

AN ORDINANCE TO FURTHER AMEND ARTICLE II OF CHAPTER 25, MOBILE CITY CODE

Sponsored by Mr. Williams

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

SECTION ONE. That sections 25-36(e) and 25-36(f) of the Mobile City Code are hereby deleted and section 25-36 is hereby amended to add the following as subsections (e), (f), and (g):

(e). It shall be a violation of this Ordinance to fail to comply with any of the requirements of this section 25-36.


(f). Any owner or occupant of commercial premises that has a dumpster located thereon who pleads guilty to a violation of this section, or is found by a court of competent jurisdiction to be guilty of violating this section, may, on a first offense, be allowed the option to either pay the applicable fine and costs or enclose the dumpster in accordance with the requirements of this section within the 60 day period following the guilty plea or the adjudication. Upon a second violation of this section, the occupant shall be required to enclose the dumpster in accordance with the requirements of this section in addition to all other fines, penalties, and costs that may be imposed. For purposes of this section, failure by the defendant to either pay a fine or appear in court as required by a properly served charging document shall be considered the same as pleading guilty to violating this section.

(g). In the event that an occupant of commercial premises elects to enclose a dumpster in accordance with subsection (f), or is required to do so as provided in subsection (f), then any such dumpster enclosure shall be of either wood or brick construction, and built to at least the height of the dumpster which is being enclosed, but in no event shall the enclosure exceed eight (8) feet in height. Each dumpster enclosure shall also be equipped with a door or gate constructed of wood or other opaque material that opens outward and which remains closed unless the dumpster is being filled or emptied. The dumpster enclosure must be of sufficient size to allow for placement and removal of the dumpster without causing damage to the enclosure, and must be kept in good repair and condition.

SECTION TWO. All other sections and provisions of Article II, Chapter 25, Mobile City Code shall remain in full force and effect.

SECTION THREE. This Ordinance, and the amendments made thereby, shall be in full force and effect from and after its adoption and publication as required by law.

Adopted: NOV 25 2014


City Clerk