

# APPLICATION FOR HOME OCCUPATION

*Town of Dauphin Island*  
 1011 Bienville Blvd., Dauphin Island, AL 36528  
 (251) 861-5525/FAX (251) 861-2154  
 www.townofdauphinisland.org

\_\_\_\_\_  
 APPLICANT NAME

\_\_\_\_\_  
 ADDRESS

\_\_\_\_\_  
 DAYTIME TELEPHONE

\_\_\_\_\_  
 EMAIL

\_\_\_\_\_  
 DATE OF APPLICATION

..OFFICE USE ONLY..	
SITE ADDRESS: _____	
CURRENT ZONING DISTRICT: _____	
CASE # _____	XREF CASES: _____
DATE APPROVED: _____	DATE DENIED: _____
CONDITIONS OF APPROVAL: _____	

**APPLICANT MUST SUPPLY EITHER A COPY OF DEED OR A NOTARIZED LETTER FROM LANDLORD GRANTING PERMISSION FOR A HOME OCCUPATION**

**ANSWER ALL QUESTIONS CAREFULLY AND COMPLETELY:**

Do you live at the address listed above? \_\_\_\_\_

Does anyone else living at the above address have an approved home occupation in this residence? \_\_\_\_\_

What specific type(s) of service and/or product will you provide through this business? \_\_\_\_\_

What is the approximate floor area of your home? \_\_\_\_\_ sq. ft.

How much of this area will be used for the home occupation? \_\_\_\_\_ sq. ft. (25% or 500 sq. ft. maximum)

Will the outside appearance of the residence be altered to accommodate the business? If so, explain: \_\_\_\_\_

Will these activities be carried out inside your home? If no, where? \_\_\_\_\_

Will customers or clients visit your home in connection with your business? \_\_\_\_\_

How many people other than yourself will work for this business on the premises? \_\_\_\_\_

Will merchandise be sold from the premises? If so, explain: \_\_\_\_\_

What materials, supplies, equipment and/or vehicles will be used for the business? \_\_\_\_\_

Where will they be stored? \_\_\_\_\_

How will they be transported to and from the business? \_\_\_\_\_

How many trips per day will you (and any partners) make to and from the business?      0-5    6-10    11 or more

How many off-street parking spaces are available for your residence? \_\_\_\_\_

I, the applicant, understand and agree to the conditions for approval of my home occupation use, as set forth in the City of Consistency Zoning Ordinance. All of the above facts are true and correct to the best of my knowledge. I will inform the Planning & Inspections Department of a change in location or any other change in my business relating to these requirements.

APPLICANT NAME (please print): _____	DATE: _____
APPLICANT'S SIGNATURE: _____	

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Revised 08/18

APPLICATION FOR REVIEW  
BY  
PLANNING COMMISSION  
TOWN OF DAUPHIN ISLAND, ALABAMA

**ALL APPLICANTS ARE REQUIRED TO ATTEND THE MEETINGS. (initial) \_\_\_\_\_**

Application Date: \_\_\_\_\_ Planning Commission Review Date: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. Home: \_\_\_\_\_ Business: \_\_\_\_\_ Other: \_\_\_\_\_

REQUESTED TYPE OF REVIEW:

Zoning Change     New Business     Business Expansion     Home Business

Business License     Site Plan     Subdivision/Re-subdivision

PROPERTY LOCATION:

Street: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Present Property Use: \_\_\_\_\_

Business Name: \_\_\_\_\_ Business Type: \_\_\_\_\_

Wetlands on property:  Yes  No  Possibility  Don't Know

PRESENT ZONING:

<u>Symbol</u>	<u>District</u>
<input type="checkbox"/> R-1	Single Family Residential
<input type="checkbox"/> R-2	Two Family Residential
<input type="checkbox"/> RM-1	Multi-Family Residential (1-4 units per structure)
<input type="checkbox"/> RM-2	Multi-Family Residential (1-6 units per structure)
<input type="checkbox"/> RM-3	Multi-Family Residential (1-10 units per structure)
<input type="checkbox"/> R-C	Resort-Commercial
<input type="checkbox"/> C-B	Central Business
<input type="checkbox"/> C-P	Conservation Park
<input type="checkbox"/> MHP	Mobile Home Park
<input type="checkbox"/> V	The Village

\_\_\_ WW Working Waterfront  
PROPOSED ZONING: \_\_\_\_\_

PROPOSED USE: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Type: \_\_\_\_\_

**REQUIRED INFORMATION:**

Site Plan to scale\*

Parking Requirements

Landscaping

Restaurants, number of seats

Sq Ft of customer area

Trash Container Location

Sewage Requirements

Grease Trap(s)

Flood Zone

Power Requirements

Water Requirements

Communication

\* **NOTE: The site plan must include all property lines, required setback lines, street(s), existing building floor plan, proposed building floor plan, easements, Flood Zone.**

**DOCUMENTATION:**

Four copies of all documentation attached to application is required. Documentation larger than 11 X 17 inches cannot be reproduced at Town Hall and may delay action if not provided (11 copies required) with the application.

**APPLICATION SUBMITAL:** The Planning Commission meets the 2nd Tuesday of each month at 6:00 PM at Town Hall. Application and complete documentation must be submitted 14 days prior to a meeting to be placed on the agenda. Application submitted less than 14 days before a Planning Commission meeting will be placed on the following agenda.

**CERTIFICATION:**

It is understood and agreed by this application that any error, misstatement or misrepresentation of material fact or expression of material fact, either with or without intent on the part of this applicant, such as might, or would, operate to cause a refusal of this application, or any alteration, or change in the accompanying plans or specifications shall constitute sufficient ground for the revocation of Planning Commission approvals. The undersigned agrees that all such work shall be done in accordance with the requirements of the Flood Damage Prevention Ordinance No. 55 and all other Ordinances applicable of Dauphin Island, applicable county, state, and federal ordinances, statues, regulations, and laws. An Elevation Certificate must be provided to the Town of Dauphin Island before the Certificate of Occupancy is issued.

Owner/Agent: \_\_\_\_\_

Date: \_\_\_\_\_

DATE RECEIVED BY THE TOWN OF DAUPHIN ISLAND

Date: \_\_\_\_\_ By: \_\_\_\_\_



TOWN OF DAUPHIN ISLAND  
 1011 BIENVILLE BLVD.  
 DAUPHIN ISLAND, ALABAMA 36528  
 TELEPHONE (251) 861-5525  
 FAX (251) 861-2154

YEAR \_\_\_\_\_  
 LIC # \_\_\_\_\_  
 CK #: \_\_\_\_\_  
 \$: \_\_\_\_\_  
 PC: \_\_\_\_\_

## BUSINESS LICENSE APPLICATION 2020

ID # \_\_\_\_\_

Date: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax Telephone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_ Owner's Telephone Number: \_\_\_\_\_

Nature of Business (BE SPECIFIC): \_\_\_\_\_

**BUSINESS TYPE:**

- Manufacturing
- Wholesale Sales
- Retail Sales
- Wholesale/Retail Sales
- Contracting
  - Building
  - Electrical
  - Mechanical
  - Plumbing
- Other (describe) \_\_\_\_\_

**ORGANIZATION TYPE:**

- Corporation
- Partnership
- Sole Proprietorship
- Professional Association
- Other (Describe below) \_\_\_\_\_

**PHYSICAL LOCATION:**

- Outside Dauphin Island City Limit
  - Inside Dauphin Island City Limit
- Is business operated from your home?  
 YES  NO
- Number of employees

Federal Tax Identification Number or Social Security Number \_\_\_\_\_

Alabama State Sales & Use Tax Account/Certificate Number: \_\_\_\_\_

State License Number: \_\_\_\_\_

Master Certificate Number: \_\_\_\_\_ Year: \_\_\_\_\_

By signing this application, I: 1) Under the penalties of perjury, declare that I am the owner or authorized representative of \_\_\_\_\_ (Name of Business), and that the gross receipts from said business during the year of 2018 on Dauphin Island were \$ \_\_\_\_\_, and that this declaration is made for the purpose of determining the amount of license fee or license tax to be paid by said business to the Town of Dauphin Island for the year of 2019; 2) shall comply with all federal, state and local laws and regulations; and that 3) all information contained in this application is true and complete.

\_\_\_\_\_  
 Signature of Owner or Authorized Representative



*Sunset Capital of Alabama™*

# Town of Dauphin Island

1011 Bienville Boulevard Dauphin Island, Alabama, 36528

Phone: (251) 861-5525 Fax (251)-861-2154

<http://TownOfDauphinIsland.Org>

## BUSINESS LICENSE AFFIDAVIT

I, \_\_\_\_\_, business owner of \_\_\_\_\_,  
have received the following documents:

- 1) TOWN OF DAUPHIN ISLAND ZONING ORDINANCE HOME OCCPATION RULES
- 2) ADEM - OPEN BURNING REGULATIONS
- 3) TOWN OF DAUPHIN ISLAND LITTER ORDINANCE 20
- 4) TOWN OF DAUPHIN ISLAND SIGN REQUIREMENTS
- 5) TOWN OF DAUPHIN ISLAND TREE REMOVAL PERMIT/REQUIREMENTS

I understand that the Planning Commission approval for my business on Dauphin Island is contingent upon my understanding and compliance with these rules.

By signing below I also understand that violating any of these rules may result in monetary penalties and/or the revocation of my Business License.

\_\_\_\_\_  
Owner Date

I, undersigned, a Notary Public, in and for said Town, County, in said State, do hereby certify that, who is known to me and whose name is signed, did acknowledge before me on this day, that, being informed on the contents of said Affidavit executed the same voluntarily on the day same bears date.

STATE OF ALABAMA  
COUNTY OF MOBILE

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

SEAL

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

# HOME OCCUPATION

Home Occupation. Any occupation for gain or support conducted entirely within a dwelling and carried on solely by the inhabitant thereof. The home occupation shall be incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof. A business license granted by the Dauphin Island Planning Commission is required for any home occupation.

## SECTION 3 HOME OCCUPATIONS

### A. General Restrictions

Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the District of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other conditions which would constitute an objectionable use of residentially zoned property.

### B. Limitation on Type of Home Occupation

1. Area used for a home occupation shall not exceed twenty-five percent (25%) of the gross floor area in the principal building.
2. The home occupation shall be confined entirely to the principal building and no accessory building or outside storage shall be used in connection with the home occupation.
3. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of help other than members of the resident family. In no case shall more than two (2) persons be engaged in the home occupation.
4. No internal or external addition, alteration or remodeling of the dwelling is permitted in connection with the home occupation.
5. Chemical, mechanical or electrical equipment that creates odors, light, glare, noises or interference in radio or television reception detectable outside of the dwelling shall be prohibited.

6. No display of products shall be visible from the street and only articles made on the premises may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises.
7. Instruction in music, dancing and similar subjects shall be limited to two students at a time.
8. The activity carried on as a home occupation shall be limited to the hours between 7:00 A.M. and 10:00 P.M.
9. One (1) professional or announcement sign may be used to identify the customary home occupation. See Ordinance Number 71 for sign requirements. No such sign shall be directly illuminated.
10. Customary home occupations shall not include the following:
  - a. Uses which do not meet the provisions listed above.
  - b. Automobile and/or body and fender repairing.
  - c. Barber shops and beauty parlors.
  - d. Food handling, processing or packing.
  - e. Repair, manufacturing and processing uses, including building and repairing boats; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale or distribution.
  - f. Restaurants.
  - g. Uses which entail the harboring, training, raising or treatment of dogs, cats, birds or other animals.
11. All home occupations shall be approved by the Planning Commission and a town business license shall be obtained by the applicant.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
AIR DIVISION - AIR POLLUTION CONTROL PROGRAM  
CHAPTER 335-3-3  
CONTROL OF OPEN BURNING AND INCINERATION  
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- 335-3-3-.01 Open Burning
- 335-3-3-.02 Incinerators
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- 335-3-3-.04 Incineration of Hospital/Medical/Infectious Waste
- 335-3-3-.05 Incineration of Commercial and Industrial Solid Waste

**335-3-3-.01 Open Burning.**

(1) No person shall ignite, cause to be ignited, permit to be ignited, or maintain any open fire except as follows:

- (a) Open fires for the cooking of food for human consumption on other than commercial premises;
- (b) Fires for recreational or ceremonial purposes;
- (c) Fires to abate a fire hazard, providing the hazard is so declared by the fire department or fire district having jurisdiction;
- (d) Fires for prevention or control of disease or pests;
- (e) Fires for training personnel in the methods of fighting fires, provided that all requirements of ADEM Admin. Code r. 335-3-11-.02(12) are met;
- (f) Fires for the disposal of dangerous materials where there is no practical alternate method of disposal and burning is approved by the Director;
- (g) Fires set for recognized agricultural, silvicultural, range, and wildlife management practices;
- (h) Fires set in salamanders or other devices, utilizing only wood, vegetation, coal, propane, kerosene, fuel oil or used oil (used oil as defined in ADEM Admin. Code chapter 335-14-17) as fuel, and used by construction or other workers for heating purposes;
- (i) Open fires specifically or expressly approved by the Director.

(2) Open burning may also be conducted for the purposes listed below and if it meets all the requirements of this paragraph. Authority to conduct open burning under the provisions of this paragraph does not exempt or excuse a person from the consequences, damages, or injuries which may result from such

**335-3-3-.01**

**3-2**

conduct, nor does it exempt or excuse a person from complying with all applicable laws, ordinances, regulations, and orders of governmental entities having jurisdiction, even though the open burning is conducted as specified in this paragraph.



(a) Open burning of vegetation or untreated wood may be conducted if it is generated by clearing or maintaining land, or from demolition or operations conducted for any of the following purposes:

1. Erection of any structure;
2. Construction of any transportation, utility, or communications line;
3. Maintenance of rights-of-way;
4. Development or modification of a recreational or commercial area;
5. Plant husbandry practices.

(b) Open burning authorized by this paragraph shall comply with the following conditions:

1. The burning must take place on the property on which the combustible fuel originates;

2. The location of the burning must be at least 500 feet from the nearest occupied dwelling other than a dwelling located on the property on which the burning is conducted;

3. The burning must be controlled so as to avoid creating a traffic hazard on any public road, street, or highway as a result of the air contaminants emitted;

4. Only vegetation and untreated wood may be burned. It is unauthorized to open burn heavy oils, asphalt products, plastics, vinyl materials, insulation, paper, cardboard, natural or synthetic rubber, salvage or scrap materials, chemicals, garbage, treated or painted wood, or any trash;

5. Initial burning may be commenced only between the hours of 8:00 a.m. and 3:00 p.m. No combustible material is to be added to the fire between 3:00 p.m. and 8:00 a.m. the following day;

6. Burning shall be conducted only when there is good ventilation and when the prevailing wind direction is away from any built-up area in the vicinity. No burning shall be conducted in areas under a current air stagnation advisory issued by the National Weather Service or during a "Drought Emergency" declared by the Governor;

7. The fire shall be attended at all times.

(c) The Director or his authorized representative may impose additional conditions to cover specific open burning situations where additional controls or requirements are deemed necessary to minimize air pollution.

**335-3-3-.03**

**3-3**

(d) Permission to open burn under the provisions of this paragraph is revoked during the months of May, June, July, August, September, and October in Baldwin, DeKalb, Etowah, Jefferson, Lawrence, Madison, Mobile, Montgomery, Morgan, Shelby, Russell, and Talladega Counties.

AMENDED  
TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NO. 20

AN ORDINANCE ESTABLISHING THE LITTER  
CONTROL ORDINANCE OF THE TOWN OF  
DAUPHIN ISLAND, ALABAMA.

BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama, as follows:

ARTICLE 1 - TITLES & DEFINITIONS

SECTION 1. TITLE

This ordinance shall be known and may be cited as the "Litter Control Ordinance of the Town of Dauphin Island".

SECTION 2. DEFINITIONS

a. "Litter" means all uncontainerized man-made solid waste materials including, but not limited to, paper, plastic, garbage, bottles, cans glass, crockery, scrap metal, construction materials, rubbish, disposable packages or containers which are discarded, thrown, or otherwise deposited as prohibited herein.

b. "Person" means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, business, or any entity recognized by law.

c. "Private Property" means property owned by any person as defined herein, including but not limited to yards, grounds, driveways, entrance or passageways, parking area, anybody of water, vacant land, and recreation facilities.

d. "Public Property" means any area that is used or held for use by the public, whether owned or operated by public or private interests, including but not limited to highways, streets, street medians, alleys, park recreation areas, sidewalks, rights-of-way, drainage ditches or other bodies of water.

e. "Vehicle" means every devise capable of being moved upon a public highway, street or waterway and in, upon or by which any person or property may be transported or drawn upon a public highway, street or waterway. This shall include any watercraft, boat, ship, vessel, barge, or other floating craft. This excludes devices moved by human power or used exclusively for agricultural; [purposes and not licensed [pursuant State Law which is not operated on any public highway

for purposes other than crossing such public highway or along such highways between two tracts of the owner's land.

f. "Litter Receptacle" means a container constructed and placed for use as a depository for litter.

g. "Garbage Can" means a watertight receptacle or container for temporary storage of putrescible and nonputrescible waste; constructed of substantial metal, plastic, or rubber and having a capacity of not less than ten gallons with a right-fitting lid or cover.

h. "Premises" means any dwelling, flat, rooming house, apartment house, school, hotel, club, restaurant, boarding house, office, eating place, shop, church, place of business, jail, town hall, post office or other public building.

i. "Residence" means single or multiple family dwellings, townhouses, apartments, and condominiums, both privately and publicly owned.

j. "Institution" means any public or private establishment which educates, instructs, treats for health purposes or otherwise performs a service or meets a need for the community, town, state, region or nation.

k. "Household Solid Waste" means all domestic or residential solid waste that normally originates in household environment.

l. "Commercial Solid Waste" means man-made solid waste generated by stores, offices, restaurants, cafeterias, shopping centers, fast food establishments, convenience stores, and other non-industrial sources.

m. "Institutional Solid Waste" means solid waste originating from education, health care, religious, or research facilities.

n. "Bulk Container" means any dumpster or stationary storage facility placed for the temporary containerization of solid waste at a place of business, multiple dwelling complex, industrial or construction site.

o. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

p. "Trash" means non-putrescible solid wastes consisting

of yard clippings, leaves, wood, tree limbs and trunks, furniture, bedding, appliances, paper and cardboard, plastics, wrappings, cans, and similar materials.

g. "Junked Car or Other Vehicle" means one that does not bear a current Alabama license plate and is not capable of being driven.

r. "Junk" means any vehicle or vehicle parts, rubber tires, appliances, dilapidated furniture, machinery, equipment, building material or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition.

s. "Citation" means a notice charging the violation of this Ordinance which directs anyone in violation to pay the prescribed fine or to appear in municipal court to answer the charge or charges of violation.

t. "Corrective Notice" means a courtesy letter to advise anyone that there may be a violation of this Ordinance that may require corrective action on the part of the recipient of the notice.

## ARTICLE II - ENFORCEMENT PROCEDURES

### SECTION 1.

a. When any police officer or other employee of the Town designated by law or ordinances an enforcement officer, finds any violation of any provision of this Ordinance which he is authorized and required to enforce, such person may issue on forms provided by the Town, a citation and deliver it to the person in violation, directing said person to appear in the municipal court of the Town at a time and on a date stated therein to answer to the charge or charges for the violations, which shall be stated in said citation.

b. If the violation is the first violation of such provision of this Ordinance by the person cited, such person, in lieu of appearing in the municipal court at the time and on the date stated in the citation, may pay a fine of Thirty (\$30.00) Dollars plus the costs of court within ten (10) days from the date of such citation at the office of the municipal court clerk for the use of the Town and other agencies designated by law.

c. The police officers and other employees of the Town, designated by law or ordinance enforcement officers and authorized to issue citations as above provided, are hereby further authorized to swear out warrants or execute affidavits or complaints charging persons with the violations

of this Ordinance, without first having issued a citation for such violation.

d. Any employee of the Town of Dauphin Island designated by the Mayor may issue corrective notices to persons, corporations, establishments, companies, owners, tenants, occupants, and agents found to be in violation of any of the provisions of this Ordinance. This issuance of such corrective notice is not necessary for the prosecution of violations of this Ordinance.

## SECTION 2. FAILURE TO COMPLY WITH A NOTICE

Any person, corporation, company, firm, business, institution, owner, lessee, agent, tenant or occupant who has been served such notice in accordance with the provisions of this Ordinance, and who shall neglect or shall refuse, or shall fail to fully comply with the corrective notices so ordered and/or within the time frame so ordered therein, shall be in violation of this Ordinance.

## SECTION 3. OWNERS' AND GENERATORS' RESPONSIBILITY

a. Any person, corporation, establishment, firm, business, owner, agent or occupant of property within the Town of Dauphin Island who generates litter shall be responsible for insuring such litter is managed, stored, and handled in accordance with the provisions of this Ordinance.

b. The owners or occupants or persons in possession of all residential units and commercial establishments shall be responsible for compliance with this Ordinance.

## SECTION 4. PENALTIES

Any person found guilty of violating any provision of this Ordinance shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the Town jail or at hard labor for a period not exceeding six (6) months, or by both such fine and imprisonment, at the discretion of the judge trying the case. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such thereunder. Any person found guilty of any provision of this Ordinance may, in the discretion of the court, be punished by a fine, imprisonment, or in the alternative, may be sentenced to pick up litter or take other remedial action to comply with the terms of this Ordinance in lieu of fine or imprisonment.

## ARTICLE III - MOVING VIOLATIONS

## SECTION 1. LITTERING PROHIBITED

a. It shall be unlawful for any person to drop, deposit, discard, or otherwise dispose of litter in or upon any public or private property within the Town of Dauphin Island, including but not restricted to, any street, median, right-of-way, sidewalk, park, vacant or occupied lot, body of water, except in public receptacles or in authorized private receptacles provided for public use, or in an area designated by the Alabama Department of Environmental Management as permitted disposal site.

## SECTION 2. ESCAPE OF LOAD FROM UNCOVERED VEHICLES

a. It shall be unlawful for any person, hauler, firm or business to haul garbage, paper, trash, sand, gravel, wet cement, construction materials, other loose materials or waste unless the truck or vehicle is covered, secured, or sealed to the extent that there will be no loss or spillage during haulage to cause littering of streets and highways or cause a nuisance or hazard to the public health. Excepted: deposit of sand or other substance to increase traction, or water or other substance applied on a street or roadway in the cleaning or maintenance of such street or roadway by the by the government agency having such responsibilities.

b. Any person operating a vehicle from which any glass, nails, or other sharp objects have fallen or escaped which could cause an obstruction or damage a vehicle or otherwise endanger travelers on such public property shall immediately cause the public property to be cleared of such objects and shall pay any costs thereof.

## ARTICLE IV - STATIONARY VIOLATIONS

### SECTION 1. AREAS SURROUNDING COMMERCIAL ESTABLISHMENTS AND INSTITUTIONS

a. It shall be the duty of each proprietor and each operator of any business, industry or institution to keep the adjacent and surrounding area clear and free of litter. These areas include, but are not restricted to, public and private sidewalks, town rights-of-way, roads, alleys, grounds, parking lots, loading and unloading areas, and all vacant lots which are owned or leased by said establishment or institution.

b. All construction and demolition contractors, owners or agents shall provide on-site receptacles for loose debris, paper, building materials waste, scrap building materials, and other litter products to prevent scattering of such materials by wind or rain if such materials are not otherwise

properly disposed of on a daily basis.

c. It is a violation of this Ordinance for any private property owner, tenant, occupant, lessee or agent to grant permission to any person to dispose of litter on his property.

d. All commercial establishments shall store their litter in tightly covered containers so as to eliminate wind driven debris and unsightly litter in and about their establishments. The number and size of containers necessary for each establishment shall be as required to maintain a clean, neat, sanitary premise. Spillage and overflow around containers shall immediately be cleaned up as it occurs.

## SECTION 2. KEEPING RESIDENTIAL PROPERTY CLEAN

It shall be the duty of each residential property owner and tenant to keep all exterior private property free of litter. These areas shall include, but not be restricted to, sidewalks, alleys, driveways, yards, grounds, fences, walls and property lines; public and privately owned storm drains and vacant lots within the town.

## SECTION 3. SWEEPING LITTER INTO THE STREET

It shall be unlawful to sweep or push litter or leaves or grass from sidewalks onto street where it will be washed into the Town storm drains. Such litter and leaves or grass shall be deposited in a proper receptacle which shall be tightly covered or tied to prevent scattering before pickup.

## SECTION 4. INDISCRIMINATE DUMPING OR DISCARDING OF LITTER, JUNK AND SOLID WASTE

a. It shall be unlawful for any person to discard or dump along any street, street median, or road, on or off the right-of-way, any household or commercial solid waste or junk on any private or public property unless disposed of in receptacles provided for public use for the deposit of said material, or in a area designated by the Alabama Department of Environmental Management as a permitted disposal site. Any person charged with a violation of this section shall be required to appear in court to answer said charge or charges, and upon conviction, shall be fined a minimum of One Hundred Dollars (\$100.00) and shall be subject to any other penalties provided in this ordinance.

b. Cleaning litter or junk from open private property: The Inspection Services Department is hereby authorized and empowered to notify the owner of any open or vacant private property within the Town, or the agent of such owner, to

properly dispose of litter or junk located on such owner's property. Such notice shall be by certified mail, with return receipt, addressed to said owner at his last known address as the same appears on the records in the office of the County Tax Assessor. The failure, neglect or refusal of any owner so notified to properly dispose of litter or junk within ten (10) days after the mailing of the notice provided for in this section shall constitute a violation of this Ordinance. In addition, the Town of Dauphin Island is specifically authorized to institute an action in the Circuit Court of Mobile County Alabama, to abate any public nuisance created by litter or junk located on any open or vacant property within the Town of Dauphin Island, and the costs of said proceeding and the removal of said litter or junk shall be assessed against the owners of such property. Exception; This shall not apply to licensed junk dealers or establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment, provided that the work area is screened from public view by a fence, hedge, wall or similar device of sufficient height to provide a visual buffer, and is in compliance with the Town's Junk and Zoning Ordinance.

ARTICLE V - LITTER GENERATED FROM IMPROPER HANDLING OF SOLID WASTE

SECTION 1. DISPOSAL OF GARBAGE BY SINGLE FAMILY DWELLINGS, DUPLEXES, TOWNHOUSES AND CONDOS

All household garbage must be stored in tightly closed metal, rubber, or plastic cans or in heavy-duty plastic garbage bags so as to prevent scattering of garbage by wind, water, traffic or scavenging animals.

SECTION 2. DISPOSAL OF TRASH IN RESIDENTIAL AREAS

a. All trash shall be placed for collection at curbside no sooner than 48 hours prior to the designated day for said collection.

b. (Deleted)

c. All trash must be placed at curbside in accordance with current town of Dauphin Island Public Works Department policy.

d. Scrap, lumber, plaster, roofing, concrete, brick and sanding dust resulting from the construction, repair, remodeling, removal or demolition of any building on private property will not be removed by the Solid Waste Division. All such materials shall be removed by the owner or the



contractor responsible for the accumulation of same before, during or after construction.

e. It shall be the responsibility of any individual or company doing work on private property to remove from premises all residue and rubbish resulting from such work.

#### ARTICLE VI - LITTER RECEPTACLES

##### SECTION 1.

It shall be unlawful to deposit any item(s) except litter in any receptacle placed for public use as a depository for litter.

##### SECTION 2. PROVIDING AND PLACEMENT OF ADEQUATE LITTER RECEPTACLES

Any person owning or operating any establishment or public place shall at his own expense be responsible for providing, placing, and the regular maintenance of litter receptacles adequate to contain the litter generated at such establishment.

##### SECTION 3. STANDARDS FOR LITTER RECEPTACLES

Litter receptacles purchase and placed in compliance with these regulations shall meet the following minimum standards:

a. Construction - of such quality as to maintain original shape when placed at an outdoor location and reasonably resistant to rust and corrosion.

b. Constructed and designed or covered in such a manner as to prevent or preclude blowing of litter from the receptacle.

c. Be serviced frequently enough to prevent spillage from overflow and to prevent offensive odor.

d. Be maintained sufficiently to present an acceptable appearance.

##### SECTION 4. REMOVAL OF LITTER FROM RECEPTACLES

a. The removal of litter from receptacles placed at public parks, beaches, fishing areas, and other public recreation sites shall be the responsibility of those state and local agencies now performing litter removal services.

b. The removal of litter from receptacles placed on

private property which are used by the public shall remain the duty of the owner or operator of such private property.

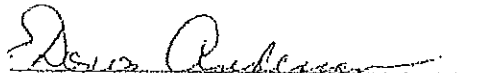
ARTICLE VII - SEVERABILITY

If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

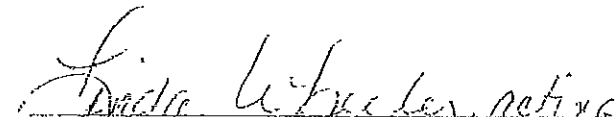
ARTICLE VIII - EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its adoption and publication.

Adopted this 17<sup>th</sup> day of OCTOBER, 1989.

  
MAYOR

Attest:

  
Town Clerk

TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NUMBER 20 A

AN ORDINANCE TO AMEND ORDINANCE NUMBER 20  
RELATING TO DEFINITIONS

BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama as follows:

Ordinance No. 20, ARTICLE I., Section 2., Item (g) is amended by reading as follows:

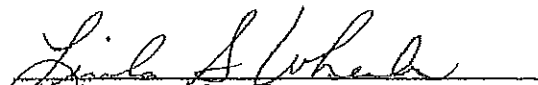
g. "Garbage Can" means a watertight receptacle or container for temporary storage of putrescible and nonputrescible waste; constructed of substantial metal, plastic, or rubber and having a capacity of not less than ten gallons with a right-fitting lid or cover.

THIS paragraph shall be effective this 17th day of October, 1989.

ADOPTED this 17th day of October, 1989.

  
DORIS ANDERSON, MAYOR

ATTEST:

  
Linda S. Wheeler  
Assistant Town Clerk

TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NUMBER 20 B

AN ORDINANCE TO AMEND ORDINANCE NUMBER 20  
RELATING DISPOSAL OF TRASH IN RESIDENTIAL AREAS.

BE IT ORDAINED by the Town Council of the Town of Dauphin  
Island, Alabama as follows:

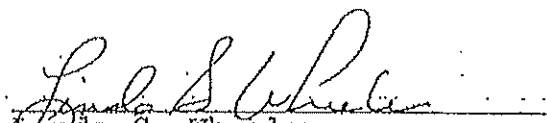
Ordinance No. 20, ARTICLE V., Section 2., Item (b)  
is amended by being deleted in its entirety.

THIS AMENDMENT shall be effective this 17th day of  
October, 1989.

ADOPTED this 17th day of October, 1989.

  
DORIS ANDERSON, MAYOR

ATTEST:

  
Linda S. Wheeler  
Assistant Town Clerk

TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NO. 20 C

AN ORDINANCE TO AMEND ORDINANCE NO. 20 KNOWN AS THE LITTER CONTROL ORDINANCE OF THE TOWN OF DAUPHIN ISLAND, ALABAMA.

BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama, as follows:

Ordinance No. 20, Article V, Section 2 is hereby amended by deleting therefrom Paragraphs a, b, and c thereof in their entirety and substituting therefor the following:

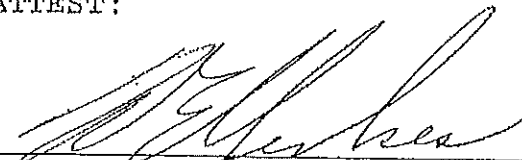
a. All trash and/or garbage shall not be placed at curbside sooner than 48 hours prior to the designated day for collection and shall not remain at curbside for a period in excess of 12 hours thereafter. The removal of such is the continued responsibility of the person, firm or corporation generating said trash and/or garbage; and further to see that said trash and/or garbage is properly removed from the premises on a timely basis.

Ordinance No. 20, Article V, Section 2 is further amended by re-lectering Paragraph d of said ordinance as Paragraph "b" and Paragraph e as Paragraph "c".

This ordinance shall be effective as of JANUARY 9,  
1989

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk