations to the city council.

1501.2 Upon the introduction of any amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the city council shall publish notice of such request for an amendment, together with a notice of time and place set for public hearing by the city council on the requested change. Said notice shall be published at least once a week for two (2) consecutive weeks in advance of such hearing in a newspaper of general circulation in the City of Greenville.

State law reference—Similar provisions, Code of Ala. 1975, §§ 11-52-77, 11-52-78.

Section 1502. Time limit.

After the city council has voted on an application for rezoning or other amendment to the zoning ordinance, another application for rezoning of the same tract or parcel of land, or change of the same portion of the zoning ordinance will not be considered until a period of one (1) year has elapsed from the date of such action by the city council. Provided, however, that the city council may adjust this time period if in the opinion of a majority of the city council, an unusual situation or circumstance exists.

Section 1503. Filing fee.

[Refer to local resolution]

(Ord. No. 1986-7, 6-2-86; Ord. No. 1997-6, § 2, 7-22-97)

ARTICLE XVI. LEGAL STATUS PROVISIONS

This article is established to present the legal status of this ordinance and to resolve differences and conflicts between this ordinance and other ordinances.

Section 1601. Conflict with other regulations.

Whenever the regulations of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

State law reference—Similar provisions, Code of Ala. 1975, § 11-52-82.

Section 1602. Separability.

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 1603. Repeal of conflicting ordinances.

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 1604. Effective date.

This ordinance shall take effect and be in force immediately after adoption, the public welfare requiring it.

Editor's note—The zoning ordinance was adopted on April 14, 1975.

[The next page is 1995]

APPENDIX B

SUBDIVISION REGULATIONS*

Art. I.	**Authority and Title, § 1.1**
Art. II.	**Jurisdiction and Penalties, §§ 2.1, 2.2**
Art. III.	**Definitions, § 3.1**
Art. IV.	**Approval of Plats of Subdivisions, §§ 4.1—4.6**
Art. V.	**Improvements Planning and Design Standards, §§ 5.1—5.3**
Art. VI.	**Improvements Construction Standards, § 6.1**
Art. VII.	**Variances, §§ 7.1—7.3**
Art. VIII.	**Amending Regulations, § 8.1**
Art. IX.	**Severability and Separability, § 9.1**
Art. X.	**Administration and Enforcement, §§ 10.1, 10.2**
Art. XI.	**Conflict With Public and Private Provisions, §§ 11.1, 11.2**

ARTICLE I. AUTHORITY AND TITLE

[Section 1.1. Authority and title.]

The public welfare requiring it, and under authority granted by Title II, Chapter 52, Article 2, Sections 30 through 36, inclusive, of the 1975 Code of Alabama, as amended, the City of Greenville inacts [enacts] and adopts these regulations which may be cited as "The Subdivision Regulations of the City of Greenville, Alabama."

ARTICLE II. JURISDICTION AND PENALTIES

Section 2.1. Jurisdiction.

From and after the date of adoption [December 16, 1996], these regulations shall govern all Subdivision of land located within five miles of the corporate limits of the City of Greenville, Alabama, as such limits now exist or are hereafter established.

***Editor's note**—The subdivision regulations of the city are set out in Appendix B as enacted by the planning commission on December 16, 1996. Such provisions supersede the former subdivision regulations enacted October 3, 1963. Amendments will be designated by an historical citation enclosed in parentheses following the amended section. Where no history note appears the provisions remain unchanged from the original resolution of December 16, 1996. Any provisions in brackets [ ] were added by the editor for purposes of clarity.

Cross references—Buildings, Ch. 5; fire prevention and protection, Ch. 7; flood damage prevention, Ch. 8; health, Ch. 9; licenses and business regulations, Ch. 10; mobile homes, Ch. 11; fair housing, § 13-26 et seq.; weeds and debris, § 13-46 et seq.; solid waste, Ch. 17; streets and sidewalks, Ch. 18; naming streets, roads and property addresses, § 18-21 et seq.; utilities, Ch. 20; placement of utility lines in new or undeveloped subdivisions, § 20-1; zoning, App. A.

State law references—Control of subdivisions generally, Code of Ala. 1975, § 11-52-30 et seq.; reservation of lands in subdivisions for future acquisition for public streets, Code of Ala. 1975, § 11-52-50 et seq.

Section 2.2. Penalties.

It is not legal to transfer or sell any lots within a Subdivision until the Final Plat thereof has been approved by the Planning Commission and recorded in the Office of the Probate Judge of Butler County, Alabama. Whoever, being the owner or agent of the owner of any land within a Subdivision violates these regulations shall pay a penalty of two hundred dollars ($200) for each lot or parcel conveyed in violation of these regulations. In addition, no building permit, certificate of occupancy, or equivalent shall be issued until such time as the Subdivision has been given formal approval by the Planning Commission and the duly adopted plat thereof recorded in the Office of the Probate Judge.

ARTICLE III. DEFINITIONS

[Section 3.1. Definitions.]

[The following words, terms or phrases, as used in this appendix, shall have their given meanings:]

Arterial or *Major Street.* A street which is used primarily for fast or heavy traffic.

Block. A piece or parcel of land abutted by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the subdivider may determine the outline of the block.

Building Setback Line. A line parallel to the front and side property line across and beyond which no structure may be erected.

City. The City of Greenville, Alabama.

Collector Street. A street which carries traffic from minor streets to an Arterial Street, including the principal entrance street of a residential development and streets for circulation within such a development.

Comprehensive Plan. A master plan, as adopted by the City Council, addressing population, economy, land use, housing, transportation, public facilities, zoning and subdivision regulation for the physical development of the City over a specified period.

Cul-de-sac. A short street designed to have one end permanently closed, the closed end of which must contain a vehicular turnaround.

Easement. A grant by the property owner of a strip of land for public or private uses for limited specific purposes.

Final Plat. A finished drawing showing completely and accurately all legal and engineering information and containing all certification necessary for recording.

Horizontal Curve. The curved surface of a street created by gradual turns to the right or left.

Lot. A parcel of land intended for transfer of ownership or for building development.

Major Street Plan. The major street plan as adopted by the Planning Commission as an element of the Comprehensive Plan.

Marginal Access Street. A minor street which is parallel to and adjacent to an Arterial or Major Street and which provide access to abutting properties and protection from through traffic.

Minor Street. A street which is used primarily for access to the abutting properties.

Planning Commission. The City Planning Commission.

Preliminary Plat. A set of engineering drawings which meet the requirements of these regulations for a proposed subdivision and which are submitted to the Planning Commission for tentative and revocable approval and which are accompanied by certification that each planned utility meets standard specifications and requirements.

Protective Covenant. Contractual agreement between the Subdivider and owners of Lots within the Subdivision to maintain specific standards of quality for the mutual protection and enhancement of the investment the owners and future owners have in the Subdivision.

Reverse Frontage. A frontage on two streets which requires buildings to face away from one of the streets thus exposing the rear of the buildings to that street.

Right-of-Way. A dedicated strip of land for use as a public route of travel.

Screen Plantings. The plantings of trees and shrubs in required buffer areas along exposed rear or side lot lines.

Shall. As used herein shall mean mandatory.

Sidewalk. The portion of a street Right-of-Way available exclusively for pedestrian traffic.

Sketch Plan. A collection of information explaining the intent of a subdivider pertaining to a proposed subdivision to be submitted for consideration by the Planning Commission without incurring a commitment by either party.

Subdivider. Any person, firm, or corporation who subdivides or develops any land deemed to be a Subdivision.

Subdivision. The division of a Lot, tract, or parcel of land into two (2) or more Lots, or sites, or other divisions of land for the purpose, whether immediate or future, of sales or of building development, including re-subdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Subdivision Committee. A committee of the Planning Commission appointed by the Chairperson of the Planning Commission for the purpose of considering a Sketch Plan.

Surety. Any surety bond, certificate of deposit, irrevocable letter of credit, cashier's check, or other acceptable assurance of performance as approved by the Planning Commission.

Utility. Any distribution system for water, gas, electricity, telephone, telecommunications, and antenna system and collection system for sanitary sewer.

Vertical Curve. A curved surface of a street created by a change in the grade of the elevation of a hill for the purpose of insuring that operators of vehicles traveling in opposite directions on the street can readily observe each other when approaching each other.

ARTICLE IV. APPROVAL OF PLATS OF SUBDIVISIONS

Section 4.1. Approval required—Effect of non-compliance.

From and after the data of certification of a copy of these regulations to the Probate Judge of Butler County, no Subdivision plat of land within the Subdivision jurisdiction, as defined in Article II, shall be filed or recorded until it shall have been submitted to and approved by the Planning Commission of the City, and such approval entered in writing on the plat by the Chairperson of the Planning Commission. The Probate Judge, upon receipt of a copy of these regulations, shall not thereafter file or record a plat of a subdivision of land located within the Subdivision jurisdiction, as defined herein, without the approval of such plat as required herein. No street shall be accepted and maintained by the City nor shall any street lighting, water or sewer be extended to or connected with any Subdivision of land, nor shall any permit be issued by an administrative agent or department of the City for the construction of any building, or other improvement requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in these regulations have been complied with and the same have been approved by the Planning Commission.

Section 4.2. Approval not acceptance.

The approval of a plat by the Planning Commission shall not be deemed to constitute or effect the acceptance by the City or the public of the dedication of any street or other real property, lake, pond, creek, open space, public utility line, or other facilities shown upon the plat. Formal dedication by the Subdivider and action by the City Council are required for acceptance of property.

Section 4.3. Plat approval.

4.3.1. General. The Planning Commission shall approve or disapprove a plat within 30 days after the submission thereof to it; otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand provided, however that the applicant for the Planning Commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the Planning Commission. Any plat submitted to the Planning Commission shall contain the name and address of a person to whom notice of a hearing shall be sent, and no plat shall be acted on by the Planning Commission without affording a hearing thereon. Notice shall be sent to the said address by registered or certified mail of the time and place of such hearing not less than five days before the date fixed therefor. Similar notice shall be mailed by the owners of land immediately adjoining the platted land as their names appear upon the plats in the county tax assessors office and their addresses appear in the directory of the municipality or on the tax records of the municipality or county.

4.3.2. Procedure. The procedure for review and approval of a Subdivision plat consists of three (3) separate steps. The initial step is the preparation and submission of a Sketch Plan of the proposed Subdivision to the Subdivision Committee of the Planning Commission for their advice and review. The second step is the preparation and submission to the Planning Commission of a Preliminary Plat together with all required certificates. The third and final step is the preparation and submission of a Final Plat of the proposed Subdivision for Planning Commission approval. The Final Plat will be accompanied by a Certificate of Compliance from the City Planner and a Certificate of Completion from the City Engineer. The Final Plat becomes the instrument to be recorded in the Office of the Judge of Probate when duly signed by the Chairperson of the Planning Commission.

Section 4.4. Sketch plan review.

4.4.1. General.

a. The purpose of this review is to give the Subdivider and/or his agent an opportunity to confer with the Subdivision Committee and/or their technical advisors about the proposed Subdivision in order to eliminate wasted time, money and effort.

b. Subdivision Committee concurrence of a Subdivision Sketch Plan is primarily an assistance and advisory service based on general information and not studied or reviewed in depth and as such this approval is not binding toward Preliminary Plat approval by the Planning Commission. The Sketch Plan shall be reviewed for conformance to the City Comprehensive Plan, Subdivision Regulations and Zoning Ordinance.

4.4.2. Steps in Obtaining Concurrence.

a. The Subdivider or his agent should confer with the City Engineer and pertinent Utilities and obtain appropriate specifications and recommendations.

b. The Subdivider shall arrange an informal meeting with the Subdivision Committee of the Planning Commission. Two copies of the Sketch Plan must be filed with the City Planner two days prior to such meeting.

4.4.3. Required Information.

a. A Sketch Plan shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch on a sheet not less than 18 inches wide and 24 inches long. The Subdivider or his agent shall submit the following required information to the Subdivision Committee of the Planning Commission prior to presenting a Preliminary Plan to the Planning Commission.

b. *Sketch Plan Information.*

Name of the Subdivision or other identification

Topography at twenty (20) foot intervals (United States Geological Survey map)

Boundary lines of the proposed Subdivision

Location of all streets within the Subdivisions boundary

Adjoining development: property lines, streets, water courses

A sketch vicinity map showing the location of the proposed Subdivision to the surrounding area

Existing and proposed Protective Covenants

Land characteristics

Available community facilities and Utilities

Number of existing and proposed residential Lots

Typical Lot width, depth, and area

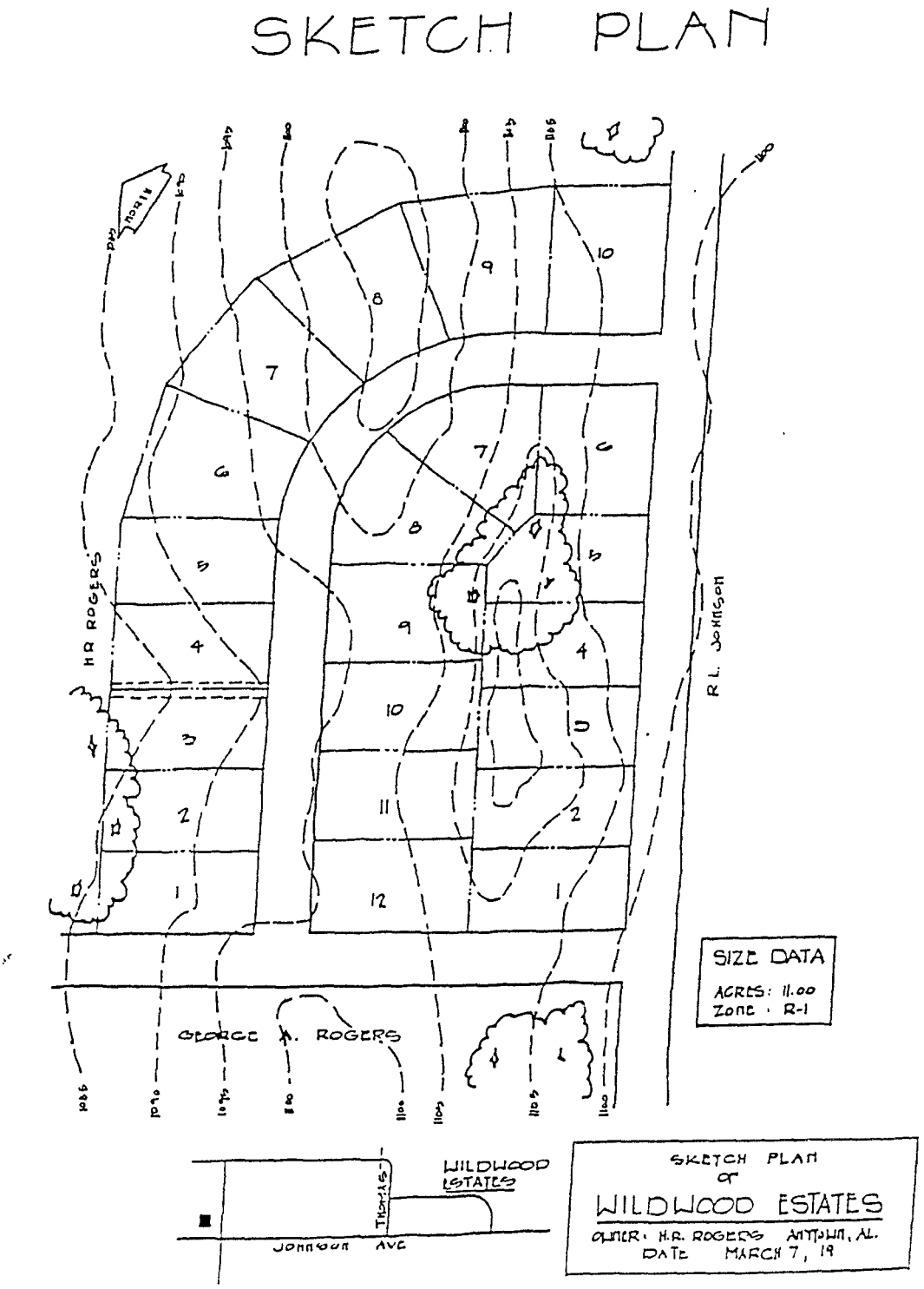
Price range of Lots

Price range of dwellings

Proximity to business areas, schools, and other public areas

Proposed Utilities and street improvements

4.4.4. Diagram of a Typical Sketch Plan.



Section 4.5. Preliminary plat approval.

4.5.1. General. After conclusions have been reached about the Sketch Plan and concurrence granted, the Subdivider must formally make application for Preliminary Plat approval before the Subdivision can be reviewed for Final Plat approval. Preliminary Plat approval shall be tentative in nature and shall in no way constitute a waiver of any of the requirements for Final Plat approval. Preliminary Plat approval is also required prior to any grading or other improvements to the Subdivision.

4.5.2. Steps in Obtaining Approval.

a. The Subdivider or his agent shall submit one copy each of the Preliminary Plat to the City Engineer and all affected Utilities and the Butler County Health Department if applicable, at least thirty (30) days prior to the Planning Commission meeting at which it is to be considered (the Planning Commission presently meets the fourth Monday of each month at 4:30 p.m.). These departments and Utilities, upon review of the plat for their specific standards and specifications, shall approve; approve with conditions or reservations; or disapprove, those portions which will affect their responsibilities or policies. All actions, recommendations or proposals will be indicated on the plat by each reviewer and returned to the Subdivider. When the plat meets all requirements and specifications the reviewer will issue a certificate of approval. Examples of certificates are given in Section 5 of this Article.

b. The Subdivider or his agent shall, upon receipt of all certifications, submit two (2) copies of the Preliminary Plat, as specified in the Subdivision Regulations with certificates, to the City Planner with a written application for Preliminary Plat approval at least fifteen (15) days prior to the next regularly scheduled Planning Commission meeting at which it is to be considered. Upon receipt of the application, the City Planner will review the plat for conformance to the City Comprehensive Plan, Subdivision Regulations and Zoning Ordinance.

c. The Preliminary Plat shall be clearly and legibly drawn in black ink at a scale of not less than 100 feet to one inch on a sheet not less than 18 inches wide and 24 inches long.

4.5.3. Information Which Must Be Included on the Preliminary Plat.

a. Name of Subdivision and complete address of Subdivider or Subdivider's agent.

b. Adjacent Subdivisions and/or adjacent land owners and their addresses.

c. Date, Subdivision acreage, scale and north point. (All dimensions shall be shown to the nearest one hundredth (100th) of a foot and angles to the nearest minute)

d. A vicinity map at scale of not less than one inch equals two thousand (2,000) feet to show the relationship of the Subdivision to the surrounding area.

e. The relation of the land so platted to the United States Geodetic Survey with the "point of beginning" being referred to in the written description of the Subdivision boundaries.

f. The exact position of permanent monuments indicated by a small circled (x) and the character and description of each monument.

g. Topography at twenty (20) foot contour intervals unless a closer contour interval is required by the City Engineer.

h. The name, location and width of all existing and proposed Right-of-Way streets and alleys in or adjacent to the Subdivision.

i. Sufficient data to determine readily and locate on the ground the location, bearing and length of every street, Block line and Building Setback line, whether straight or curved. (All curved boundary lines, lot lines, street center lines, and Right-of-Way on the plat shall be given a curve number and sufficient data shall be given to enable the re-location of the curves. This curve data shall include the following: point curve (PC), point of tangent (T), length of radius (R))

j. Location, width and purpose of all Easements.

k. Location and width of all Sidewalks and crosswalks.

l. Alphabetically ordered Block letters and numerically ordered Lot numbers.

m. Dimensions of Lots.

n. In the case of Reverse Frontage Lots, the direction of the house or building shall be clearly indicated.

o. Location and dimensions of land to be dedicated or reserved for parks, open space, or other public use and notes stating their purpose and limitations.

p. Any area within or adjacent to the proposed Subdivision subject to future development shall be clearly shown and identified.

4.5.4. Plans and Certificates Which Must Accompany the Preliminary Plat.

a. Street Grading Plan and Certificate.

b. Storm Drainage System Plan and Certificate.

c. Sanitary Sewer/Septic System Plan and Certificate.

d. Potable Water Distribution/Well Plan and Certificate.

e. Electrical Distribution Plan and Certificate.

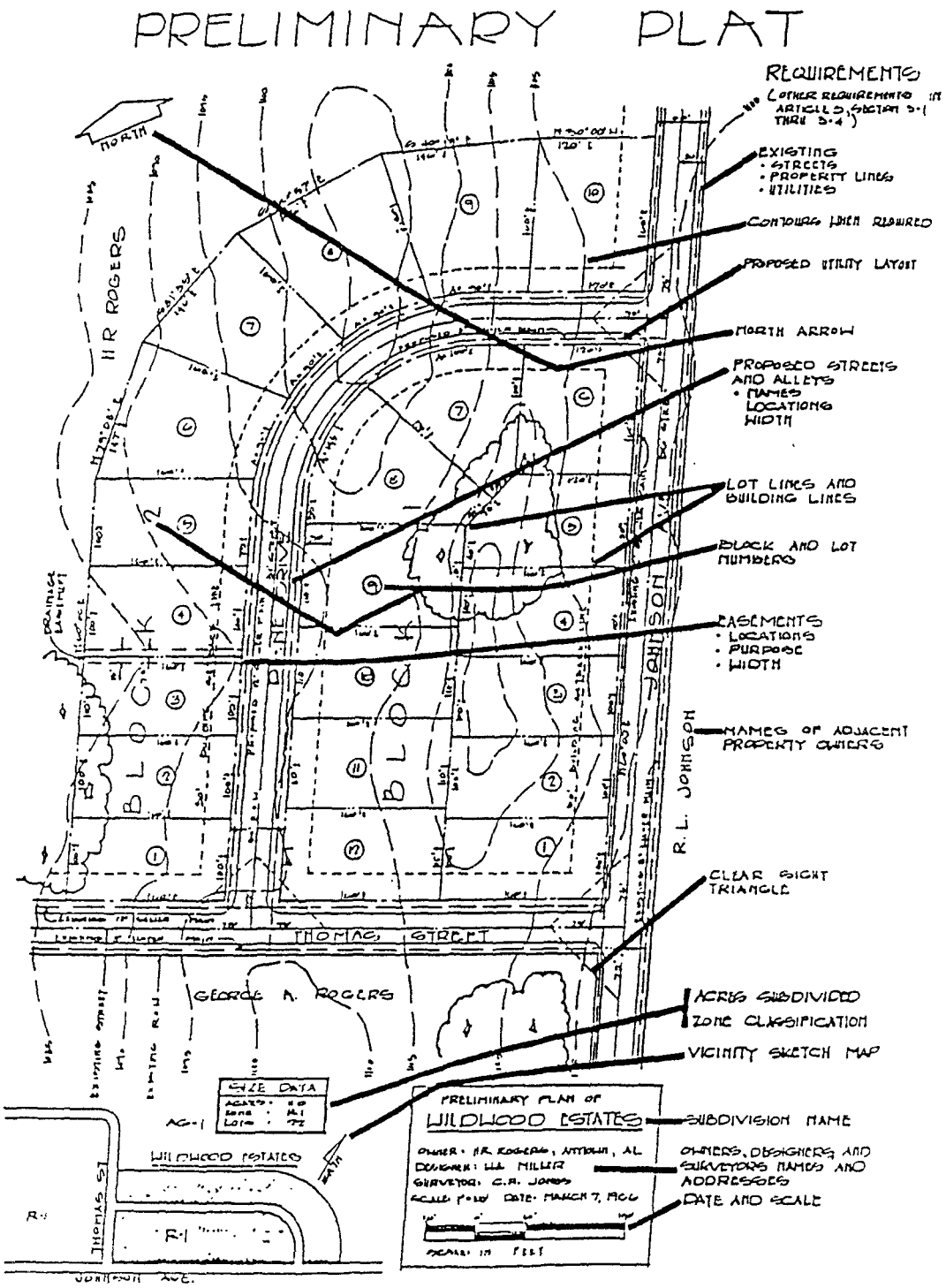
f. Gas Distribution Plan and Certificate.

g. Telephone Distribution Plan and Certificate.

h. Telecommunication Distribution Plan and Certificate.

i. State Highway Department Certificate.

4.5.5. Diagram of a Typical Preliminary Plat.



Section 4.6. Final plat approval.

4.6.1. General. The Final Plat shall conform to the Preliminary Plat as approved and if so desired it may constitute only that portion of the approved Preliminary Plat which the Subdivider proposes to develop and record at that time. If the Subdivider elects this option the Subdivision shall be developed in phases. The Subdivision and/or initial phase must begin within one year and proceed in a timely manner. Subsequent phases must be started within one year of acceptance by the City of the preceding phase and must proceed in a timely manner. A Subdivision and/or initial phase that does not begin within one year of Final Plat approval and/or does not proceed in a timely manner and subsequent phases that do not begin within one year of proceeding phase's acceptance by the City and/or proceed in a timely manner, shall repeat the entire approval process as presented in this Article.

4.6.2. Steps in Obtaining Approval.

a. Upon fulfilling the requirements of Final Plat Approval the Subdivider or his agent shall submit the original and two (2) copies of the Final Plat with formal application at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission.

b. The City Engineer shall certify that the installation of the streets and each Utility has been completed as specified and is currently operational by presenting a Certificate of Completion to the Subdivider.

c. The City Planner shall review the Final Plat for conformance to the Preliminary Plat, the City Comprehensive Plan, Subdivision Regulations, and Zoning Ordinance and present a Certificate of Compliance to the Subdivider.

d. Upon issue of the Certificate of Compliance and the Certificate of Completion, the Subdivision shall be placed on the agenda for the next Planning Commission meeting. If the Planning Commission finds the Final Plat to meet all requirements of these regulations the Chairperson of the Planning Commission will certify the original Final Plat with his signature.

e. The certified original Final Plat will then be returned to the Subdivider or his agent to be recorded in the office of the Probate Judge and subsequently returned to the City Planner for filing.

4.6.3. Final Plat Requirements, Endorsements, Dedications and Certification.

a. The Final Plat will be considered for approval by the Planning Commission provided all requirements are met.

b. The Final Plat as submitted to the Planning Commission shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch on a sheet not less than 18 inches wide and 24 inches long.

c. Protective Covenants, if any, shall be shown on the Final Plat or on an accompanying sheet of the same size as the Final Plat.

d. The following certificates shall be affixed to the Final Plat:

Surveyor's Certificate and Seal.

I, _____ a Licensed Land Surveyor, hereby certify that I have surveyed the property shown on this map, that the map is true and correct; that it shows the subdivision into which the property is proposed to be divided, the length and bearing of the boundaries, the dimensions and number of each lot, the bearings, widths and dimensions of the streets adjoining the property surveyed, and the relation of the land so platted to the government survey all according to the requirements or the minimum technical standards for land surveying in the State of Alabama. Given under my hand and seal on this the _____ day of _____ , 199___.

_____(SEAL)

REG.#

Certificate of Approval by the Planning Commission of the City of Greenville.

APPROVAL OF GREENVILLE CITY PLANING COMMISSION

This plat has been submitted to and considered by the City of Greenville Planning Commission and is hereby approved by said Commission on this the _____ day of _____, 199___.

_____, Chairperson

Certificate for Recording by the Butler County Probate Judge.

STATE OF ALABAMA BUTLER COUNTY

I hereby certify that this plat or map was filed in this office for record this the _____ day of _____, 199___ at _____o'clock pm, and receded in Book _____ of Plats and Maps, page _____

recording _____ paid.

_____

Probate Judge

Notary's Acknowledgment of the Dedication (Corporate)

_____, incorporated under the laws of the State of Alabama on _____, 199__, whose Articles of Incorporation are recorded in the office of the Probate Judge of Butler County, Alabama in the Corporation Book, at Pages _____, the owner of the land shown on this map, hereby join in and subscribes to the herein Surveyor's Certificate, adopts the map shown hereon as final and correct, and hereby dedicates for public use and conveys to the public all streets, rights of way and easements for public utilities shown herein not previously so dedicated and conveyed.

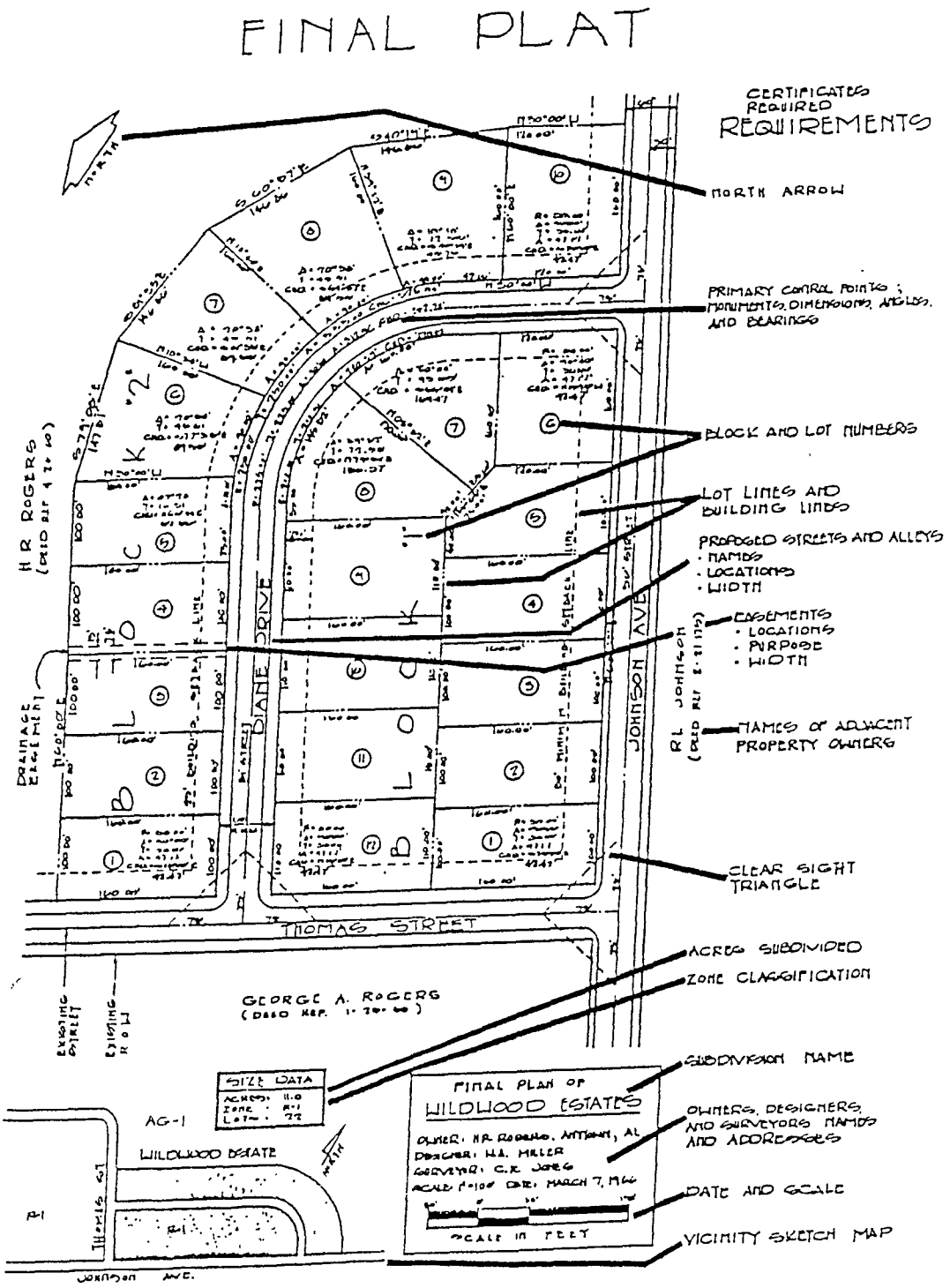
IN WITNESS WHEREOF, _____ has caused its name to be signed by its Manager, being duly authorized thereunto on this the _____day of _____, 199___.

By: _____

Notary's Acknowledgment of the Dedication (Individual)

The undersigned, _____, owner of the land shown on this map, hereby join in and subscribes to the herein Surveyor's Certificate, adopts the map shown hereon as final and correct, and hereby dedicates for public use and conveys to the public all streets, Right-of-Way and easements for public utilities shown herein not previously dedicated and conveyed on this the _____ day of _____, 199___.

4.6.4. Diagram of a Typical Final Plat.



4.6.5. Exceptions. Upon the satisfactory completion and installation of all improvements and Utilities in accordance with plans and specifications approved at the Preliminary Plat approval stage, as set forth above, proof of which shall be evidenced by the City Engineer's Certificate of Completion and the City Planner's Certificate of Compliance; or, if the Planning Commission shall so determine, at its sole discretion, and provided all other requirements of these regulations are met, in lieu of the completion of such improvements and Utilities prior to the Final Plat approval, the Planning Commission may accept:

a. A bond from a bonding company or letter of credit from a bank with sufficient Surety to secure to the City one hundred (100) percent of the actual construction and installation of such improvements and Utilities at a time to be set by the Planning Commission and according to the plans and specifications approved therefor. In the event improvements or Utilities are not fully completed the bond or letter of credit shall be forfeited and the bonding company or bank shall complete or make arrangements with a qualified contractor to complete the improvements and Utilities. This burden shall not fall upon the City, however, if for some reason the City expends public funds on these improvements, then the bonding company or bank shall pay the City for such actual expenditures.

b. Where no Lot in the proposed Subdivision contains less than the minimum amount of area and where, in the opinion of the Planning Commission, the installations of water supply or sewage disposal systems would be an unreasonable request, the Planning Commission may approve the Final Plat if individual water supply or sewage disposal systems are approved by the Butler County Health Officer.

4.6.6. Steps in Obtaining Acceptance by the City. Upon recording of the Final Plat in the office of the Probate Judge, the Subdivider may request to be placed on the agenda for the next regular City Council meeting to have the streets, street lights and Easements of the Subdivision accepted by the City (the City Council presently meets the second and fourth Tuesday of each month at 5:30 p.m.). When accepted, the title to and responsibility for the streets, street lights and Easements located in the Subdivision will be transferred to the City. However, the Subdivider must warrant the streets, street lights and Easements for one year from the date of acceptance thereof by the City.

ARTICLE V. IMPROVEMENTS PLANNING AND DESIGN STANDARDS

Section 5.1. Exceptions.

The following planning and design standards shall be complied with and no higher standard may be required by the Planning Commission, except where because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, or minimum standards specified herein would not reasonably protect or provide for public health, safety, or welfare. Any higher standard required shall be reasonable and shall be

limited to the minimum additional improvements necessary to protect the public health, safety or welfare, provided, however, that no greater Right-of-Way widths or any additional land to be dedicated for public open space shall be required.

Section 5.2. Conformity to plans and ordinances.

5.2.1. General. All proposed Subdivisions shall conform to the City Comprehensive Plan, and all major sections thereof; i.e., the City Zoning Ordinance, the Land Use Plan, Major Street Plan, etc.

a. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where such is not shown in the City Comprehensive Plan, the arrangement of streets in a Subdivision shall either:

   Provide for the continuation of the projection of existing principal streets in surrounding areas, *or*

   Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

b. Densities shall be established by the City Zoning Ordinance.

c. All thoroughfares as shown crossing or bordering a proposed Subdivision on the City Major Street Plan shall be required to be provided in the location and at the Right-of-Way width designated thereon.

5.2.2. Off-Premises Improvements. All off-premises improvements necessary to the development of the Subdivision shall be clearly noted on the Preliminary Plat. These improvements shall relate to such items as drainage, extension of water mains, sewers, street access and other such improvements.

[Section] 5.3. Standards.

5.3.1. Streets and Roads. All roadways shall comply with the following standards:

a. Subdivisions that adjoin existing streets shall dedicate additional Right-of-Way to meet the minimum street requirements.

   The entire Right-of-Way shall be provided where any part of the Subdivision is on both sides of the existing street.

   When the Subdivision is located on only one (1) side of the existing street, one-half of the required Right-of-Way, measured from the centerline of the roadway, shall be provided.

   When the Subdivision is located on only one (1) side of a proposed street the entire Right-of-Way shall be provided.

b. All roadways shall be provided with pavement and curb and gutter, valley gutter or shoulder and ditch and constructed in accordance with City specifications.

c. Minor Streets shall be so laid out that their use by through traffic will be discouraged.

d. Where a Subdivision abbuts [abuts] or contains an existing or proposed Arterial or Major Street, the Planning Commission may require Marginal Access Streets, Reverse Frontage with Screen Planting along the rear property line, deep Lots with rear service alleys, or such other treatment as may be necessary for adequate protection of present or future residential properties, and to afford separation of through and local traffic.

e. Where a Subdivision borders on or contains a railroad Right-of-Way or limited access highway Right-of-Way, the Planning Commission may require a street approximately parallel to and on each side of such a Right-of-Way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

f. A tangent shall be introduced between Reverse Curves on Arterial and Collector Streets as approved by the City Engineer. Centerline offsets of less than one hundred (100) feet shall be avoided.

g. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for Minor and Collector Streets, and of such greater radii as the City Engineer shall determine for special cases.

h. Streets shall intersect as nearly as possible at right angles, ninety (90) degrees, and no street shall intersect at less than seventy-five (75) degrees.

i. Intersections with an Arterial or Major Street shall be at least eight hundred (800) feet apart, measured from center line to center line, and intersections with an Arterial or Major Street or Highway shall be controlled and determined by the Planning Commission.

j. Proper sight lines shall be maintained at all intersections of streets. Measured along the center line, there shall be a clear sight triangle of seventy-five (75) feet, one hundred fifty (150) feet for Arterial or Major Streets, from a point of intersection and shall be indicated on all plans. No building or obstruction such as plantings shall be permitted in this area.

k. Property lines at street intersections shall be rounded with a radius of twenty (20) feet, or of greater radius where the Planning Commission may deem it necessary. The Planning Commission may permit comparable cut-offs or chords in place of rounded corners.

l. Where a deflection of angle or more than ten (10) degrees in the alignment of a street occurs, a curve or reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the centerline ratios or curvature shall be no less than three hundred (300) feet; on other streets, not less than one hundred (100) feet.

m. Vertical Curves shall be such as to prevent abrupt change and shall be approved by the City Engineer. Every change in grade shall be connected by a Vertical Curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one-half (4½) feet above the pavement surface, to be an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals twenty (20) feet vertical are required.

n. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.

o. Cul-de-sacs and courts designed to have one end permanently closed shall be no more than six hundred (600) feet long unless necessitated by topography. A turnaround having an outside roadway diameter of at least eighty (80) feet and a street Right-of-Way diameter of at least one hundred (100) feet shall be provided at the closed end or the Planning Commission may approve an alternate design.

p. When, in the opinion of the Planning Commission it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such streets shall have a Right-of-Way of at least fifty (50) feet and be provided with a temporary turnaround having a roadway diameter of no less than eighty (80) feet.

q. *Street Grading Plan.* The Street Grading Plan shall contain the following:

Layout of all streets indicating the subgrade at each fifty (50) foot section.

Profile of all streets showing natural and finished grade at each section number.

Typical cross sections of all streets at each section marker.

STREET GRADING CERTIFICATE

I, _____, the City Engineer of the City of Greenville, Alabama, concur in the design of the Street Grading Plan as shown on the drawing.

_____ _____
Date City Engineer, Greenville, Alabama

r. Minimum street lanes and widths, Right-of-Way widths, pavement widths and percent grade

Street Type (1)	*Lanes & Width Parking & Travel*		*Right of Way (2)*	*Pavement Width (3)*	*Percent Grade (4)*
Arterial Streets	0	4-12 ft	120 feet	64 feet	6%
Major Streets	2—8 ft	2-12 ft	80 feet	48 feet	7%
Collector Streets	2—8 ft	2-12 ft	60 feet	44 feet	8%
Minor Streets	1—8 ft	2—9 ft	50 feet	28 feet	12%
Marginal Access Streets	1—8 ft	1-12 ft	50 feet	28 feet	12%
Cul-de-sacs	1—8 ft	1—12 ft	50 feet	28 feet	12%

Street Type (1)	*Lanes & Width Parking & Travel*		*Right of Way (2)*	*Pavement Width (3)*	*Percent Grade (4)*
Oneway Street	1—8 ft	1-9 ft	40 feet	20 feet	12%
Alleys	0	2—8 ft	20 feet	16 feet	12%

(1) Half streets shall be prohibited.

(2) Streets Right-of-Way widths shall be shown on the City Major Street Plan and where not shown thereon shall not be less than as shown above.

(3) Pavement width shall be measured from curb faces.

(4) Grades shall not exceed those shown above unless approved by the City Engineer.

5.3.2. Alleys.

a. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where another definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

b. Provisions for alleys along the rear of residential Lots is optional except where, in the opinion of the Planning Commission, such alleys are required.

c. Alley intersections and changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicle movement.

d. Deadend alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the deadend, as determined by the City Engineer.

5.3.3. Easements.

a. Easements across lots or centered on rear or side lot lines shall be provided for Utilities where necessary and their width shall be as required by the appropriate departments or Utility companies.

b. Where a Subdivision is traversed by a water course, drainage way, channel, or stream or if such a proposed drainage way is reflected in an approved drainage plan, there shall be provided a storm-water drainage Easement or Right-of-Way conforming substantially with the lines of such existing or planned drainage ways. The width of such drainage Easement or Right-of-Way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.

c. Lots and Easements shall be arranged in such a manner as to eliminate unnecessary Easement jogs or offsets and to facilitate the use of Easements for power distribution, telephone service. telecommunication service, drainage, water, and sewer services.

5.3.4. Blocks.

a. The length, width and shapes of Blocks shall be determined with due regard to:
Provisions of adequate building sites suitable to the special needs of the type of use contemplated.

City Zoning Ordinance and Butler County Health Department requirements as to Lot size and dimensions.

Needs for convenient access, circulation, control, and safety of street traffic.

Limitation and opportunities of topography.

b. Blocks shall not be less than four hundred (400) feet nor more than twelve hundred (1,200) feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern. In Blocks over eight hundred (800) feet in length, the Planning Commission may require one or more speed bumps or a public crosswalk, not less than ten (10) feet in width, to extend entirely across the Block at locations deemed necessary.

c. Blocks shall be wide enough to allow two (2) rows of Lots, except where Reverse Frontage on an Arterial or Major Street is provided or where prevented by topographical conditions or size of the property; in which case the Planning Commission may approve a single row of lots of minimum depths.

5.3.5. Lots.

a. Minimum Lot dimensions and Buildings Setback lines shall meet the requirements of the City Zoning Ordinance and if applicable the requirements of the Butler County Health Department. In such cases where requirements may conflict, the greater requirement shall govern.

b. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate for off-street parking and loading for the uses contemplated and prescribed in the City Zoning Ordinance.

c. Corner Lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.

d. Except in the case of Lots on a Cul-de-sac, each lot shall have not less than fifty (50) feet of frontage on the street which is connected with the public street system.

e. Reverse Frontage Lots shall be avoided except where essential to provide separation of residential development from traffic arteries or so as to overcome specific disadvantages of topography and orientation. The Subdivider shall put in a Planting Screen Easement of not less than ten (10) feet in width, and across which there shall be no right of access, along the line of Lots abutting such a traffic artery or other disadvantageous features.

f. Side Lot lines shall be substantially at right angles to streets except on curves where they shall be radial.

5.3.6. Trees.

a. The Planning Commission may require the planting of shade trees on the property of the Subdivision. Such trees are to be planted within five (5) feet of the Right-of-Way of the road or roads within and abutting the Subdivision, or, at the discretion of the

Planning Commission, within the Right-of-Way of such roads. One (1) tree shall be planted for every forty (40) feet of frontage along each road unless the Planning Commission, upon recommendation of the City Horticulturist shall grant a waiver. Such waiver shall be granted only if there are trees growing along such Right-of-Way or on the abutting property which in the opinion of the Planning Commission comply with these regulations.

b. Trees shall have a minimum truck diameter (measured twelve (12) inches above ground level) of not less than two (2) inches. Only long-lived shade trees, acceptable to the City Horticulturist shall be planted.

5.3.7. Names.

a. No street name shall be used which will duplicate by spelling or sound or otherwise be confused with the names of existing streets, except where a proposed street is an extension of an existing street in which case the proposed street shall bear the name of the existing street. Street names are subject to the approval of the Enhanced 911 Board and shall be approved by the City Council.

b. Subdivision names and apartment project names shall not duplicate or be confused with existing names. Subdivision and apartment project names are subject to approval by the Planning Commission.

5.3.8. Storm Water Requirements.

a. *Effect of Downstream Drainage Areas.* An Engineer registered and licensed in Alabama shall study the effect of each subdivision or development on existing downstream facilities outside the subdivision, at the owner's expense. Where it is anticipated that the additional runoff incident to the development will overload an existing downstream drainage facility, the Planning Commission may withhold approval of such development until provisions have been made for the elimination of the problem to the extent the Planning Commission shall determine.

b. *Areas of Poor Drainage.* Upon submission of a plat for a development plan or the subdivision of an area which is subject to flooding, the Planning Commission may approve such development provided that the applicant fills the affected area of said development to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined and drawn on plans prepared by an Engineer licensed and registered in the State of Alabama. The plat of such development shall provide for an overflow zone along the bank of any stream or watercourse in a width which shall be sufficient in times of high water to contain or adequately move the water, and no fill shall be placed in the overflow zone and no structure shall be erected or placed therein. The boundaries of the overflow zone shall be subject to approval of the Planning Commission.

c. *Flood Plain Areas.* The Planning Commission may, when it deems it necessary for the health, safety or welfare of the present and future population of an area or for the

conservation of water, drainage, and sanitary facilities, prohibit the subdivision or development of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission. All work within a flood plain area shall be in accordance with the guidelines from the Flood Plain Management and U.S. Water Resources Council, Executive Order 11988.

d. *Drainage Plan.* A drainage plan shall be made for each subdivision or development by the subdivider or developer which shall take into account the ultimate or saturated development of the tributary area in which the proposed subdivision or development is located. Adequate provisions shall be made within each subdivision or development to provide drainage facilities needed within the subdivision or development, taking into account saturated development of the tributary area. The storm and sanitary sewer plan shall be made prior to other utility plans. Engineering considerations in subdivisions and other developments shall give preferential treatment to gravity-flow improvements as opposed to other utilities and improvements.

e. *Run-off Easements.* Off-premises drainage easements and improvements shall be required to handle the runoff of subdivisions into a natural drainage channel as determined by an Engineer registered and licensed in Alabama. Easements shall not be less than ten (10) feet in width, except in case of double-tiered lots where a width of five (5) feet from each other will be permitted. Where a storm water ditch, creek or other such water course exists, the easement shall be of sufficient width to insure that such water course may be installed and maintained efficiently. Low areas subject to periodic inundation shall neither be developed nor subdivided unless and until an Engineer registered and licensed in Alabama has determined and certified that:

(1) The nature of the land use (i.e., recreational areas) will not lend itself to damage by water to an appreciable extent.

(2) The area may be filled or improved in such a manner as to prevent such periodic inundation.

(3) Minimum flood elevations may be established to prevent damage to buildings and other structures.

f. *Additional Requirements.* The Building Inspector or the Planning Commission may require whatever additional engineering information they determine to be necessary to make a decision regarding the proposed subdivision of land or any other development in an area of questionable drainage.

g. *Water Bodies.* Lakes, ponds and similar areas will be accepted for maintenance only if sufficient land is dedicated to the City of Greenville as a public recreational area or park or if such area constitutes a necessary part of the surface drainage control system of the City of Greenville as determined by an Engineer registered and certified by the State of Alabama.

h. *Storm Water Runoff Control.* Where street construction changes from curb and gutter or valley gutter section to ditch section or where street construction changes from ditch section to curb and gutter or valley gutter section, then inlets, storm sewers, and side drains shall be provided and constructed in order to adequately handle storm water in accordance with the requirements of the City Public Works Superintendent.

i. *The Storm Drainage System Plan* shall contain the following: A United States Geological Survey map (1:24,000 scale) highlighting the drainage basin from the Subdivision to the nearest major river tributary and shall include:

1. A contour map of the entire subdivision or development, drawn with a contour interval of twenty (20) feet, showing the direction of drainage and the acreage of each drainage area.
2. The location, size and invert elevation of existing and proposed drainage structures including culverts, bridges, curbs and gutters, valley gutters, drain pipes, ditches, inlets, flumes, catch basins, junction boxes, dry wells, riprap, holding ponds, head walls and any other storm drainage control feature.
3. The amount of water in acres estimated to flow through each drainage control feature.
4. A scale of drawing of masonry and/or concrete drainage structures such as catch basins, flumes, inlets, junction boxes as well as curb and gutter and valley gutter.
5. The location and dimensions of easements and rights-of-way for drainage and for the maintenance of drainage system.
6. *A STORM DRAINAGE SYSTEM CERTIFICATE*

   I, _____ the Building Official and/or Public Works Superintendent of the City of Greenville, Alabama, concur in the design of the Storm Drainage Systems as shown on this drawing.

   _____ _____

   Date Building Official and/or Public Works Supt.

j. *Easement requirements are set forth as follows:*

1. *Location:* Easements shall be located on rear, front, or side lot lines, as required and to the width specified by the Planning Commission. Drainage easements shall be placed as required by the Building Official and/or Public Works Superintendent.
2. *Major Drainage:* Where a subdivision or development is traversed by a water course, drainage way, channel or stream or if such a proposed drainage way is shown on an adopted drainage plan, there shall be provided a storm water drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage way. The width of such drainage easement shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.

3. *Alignment:* Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement jogs or offsets and to facilitate the use of easements for power distribution, telephone service, drainage, water, and sewer services.

4. *Storm Drainage:* Storm drainage systems shall be installed so that all storm water is channeled into and confined in natural drainage channels without causing erosion. No storm drainage shall empty into a sanitary sewer.

5. *Storm Sewer Connections:* If a development lies within the City of Greenville and a public storm water sewer system is reasonably accessible, the developer shall connect with such system at such point which will adequately carry water to locations which are acceptable to the City of Greenville.

k. *General Criteria for Storm Drainage System Design and For Selection of Design Storm Event are set as follows:*

1. Storm drainage systems shall be designed in such a way so that the natural drainage patterns of an area are not significantly altered, erosion is not accelerated, accumulation of eroded soil particles in the storm water system is avoided, and the design storm event is accommodated. The criteria for selecting this design storm event shall be as follows:

TYPE OF DRAINAGE SYSTEM	*DESIGN STORM RETURN PERIOD*
I. Systems for areas less than 40,000 square feet	10-year storm for confined conveyance less capacity, with provisions made to route the 25-year storm when the conveyance capacity is exceeded.
II. Systems that receive drainage from basins whose total size is greater than 40,000 sq. ft. but less than 25 acres.	25-year storm for confined conveyance capacity, with provisions made to route the 100 year storm when the conveyance capacity is exceeded.
III. Systems that received drainage from basins greater than 25 acres.	100-year storm for confined conveyance capacity.

2. No land shall be subdivided or developed in the Police Jurisdiction of the City of Greenville without first considering the effects of this design storm event. If, in the opinion of the Building Official and/or Public Works Superintendent, drainage from the design storm event will adversely affect the proposed subdivision or development, confined conveyance of the drainage will be required. If it is determined that this drainage should be conveyed by pipe forty-two (42) inches in diameter or less, then an underground structure will be returned to transport this flow. For greater flows, properly designed open flumed ditches may be used at the option of the Building Official and/or Public Works Superintendent. However, an underground structure will be required on buildable lots between road(s) rights-of-way and the building line. Drainage parallel to an uncurbed roadway and drainage that flows through parks or lots greater than one (1) acre

may be excepted from this requirement if it can be shown that utilizing a drainage ditch will not adversely affect the subdivision, development or adjoining lands.

3. Special consideration shall be given to innovative drainage designs that would not adversely affect the quality of a subdivision or development in a particular area.

4. If it is determined that drainage ditches are required to convey the storm drainage and it is necessary that these ditches be constructed at a slope of greater than four (4) percent, then such ditches shall be paved as required by the Planning Commission.

5. Retention ponds and/or similar structures shall be required at the option of the Planning Commission or if recommended by the Building Inspector, Director of Public Works or an Engineer registered and licensed in Alabama.

6. Drainage structures shall be constructed at street intersections or where changes in vertical or horizontal alignment occur. The maximum length of storm sewer pipe between such structures shall be four hundred (400) feet unless otherwise directed by the Building Inspector, Director of Public Works or an Engineer registered and licensed in Alabama.

7. Site fence shall be installed as required by the Building Official and/or Public Works Superintendent.

8. Rip-rap and cloth shall be installed as required by the Building Official and/or Public Works Superintendent. The class and area to receive cloth and rip-rap will be determined by an Engineer registered and licensed in Alabama, the Building Official and/or Public Works Superintendent or the project Engineer, who must be registered and licensed by the State of Alabama.

5.3.9. Potable Water Distribution System.

a. *General.* Where a public water main is assessable [accessible] the Subdivider shall install water facilities including a meter box, for each Lot and fire hydrants, equal to the standards and specifications of the State of Alabama (ADEM) and City Water Works and Sewer Board. Fire hydrants shall be located no more than four hundred (400) feet apart and within four hundred (400) feet of any structure. The location of all fire hydrants and all water supply improvements shall be shown on the Preliminary Plat.

b. *Potable Water Distribution System Plan.* The Potable Water Distribution System Plan shall contain the following: location and size of water lines, control valves, line terminals, water meters, fire hydrants, point of connection to the existing water main and required Easements.

POTABLE WATER DISTRIBUTION SYSTEM CERTIFICATE

The Potable Water Distribution System shown on this drawing meets the design requirements of the Greenville Water Works and Sewer Board.

_____ _____

Date Water Works and Sewer Board, Greenville, Alabama

c. *Well Water Plan.* A Well Water Plan, as specified by the Butler County Health Department is required if water is to be pumped from a private source.

WELL WATER CERTIFICATE

The Well Water Plan shown on this drawing meets the requirements of the Butler County Health Department and is acceptable until public water becomes available.

_____ _____

Date Health Officer/Butler County

5.3.10. Sewage Disposal System.

a. If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting a property, the owner thereof is required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

b. *Sewage Facilities.*

Where public sanitary sewage is reasonably accessible the Subdivider shall install sanitary sewer facilities including laterals for each lot and, if required, necessary pumping equipment equal to the standards and specifications of the City Water Works and Sewer Board.

Where public sanitary sewage is not reasonably accessible but will become available within ten (10) years, the Subdivider shall install an individual disposal system for each lot and also provided [provide] sanitary sewer lines, laterals, and mains from the street curb to a point in the Subdivision boundary where a future connection with the public sewer main shall be made. Such sewer systems shall be capped until ready for use and shall conform to all standards, specifications and plans of the City Water Works and Sewer Board. Individual disposal systems shall meet the requirements in the next paragraph.

Where sanitary sewage is not reasonable accessible and will not become available for a period in excess of ten (10) years the Subdivider shall install individual disposal systems. The minimum Lot areas for such systems shall conform to the requirements of the City Zoning Ordinance and the Butler County Health Department. Percolation test holes shall be made as directed by the Butler County Health Officer and the

results submitted to the same. The individual disposal system, including the size of septic tanks and size of the leach fields or other secondary treatment device, shall also be approved by the Butler County Health Officer.

c. *Design Factors.* Sanitary sewer systems shall be designed for the ultimate tributary population. Due consideration shall be given to the City Zoning Ordinance and Comprehensive Plan. Sewer capacities shall be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented thereinafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria for watersheds of less than three hundred (300) acres.

One- and Two-Family Dwellings: .....02 c.f.s/acre

Apartments

One and Two Story: .....02 c.f.s./acre

Above Two Story .....03 c.f.s./acre

Commercial

Small Stores, Offices, and Miscellaneous Business: .....02 c.f.s./acre

Shopping Centers .....02 c.f.s./acre

High Rise and Hotels/Motels: ..... As directed by City Engineer

Industrial ..... As directed by City Engineer

Note: c.f.s. = cubic feet per second

d. *Sewer Lines.* Sanitary sewers shall be located in the center of street or alley Right-of-Ways unless topography dictates otherwise. When located in Easements on private property, access shall be provided to all manholes. End lines shall be extended to provide access from street or alley Right-of-Way where possible. All sewer lines shall be laid with straight alignment between manholes unless otherwise directed or approved by the City Engineer.

e. *Manholes.* Manholes shall be installed at the end of each line; at all changes in grade size or alignment; at all street or alley intersections; and at distances not greater than four hundred (400) feet for sewers fifteen (15) inches and smaller, and five hundred (500) feet for sewers sixteen (16) inches in diameter and larger. Cleanouts and lamp holes are not permitted.

f. *Sanitary Sewer System Plan.* The Sanitary Sewer System Plan shall contain the following:

Location and size of all existing and proposed sewer pipes, including laterals, in the Subdivision and tie-points of the Subdivision.

Direction of flow of each sewer line.

Location of each manhole and other sewer system appurtenances, including lift stations, oxidation ponds and treatment plants.

Profile of sewage system.

Required easements.

SANITARY SEWER SYSTEM CERTIFICATE

The Sanitary Sewer System shown on this drawing meets the requirements of the Greenville Water Works and Sewer Board.

_____ _____

Date Water Works and Sewer Board, Greenville, Alabama

g. *Septic System Plan.* A Septic System Plan, as specified by the Butler County Health Department, is required if a septic tank is to be used.

SEPTIC SYSTEM CERTIFICATE

The Septic System Plan shown on this drawing meets the requirements of the Butler County Health Department and is acceptable until public sanitary sewer becomes available.

_____ _____

Date Health Officer/Butler County

5.3.11. Electrical Distribution System Plan. The Electrical Distribution Plan shall contain the following:

a. Location of all pole or ground mounted transformers necessary to service each Lot or parcel of land.

b. Location and size of all light poles and size and type of lighting fixture.

c. Required Easements, including anchor Easements for guy wires.

ELECTRICAL DISTRIBUTION SYSTEM CERTIFICATE

The Electrical Distribution System shown on this drawing meets the design requirements of _____

_____ _____

Date Electric Utility/Greenville, Alabama

5.3.12. Gas Distribution System Plan. The Gas Distribution Plan shall contain the following: location and size of gas lines, control valves, line terminals, the point of connection to the existing gas main and required Easements.

GAS DISTRIBUTION SYSTEM CERTIFICATE

The Gas Distribution System shown on this drawing meets the design requirements of

_____

_____ _____

Date Gas Utility/Greenville, Alabama

5.3.13. Telephone Distribution System Plan. The Telephone Distribution System Plan shall contain the following:

a. Location and size of all telephone lines and poles or ground mounted equipment necessary to service each Lot or parcel of land.

b. Location of connection and terminal point.

c. Required Easements including anchor Easements for guy wires.

TELEPHONE DISTRIBUTION SYSTEM CERTIFICATE

The Telephone Distribution System shown on this drawing meets the design requirements of _____

_____ _____

Date Telephone Utility/Greenville, Alabama

5.3.14. Telecommunication Distribution System Plan. The Telecommunication System Distribution Plan shall contain the following:

a. Location and size of all cable and ground mounted equipment necessary to service each Lot and parcel of land.

b. Location of connection and terminal points.

c. Required Easements.

TELECOMMUNICATION DISTRIBUTION SYSTEM CERTIFICATE

The Telecommunication Distribution System shown on this drawing meets the design requirements of _____

_____ _____

Date Telecommunication Utility/Greenville, Alabama

5.3.15. State Highway Department Concurrence. When a Subdivision is planned adjacent to a state or interstate highway the Subdivider shall obtain concurrence from the State Highway Department.

STATE HIGHWAY DEPARTMENT CERTIFICATE

The plans for the _____ Subdivision shown on this drawing meets requirements of the Highway Department of the State of Alabama.

_____ _____

Date Alabama Highway Department

(Ord. No. 2005-06, 8-22-05)

ARTICLE VI. IMPROVEMENTS CONSTRUCTION STANDARDS

Section 6.1. Required improvements.

6.1.1. General. Every Subdivision developer shall grade and improve streets and alleys, and install curbs, gutters, monuments and pins, storm sewers, storm water inlets, sanitation sewers and water mains in accordance with specifications established by the City or as set forth herein in Article V and Article VI and under the supervision of the City Engineer and/or Superintendent of the Water Works and Sewer Board, and to their satisfaction. All sewers, drains, water lines, gas mains, street lights and telecommunication, telephone and electrical conduits shall be installed and earth backfilled and compacted and tested before streets, Sidewalks, or alleys are paved, with water and sewer connections provided for each Lot.

6.1.2. Monuments and Pins.

a. Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top shall be set at all major corners in the exterior boundaries of the Subdivision or sections thereof and at all points where the street Right-of-Way lines intersect the exterior boundaries of the Subdivision or sections thereof. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

b. All other Lot corners and points of curve in street Right-of-Way shall be marked with iron pins not less than three-fourths (3/4) inch in diameter and thirty (30) inches long, driven so as to be flush with the finished grade.

6.1.3 Rights-of-Way and Streets.

a. *Grading.* All streets, roads and alleys shall be graded to extend one (1) foot outside of curb and gutter, valley gutter, shoulders or Sidewalks. Deviation from the above due to special topographical conditions will be allowed only with special approval of the City Engineer. Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure, except with the approval by the Utility concerned, and all grading from the street shall be done in a manner which will not disturb the structure or result in erosion endangering

the structure. In the case of electric transmission lines, the clearance from the pavement to the nearest conductor shall meet the requirements of the National Electrical Code.

Preparation. Before grading is started, the entire Right-of-Way area shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.

Cuts. All tree stumps, boulders, and other obstructions shall be removed to a depth of one (1) foot below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade.

Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, top soils and soft clays shall be removed from the Right-of-Way. The fill shall be spread in layers not to exceed six (6) inches loose and compacted to achieve not less than ninety-five (95) percent of AASHO T-180 Method A maximum density. The filling of Utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction, the water content shall not exceed the optimum of moisture for the type of soil used to fill the trenches.

b. *Roadbed.* When deemed necessary by the City Engineer, the top six (6) inches of the roadbed may be improved and/or modified, with the work being performed under Section 117, Roadbed Stabilization, or Section 118, Lime Stabilized Roadbed, of the State of Alabama Highway Department Standard Specifications for Roadways and Bridges. The layers of embankment up to the bottom layer of improved roadbed (if improved roadbed is required) shall be compacted to not less than 95 percent of maximum density as established by AASHO Test T-99. In place density will be determined by AASHO Method T-147. The improved roadbed (if required) shall be constructed of the last six (6) inches of subgrade and shall be compacted to not less than 100 percent of maximum density as established by AASHO Test T-99. In place density will be determined by AASHO Method T-147. If improved roadbed is not required on construction the City Engineer may require that a modification of the top six (6) inches of subgrade be made by ripping, remixing and recompacting to the requirements of improved roadbed.

c. *Subbase.* A subbase course is to be used, where required by the City Engineer, of not less than four (4) inches compacted thickness. Subbase course may be specified in lieu of, and/or in conjunction with subgrade treatment. it shall be placed in successive layers, not to exceed six (6) inches per layer and compacted to not less than 95 percent of AASHO T-180 Method A maximum density.

d. *Base.* After preparation of the subgrade, the roadbed shall be surfaced with a sand and clay base or equivalent material acceptable to the City Engineer. Spreading of the base material shall be done uniformly over the area to be covered. After spreading, the base shall be rolled to achieve not less than one hundred (100) percent of AASHO T-180 Method C maximum density. The compacted thickness of the base shall not be less than six (6) inches. Additional thickness may be required where in the judgment of the City Engineer, such additional base material is needed. Base material shall be placed in successive layers not to exceed six (6) inches per layer of compacted thickness.

e. *Prime Coat.* After a thoroughly compacted base has been established, a prime coat of emulsified or cutback asphalt which has been heated or otherwise prepared to insure uniform distribution may be required by the City Engineer. If required, the prime coat material shall be sprayed on the prepared pavement base in amounts of not less than 0.005 gallon nor more than 0.3 gallon per square yard as designated by the City Engineer, shall be consistently uniform over the entire area treated and shall be allowed to cure until it is no longer sticky.

f. *Wearing Surface.* The wearing surface shall consist of a surface course constructed with bituminous plant mix or concrete. It shall be constructed in one layer, not less than an average weight of one hundred sixty-five (165) pounds per square yard, on a designated surface, to conform to the lines, grades, cross sections, and an average thickness of one and one-half (1½) inches, or shall conform to specifications of the Alabama State Highway Department.

g. *Inspections.*

Appointments for inspections shall be made by the Subdivider or his agent with the City Engineer twenty-four (24) hours prior to the desired inspection.

Required Phases:

Subgrading Phase (before grading).

Grading Phase (before subsequent phase).

Curb and Gutter Phase (before back filling).

Drainage Structure Phase (before backfilling).

Base Phase (before paving).

Paving Phase (upon completion).

6.1.4. Storm Sewers and Drainage Structures.

a. Storm sewers and drainage structures shall be designed and installed as required by the City Engineer in accordance with good engineering practices and as shown on the Storm Drainage System Plan.

b. The Subdivider shall provide permanent six (6) inch concrete curbs with eighteen (18) inch integral concrete gutters. Permanent six (6) inch thick and thirty (30) inch wide concrete valley gutters or three (3) foot shoulders with parallel ditches may be constructed in Subdivisions that are not extension of existing developments that have curbed streets. Minimum grade of any gutter shall not be less than 0.5% unless otherwise approved by the City Engineer.

c. Water shall not be permitted to run along a street for more than 600 feet where at all possible to divert. Catch basins and/or drop inlets shall be constructed at each point of diversion.

d. Roadway cross drain pipe and side drain pipe shall meet specifications equalling Alabama State Highway Department Specifications.

e. The finished slope along the bottom centerline of any drainage Easement shall be not less than one percent (1%) and the side slopes shall not be greater than 4 (horizontal) and 1 (vertical).

6.1.5. Sidewalks.

a. Sidewalks shall be required by the Planning Commission on at least one side of a street in Subdivisions which are located within one-half (½) mile of schools, parks, and other public facilities. Sidewalks shall be required along both sides of an Arterial Street.

b. When required by the Planning Commission, Sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date. In residential areas, concrete Sidewalks shall be five (5) feet wide and four (4) inches thick. In commercial areas Sidewalks shall be ten (10) feet wide and four (4) inches thick.

6.1.6. Street Signs. Street signs shall be installed as required and specified by the City Superintendent of Public Works.

6.1.7. Potable Water Supply System.

a. All water mains and extensions and the instillation [installation] thereof shall be approved by the Superintendent of the Water Works and Sewer Board. The minimum size water main shall be 6" in diameter, and of a material suitable to maintain a pressure of not less and 200 PSI at 73 F.

b. Fire hydrants shall be of the type, size and design specified by the City Fire Department.

c. To eliminate future street openings, all underground tees and laterals for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any streets are paved.

6.1.8. Sanitary Sewers System.

a. *Maximum Size.* The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the Superintendent of the Water Works and Sewer Board.

b. *Minimum Size.* No public sewer shall be less than eight (8) inches in diameter.

c. *Minimum Slope.* All sewers shall be designed to give mean velocities when flowing full of not less than 2.7 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an N value of 0.013. The design slopes shall be evenly divisible by four (4). The slopes shall be minimum for the size indicated. Exceptions to these minimum slopes shall be made at the upper end of lateral sewers serving under thirty (30) houses. Said sewers shall have a minimum slope of 0.76 percent. Where lateral sewers serve less than ten (10) houses, the minimum slope shall be not less than one (1) percent. (See Table)

MINIMUM SLOPES FOR SEWER SIZE INDICATED

Sewer Size (Inches)	*Minimum Slope (Feet per 100 feet)*
8	0.60
10	0.44
12	0.36
15	0.28
18	0.24

d. *Manholes.* The difference in elevation between any incoming sewer and the manhole invert shall not exceed twelve (12) inches except where required to match crowns. The use of drop manholes will require approval by the Superintendent of the Water Works and Sewer Board. The minimum inside diameter of the manholes shall conform to those specified by the Water Works and Sewer Board. Inside drop manholes will require special considerations; however, in no case shall the minimum clear distance be less than that indicated above. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.

6.1.9. Sewer and Water Supply Lines Constraints.

a. These shall be no physical connection between a public or private water supply system and a sewer which will permit the passage of any sewage into the water supply system or water into the sewage systems. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

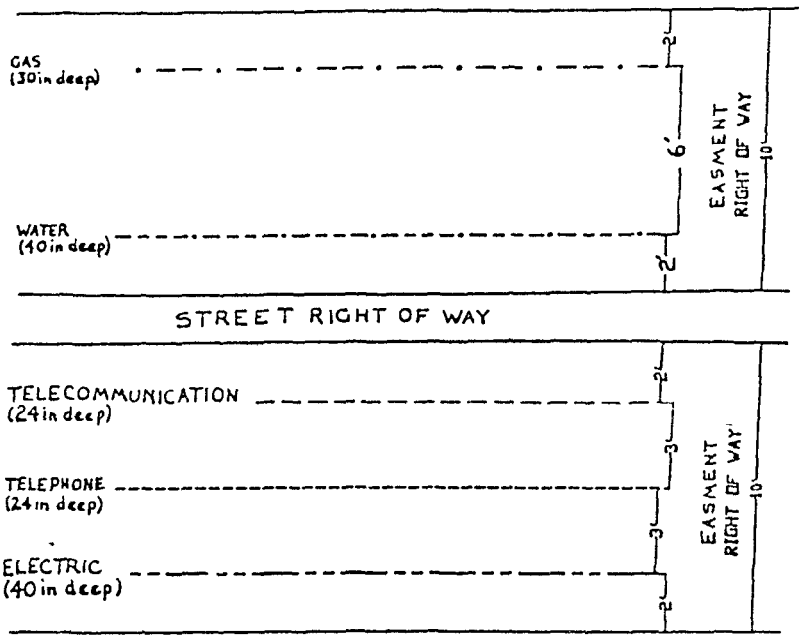
b. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This however, is not required when the water main is at least two (2) feet above the sewer.

6.1.10. Utilities Easements and Cross Cuts.

a. There shall be a Utility Easement of not less than ten (10) feet in width on both sides of each street Right-of-Way. Each Utility service line shall be laid within the

Easements, in the order and at the interval and depth depicted on the drawing below. Gas and water lines shall not be installed in the same Easement with power, telephone and telecommunication lines. Sewer lines shall be laid in the center of the street Right-of-Way at a depth of not less than three (3) feet. A change to location, order or depth of a line must be approved by the City Engineer. Sewer and water lines shall be inspected by the Water Works and Sewer Board Superintendent before they are backfilled. Other Utility service lines shall be inspected by the City Engineer before they are backfilled. Appointments for inspections shall be made twenty-four (24) hours prior to the desired inpection [inspection].

b. All crosscuts shall be installed in conduit and backfilled prior to the final grading of the road bed.



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ARTICLE VII. VARIANCES

Section 7.1. Miscellaneous subdivision or tract development.

7.1.1. General. Various types of Subdivisions or tract developments may be allowed by the Planning Commission; however, such Subdivisions or developments shall come under the provisions of these regulations and be in keeping with their purpose and intent.

7.1.2. Large Tracts or Parcels. When land is subdivided into larger parcels than ordinary building Lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical future Subdivision.

7.1.3. Subdivisions Containing Four Lots or Less. Any plat containing four (4) lots or less, providing there are no new streets or Rights-of-Ways, and provided the required filing fees have been paid, may after a Sketch Plan review, disregard the submition [submission] of Preliminary Plat. A plat which meets all requirements of a Final Plat as described in Article IV of these regulations may be presented to the Planning Commission for final approval without preliminary approval. However, this type Subdivision must meet all the requirements of the Preliminary Plat phase as described and exhibited in Article IV of this regulation. This plat shall be presented to the City Planner at least fifteen (15) days in advance of the regularly scheduled Planning Commission meeting.

a. *Exchange.* The sale or exchange of Lots or parcels of land between adjoining property owners is exempt from these regulations provided that no additional Lots are created and that any of the Lots concerned are not reduced below the minimum sizes required by these regulations or by the Zoning Ordinance.

b. *Conditions.* In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified, or approved. These may include, without being limited to: personal Surety; performance, or maintenance bonds; affidavits; Protective Covenants: or, other legal instruments.

7.1.4. One Lot Sell-Off Provision. When a residential Lot is being subdivided out of a large tract of land, the Planning Commission may approve such Subdivision if the following conditions are met:

a. Only one Lot is being subdivided and no other Lots have previously been sold from the tract.

b. No conflict exists with the proposed Subdivision and the Major Street Plan.

c. Two (2) copies of the Final Plat are provided.

7.1.5. Planned Unit Development.

a. The Planned Unit Development is intended to provide flexible land use and design regulations to allow small- to large-scale neighborhoods or portions thereof to be developed that permit a variety of residential types, containing both individual building sites and common property which are planned and developed as a unit. Planned Unit Developments are intended specifically to encourage innovations in residential development to enable the growing housing demands to be met by greater variety in type, design and siting of dwellings, and by the conservation and more efficient use of land in such developments. The Planning Commission may allow appropriate commercial and/or office uses as specified in the City Zoning Ordinance, if in the opinion of the Planning Commission the requested commercial office facilities would significantly enhance the amenities of the development.

b. The standards and requirements of these regulations may be modified in the case of a Planned Unit Development which, in the judgment of the Planning Commission, provides adequate public space and improvements for the circulation, recreation, light,

air and service needs of the tract when fully developed and populated, and which also provides such Protective Covenants or other legal provisions as will assure conformity and compliance to the Comprehensive Plan and Zoning Ordinances.

Section 7.2. Residential development plan.

7.2.1. General. This section refers to the development plan called for in the City Zoning Ordinance for Duplexes and Townhouses (Zone R-2 and RTH), Apartment and Nursing Homes (Zone R-3), Mobile Dwelling Parks (Zone R-4), Patio-Garden Homes (Zones R-TH), and Planned Unit Developments.

7.2.2. Standard Requirements. A development plan for the purpose of this section shall include, but is not limited to, the following plans, designs, specifications, and information:

a. Site plan with grades of contours.

b. Preliminary floor plans of all buildings and structures.

c. Location and size of all Utilities, existing and proposed.

d. All curb-cuts, driveways, parking areas, loading areas, and types of construction materials for same.

e. All pedestrian walks, malls, yards, and open areas.

f. Location, height, and material of all walks, fences, and screen planting.

g. Location, size, character, height and orientation of all signs.

7.2.3. Planned Unit Development Requirements. In addition to the data described above, in the case of Planned Unit Developments the Planning Commission shall be furnished a final development plan at the time of the filing of the Preliminary Plat. Such final development plans shall include, but not be limited to:

a. Comprehensive and detailed plans which include streets, Utilities, Lots or building sites, site plans, and elevations of all buildings as intended to be located, constructed, and used in detailed plans for other uses and improvements on the land as related to the buildings.

b. Evidence of provision for operation and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the development, but will not be provided, operated, or maintained at general expense.

c. A comprehensive traffic analysis indicating the probable effect of the proposed development of traffic patterns and capacities of adjacent streets in immediate area.

Section 7.3. Non-residential subdivision.

7.3.1. Commercial, Industrial, Government, Non-Secular and Private School Development Plan.

a. This section refers to the development plan called for in the City Zoning Ordinance for Community Business Areas (Zone C-1), Central Business (Zone C-2), Highway Commercial Business (Zone C-3), Industrial Districts (Zones M-1 and M-2) and Government, Non-Secular and Private School construction regardless of zoning.

b. A development plan for the purpose of this section shall include, but is not limited to, the following plans, designs, specifications and information:

Site plan with grade contours.

Building site location.

Preliminary floor plans of all buildings and structures

Location and size of all Utilities, existing and proposed including storm sewers.

All curb-cuts, driveways, parking areas, loading areas, and types of construction materials for same.

All pedestrian walks, malls, yards, and open areas.

Location of all railroad tracks and spurs.

Location, height, and material of all walks, fences, and screen planting.

Location, size, character, height and orientation of all signs.

A traffic analysis showing the effect of the proposed development on neighboring streets.

c. The plat or development plan shall conform to the City Zoning Ordinance with respect to any and all requirements for area, building coverage, parking, and loading-unloading facilities, as well as the type of uses permitted or limited.

d. Before granting approval to any development plan for a planned commercial district, the Planning Commission shall receive a report from the City Engineer that the development plan conforms with all requirements of City Codes and from the City Planner that the plan is consistent with the Comprehensive Plan.

7.3.2. Procedure and Standards. The procedure for filing and receiving review of non-residential plats or development plans shall be the same as specified in Article IV of these regulations. The minimum design and construction standards for non-residential plats shall be the same as specified in Article V and VI of these regulations unless specifically altered in the following paragraphs of this section.

ARTICLE VIII. AMENDING REGULATIONS

[Section 8.1. Amending regulations.]

Any proposed amendment to any article, section, sub-section, or provision of these Subdivision Regulations shall be published and posted as provided by law for the publication of ordinances. Before adoption, a public hearing, as prescribed by law, shall be held thereon. Following its adoption, a copy of the amendment shall be certified by the Planning Commission to the Probate Judge of Butler County.

ARTICLE IX. SEVERABILITY AND SEPARABILITY

[Section 9.1. Severability and separability.]

Should any article, section, sub-section, or provision of these Subdivision Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Subdivision Regulations as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

ARTICLE X. ADMINISTRATION AND ENFORCEMENT

Section 10.1. Administration.

The City Engineer is appointed by the City Council and acts as its authorized agent in the interpretation and enforcement of the plans, specifications and requirements of these regulations. The City Engineer shall determine the amount, quality and acceptability of the work as specified in these regulations.

Section 10.2. Enforcement.

It shall be the duty of the City Engineer to enforce these regulations and to bring to the attention of the City Attorney any violation of or lack of compliance with these regulations.

ARTICLE XI. CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

Section 11.1. Public provisions.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction 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.

Section 11.2. Private provisions.

These regulations are not intended to abrogate any Easement, Protective Covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such Easement, Protective Covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the Easement, Protective Covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Planning Commission, or the City, in approving a subdivision or in enforcing these regulations, and such private

provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made hereunder.

[The next page is 2701]

CODE COMPARATIVE TABLE

1968 CODE

This table gives the location within this Code of those sections of the 1968 Code, as supplemental through July 16, 1984, which are included herein. Sections of the 1968 Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

1968 Section	Section this Code	1968 Section	Section this Code
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CODE COMPARATIVE TABLE

ORDINANCES

This table gives the location within the Code of Ordinances adopted since the 1968 Code, as supplemented through July 16, 1984, which are included herein. Ordinances adopted prior to such date were incorporated into the 1968 Code, as supplemented. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Ordinance Number	Adoption Date	Section	Section this Code
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	10- 3-63	1—32	App. B
	8-27-68	3	1-7
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