

**ORDINANCE NO. 2024-276**

**AN ORDINANCE ADDING CHAPTER 24, ARTICLE I, SECTION 11 OF THE MADISON CITY CODE ENTITLED “UNATTENDED RECEPTACLES”**

**WHEREAS**, the City of Madison has recognized that Unattended Receptacles as defined below has allowed for junk, trash, discarded items and other unwanted debris to accumulate within the City. This junk is commonly strewn about haphazardly, left outside for days in the weather, can get blown or strewn about the community and essentially becomes litter until City employees or concerned citizens pick up and dispose of said junk; and

**WHEREAS** numerous citizens have complained about the common occurrence of these unwanted depositing of discarded items in public spaces and the visual blight that occurs with having Unattended Receptacles allowed within the City; and

**WHEREAS** the accumulation of these discarded items in or near these Unattended Receptacles is a visual blight throughout the City; and

**WHEREAS** the City Council desires to adopt this Ordinance, for the purposes of reducing blight, reducing litter, and to prevent the use of private property for purposes neither intended nor welcomes by the owner;

**WHEREAS** the City is authorized by § 11-45-1 of the *Code of Alabama of the City of Madison* is hereby established and adopted into Article IV of the City Code, which is entitled Nuisance Control and Property Maintenance, as follows:

**BE IT ORDAINED** by the City Council of the City of Madison, Alabama, that the Madison City Code is hereby amended as follows:

**Section 1.** Chapter 24, Article I, Section 11 is added to the Madison City Code and shall be entitled “Unattended Receptacles.” The language of Chapter 24, Article I, Section 11 shall be as follows:

- “(a) *Generally. It shall be unlawful for any person to cause or allow to be placed, left or kept upon any lot or parcel of land within the corporate limits of the city any remote and unattended receptacle, bin, box, container, portable building or structure for the purpose of collecting, holding or storing discarded clothing, furniture, household hardware, appliances, household items or any tangible items.*
- “(b) *Exceptions. Excepted from the requirements of this section are:*
  - “(1) *Any accessory structure, portable building or other secondary structure which is located on the same property on which a primary structure is located and which is incidental to the occupation and use of any residential or commercial structure provided the structure is maintained and located in accordance with the ordinances and regulations of the city.*
  - “(2) *Any dumpster, trash receptacle or other container for the collection and storage of trash, garbage or debris provided the dumpster, trash receptacle*

*or container is maintained and located in accordance with the laws of the city.*

- (3) *Any receptacle, box, bin, container, portable building or structure that is located on the premises where the daily business operations of a charitable organization are conducted provided such receptacle, box, container, portable building or structure is maintained in accordance with the zoning ordinance and other ordinances of the city.*
- (c) *Enforcement. The Director of Building for the City or his/her authorized representative shall be responsible for and possess authority to enforce the provisions of this section. If any person shall fail or refuse to comply with the requirements of this section, the Director of Building or any code enforcement officer may cause to be served upon such person, in person or by first class mail, a written official notice apprising the person of the violation of this section and requiring such person to comply with this section within a time stated in the notice, which shall be a period of not less than 15 calendar days. If a person fails to comply with the notice which has been served upon him in accordance with this section the Director of Building or any code enforcement officer working under his/her supervision may appear before the municipal court magistrate and make oath as to the facts constituting a violation of this section and apply for a summons or warrant with respect to any alleged offense. Any person found guilty of a violation of this section shall be subject to the same penalties as provide for violations of city ordinances in section 1-10.*
- (d) *Removal. In addition to or in lieu of the enforcement procedures outlined in this section, the Director of Building or his/her authorized representative may cause the receptacle, bin, box, container, portable building or structure and its contents which are in violation of this section to be removed from its location and impounded at a depository designated by the Director of Building for such purpose. The receptacle, bin, box, container, portable building or structure and its contents shall be held at the depository for a period of 30 days, during which time it may be retrieved by the owner provided the owner reimburses the city for the reasonable costs of transportation to and storage in the depository. After 30 days, the receptacle, bin, box, container, portable building or structure and its contents if any shall be disposed of in the most suitable manner as determined by the Director of Building.*

**Section 2.** If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

**Section 3.** No other provisions of the City Code are amended by this Ordinance, unless specifically stated and referenced herein.

**Section 4.** This ordinance shall become effective immediately upon its adoption and proper publication as required by law.

**READ, PASSED AND ADOPTED** this 9th day of September 2024.

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***Ranae Bartlett, Council President***  
**City of Madison, Alabama**

**ATTEST:**

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***Lisa D. Thomas, City Clerk-Treasurer***  
**City of Madison, Alabama**

**APPROVED** this \_\_\_\_ day of September 2024.

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***Paul Finley, Mayor***  
**City of Madison, Alabama**