

2003

BEAUTIFICATION PROGRAM  
ENVIRONMENTAL GUIDE

# BIRMINGHAM

so beautiful  so you.



# Take Pride In Place And Keep Birmingham Beautiful.

This environmental guide for the City of Birmingham outlines, in simple terms, a few things you can do to keep Birmingham beautiful. Please take time out to take a quick look. It takes only a little time, but it sure does make a big difference.

February 2003

This booklet will guide you through the provisions established by the City of Birmingham for environmental issues. Please remember that no ordinance or fine detailed here is the final authority and that all laws remain subject to change.

February 03, 2003

Dear Birmingham Citizen:

*You don't have to move to live in a better neighborhood.* I believe strongly in these words, and in the responsibility of City government to help ensure clean, safe, and vital neighborhoods for all of our citizens. Revitalizing and enhancing our neighborhoods is essential to the future growth of Birmingham, and is a primary objective of my administration.

But your City government cannot do it alone. We need your help. We need the active involvement of citizens who love this City, and who want to join in building a better Birmingham. And what better place to start than by cleaning up the City—street by street, block by block, neighborhood by neighborhood. Together, we can do it.

That is why I am pleased to present to you this environmental guide. This guide will acquaint you with City codes related to environmental issues, from abandoned cars, to overgrown lots, to health and sanitary violations, and everything in between. More importantly, it will suggest actions you and your neighbors can take to see that environmental problems in your community are addressed and corrected in the timeliest manner possible.

Would you help us build a better Birmingham by taking a few minutes to review this environmental guide? Join our friends and neighbors, concerned organizations, and your City government in making Birmingham not only one of America's most beautiful cities, but also one of the cleanest. Together, we can do it.

Sincerely,

A handwritten signature in dark ink, reading "Bernard Kincaid". The signature is fluid and cursive, with the first name "Bernard" being more prominent than the last name "Kincaid".

Bernard Kincaid  
Mayor



**BIRMINGHAM CITY COUNCIL**

- District 1..... Councilor Joel Montgomery
- District 2..... Councilor Carol Reynolds
- District 3..... Councilor Valerie Abbott
- District 4..... Councilor Gwen Sykes
- District 5..... Councilor Elias Hendricks
- District 6..... Council President Pro-Tem  
Carole C. Smitherman
- District 7..... Councilor Bertram Miller
- District 8..... Council President  
Lee Wendell Loder
- District 9..... Councilor Roderick Royal

**Main Office: 205-254-2294**  
**Office Hours: 8:00 a.m. - 5:00 p.m.**  
**Council Fax: 205-254-2603**

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The aim of this guide is to make life easy for you. That's why we've put together this handy list of telephone numbers.

**TELEPHONE NUMBERS for ENVIRONMENTAL GUIDE:**

Animal Control:	591-6522
Brush/Trash/Garbage Pickup:	254-6314
(After 6:00 PM) Special Pickup:	254-6344
City Clerk:	254-2290
Fire Prevention:	250-7540
Horticulture and Urban Forestry:	781-2210
Housing Division:	254-2312
Inspection Services:	254-2211
Library:	226-3600
Mayor:	254-2277
Municipal Court:	254-2161
Neighborhood Association:	254-2564
Parks Department:	254-2394
Police Non-Emergency:	328-9311
Sanitary Sewers:	791-6411
Storm Sewers:	254-6314
Water Works Board:	251-3261

**OTHER NUMBERS:**

County Court House:	325-5311
Electric Outage:	1-800-888-2726
Environmental Protection Agency:	1-800-241-1754
Environmental Services:	942-6168
Gas Leaks & Outages:	324-5512
Health Department:	933-9110
Jefferson County Emergency Management Agency (EMA):	254-2039
Line Locator ("Call Before You Dig")	1-800-299-8525
State Highway Department:	328-5820

## NOTES

As you go through this guide, you may have questions or want to make notes.

Feel free to jot them down here for future reference.



### **Sec. 11-8-8 Premises to be kept free of garbage, weeds, inoperable motor vehicles, tires.**

(See also city code section 7-1-100 Maintenance of dwelling... etc.)

#### **— Plain & Simple —**

Please keep your property clean.  
Don't allow junk to build up in your yard.  
We don't mean just garbage, but stuff like weeds,  
old pieces of furniture, old tires, and  
cars that no longer run also can make  
your property look ugly. A dirty property is an offense,  
and you could be fined — \$100.00 for the first offence,  
\$250 for the second, and \$500 and/or jail for the third.

#### **— Long & Legal —**

**(a) Garbage.** It shall be unlawful for the owner or other person in charge or control of a building, lot or other premises within the city or the police jurisdiction thereof to fail to keep said lot or premises including non-enclosed porches, carports, and patios, clean and free from garbage, refuse, litter, junk, debris, salvaged materials, household furniture, trash, used motor vehicle tires (except when used as a decorative use such as a planter, or as part of a recreational structure such as a tree swing, children(s) climbing toy or other structure in accordance to city or state laws), inoperable motor vehicles, kitchen and other household appliances, rags, paper, cardboard and other non-decorative matter, including any materials within



which water may accumulate or which may shelter or encourage the growth of insects or rodents, or materials which generate obnoxious odors, or which offend the esthetics of the community and thereby cause a substantial diminution in the value of other property nearby; provided, that this subsection shall not apply to a licensed business if such activity is an allowed use and the operation of the business and is done in a manner which does not allow the accumulation of water within which mosquito larvae may live or encourage the growth of insects and/or rodents. Each day such condition is maintained shall constitute a separate offense.

**(b) Weeds, Shrubs, Other Vegetable Growth.** It shall be unlawful for any owner, proprietor or other person in charge or control of any lot, place or premises within the city or police jurisdiction thereof, when such lot, place or premises are not under cultivation for useful and productive purposes, to fail to keep and maintain the same free from injurious, noxious or unsightly weeds, shrubs and other vegetable or grass growth higher than 10 inches. As used herein a weed shall include an economically useless plant: a plant of unsightly appearance; a tree or shrub of low economic value that tends to grow freely; a form of vegetable life of exuberant growth and injurious effect. Each day such condition is maintained shall constitute a separate offense.

**(c) Inoperable Motor Vehicles.**

(1) It shall be unlawful for any person to park, leave or store upon any residential lot or premises within a residential district within the city or the police jurisdiction thereof (a) an inoperable motor vehicle or (b) more than one operable motor vehicle which is not currently and validly registered and tagged as required by the Code of Alabama, 1975, as it may be amended, for a longer period of time than is permitted by city or state law. Each day such condition is maintained shall constitute a separate offense.

(2) For the purposes of this section the following definitions shall apply: a. Inoperable motor vehicle is a motor vehicle which is in such a state of disrepair that it is not capable of being moved safely from one location to another under its own power or which does not meet the requirements for operation upon the public street.

b. Residential district is the territory contiguous to and including a highway, public street or way not comprising a business district when the property on that highway, public street or way for more than 300 feet is primarily improved with residence and/or private dwellings.

**Fines.** The minimum fine on a first offense within a twelve-month period of time on a finding of guilty or a plea of guilty shall be one hundred dollars (\$100.00), on a second offense within a twelve-month period of time on a finding of guilty or a plea of guilty the minimum fine shall be two hundred and fifty dollars (\$250.00) which first and second offenses may be resolved administratively as provided in section 8-3-10; provided, however, that upon the third offense and subsequent offense charged within a twelve-month period the offender shall be required to appear in court and, upon a finding of guilty or a plea of guilty the minimum fine shall be five hundred dollars (\$500.00) plus court costs and/or imprisonment as provided in section 1-1-6.

Minimum fines are:

\$100.00 for first offense

\$250.00 for second offense

\$500.00 for third offense and/or jail.



## Sec. 11-3-23 Criminal littering.

### — Plain & Simple —

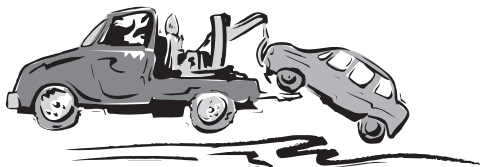
Don't be a litter bug. By that we mean everything from dropping trash on the sidewalk, to throwing stuff into an open ditch or a creek. If it's your trash, please make sure it goes into a trash can. Otherwise, you could be fined \$150.

### — Long & Legal —

- (a) A person commits the offense of criminal littering if he:
- (1) Knowingly deposits in any manner litter on any public or private property or in any public or private waters, having no permission to do so;
  - (2) Negligently deposits in any manner glass or other dangerously pointed or edged objects on or adjacent to water to which the public has lawful access for bathing, swimming or fishing, or on or upon a public highway, or within the right-of-way thereof;
  - (3) discharges sewage, oil products or litter from a watercraft vessel of more than 25 feet in length into a river, inland lake or stream within the state or within three (3) miles of the shoreline of the state; or
  - (4) a. drops or permits to be dropped or thrown upon any highway any destructive or injurious material and does not immediately remove the same or cause it to be removed; or b. removes a wrecked or damaged vehicle from a highway and does not remove glass or other injurious substance dropped upon the highway from that vehicle.
- (c) It is no defense under subsections (a)(3) and (a)(4) of this section that the actor did not intend, or was unaware of, the act charged.
- (d) It shall be unlawful for any person to commit the offense of criminal littering as defined by this section.
5. Throws away glass or metal objects (bottles or cans) around a public lake or a stream which is used for fishing or swimming, or on a street alley or sidewalk.
  6. Dumps oil or sewage from a boat into a lake or stream.
  7. (a) Drops anything on a highway or street which could injure someone using it, and does not remove it.

(b) Has a car wreck and doesn't remove glass and other dangerous things from the road when the car is moved.

Litter means: rubbish, refuse, waste material, garbage, dead animals or fowl, offal, paper, glass, cans, bottles, trash, scrap metal, debris or any foreign substance of whatever kind.



## **Sec. 10-9-12 Parking on roadway for certain purposes prohibited.**

### **— Plain & Simple —**

City streets are for traveling, not parking.

You can't display your vehicle for sale on the street, you can't wash or grease your vehicle in the street, and you can't make repairs to your vehicle in the street, except in case of emergency. If your vehicle remains on the street for more than three days, it is considered to be abandoned, and will be removed, and you could be fined up to \$100.

### **— Long & Legal —**

(a) No person shall park a motor vehicle, trailer or semi-trailer as defined in 31-1-1, as amended, upon any public highway, road or street, or other public way of the city, for the principal purpose of:

(1) Displaying that vehicle for sale.

(2) Washing, greasing or repairing that vehicle, except repairs necessitated by emergency.

(b) No person shall park a motor vehicle, trailer or semi-trailer as defined in 32-1-1, as amended, upon any public highway, road or street, or other public way of the city, for the purpose of:

(1) Abandoning that vehicle.

(2) Standing or leaving that vehicle, otherwise than as permitted in subsection (c) of this section, if it is disabled, broken down or otherwise inoperative and immovable.

(c) A reasonable period of time, but not in excess of 72 hours, shall be allowed for

removal by the owner or person in possession thereof of any vehicle which is disables, broken down or otherwise inoperative and immovable, or which has been parked for repairs necessitated by an emergency. In no event shall any such vehicle be allowed to remain parked upon public street or other public way of the city for more than 72 hours, and after expiration of a reasonable period of time the provisions of sections 10- 14-1 through 10-14-9 shall be applicable to any such vehicle; provided, however, if a vehicle is disable, broken or otherwise inoperative but is not a traffic hazard, there shall be placed a citation upon that vehicle showing a violation of this section not less than 24 hours prior to its removal under the provisions of sections 10-14-1 through 10-14-9. (Code 1964, Sec. 34-102).

### **Sec. 11-8-41 Leaving vehicle on private property prohibited; impoundment.**

### **Sec. 11-8-42 Owner of property may request impoundment.**



### **Sec. 11-8-43 Information required for removal.**

(See Also Code of Alabama 32-13-1 et seq.)

#### **— Plain & Simple —**

If you abandon a vehicle on another person's private property, it will be impounded. If you should find a lost, stolen, or abandoned vehicle on your property, you can have it removed after 10 days. To do this you will need to: 1) Pay \$40 to cover removal expenses, and 2) Sign a statement detailing the number of days the vehicle was on your property, a description of the vehicle, and what you did to try to find the owner.

## — Long & Legal —

**Sec. 11-8-41.** Lost, stolen or abandoned automobiles, and other motor vehicles let upon private parking lots, private parking areas and other private land are hereby declared to be health and safety hazards and public nuisances and any police officer of the city, after being advised by or on behalf of the Chief of Police that the requirements of section 11-8-43 have been complied with, is hereby authorized to cause any such automobile or other motor vehicle to be removed to, and impounded in the depository provided by the city and for such purpose, all under the provisions of this article.

**Sec 11-8-42.** The owner, lessee or other person in possession, charge or control of a private parking lot, private parking area or other private land upon which a lost, stolen or abandoned automobile has been left and remained thereon for not less than 10 consecutive days, and after making a reasonable effort to locate the owner thereof and being unsuccessful in such effort may request in writing the Chief of Police of the city to cause the same to be removed to, and impounded in the depository provided by the city for such purpose provided such owner, lessee or other person complies with section 11-8-43.

**Sec. 11-8-43.** Upon receipt of a request under the provisions of section 11-8-42, the Chief of Police shall authorize such automobile or motor vehicle to be removed to and impounded in such depository; provided, that he first obtains from such owner, lessee or other such person the following:

- (1) The sum of \$40 to defray the expenses of the city in connection with such impoundment, which sum shall be remitted to the Director of Finance for the city.
- (2) An affidavit executed by the owner, lessee or other person in possession, charge or control of the private parking lot, private parking area or other private land setting out the following facts: (i) The number of consecutive days such lost, stolen or abandoned automobile or other motor vehicle has remained upon that private parking lot, private parking area or other private land giving the dates thereof; (ii) a description of the effort made by such person to locate the owner of such automobile or other motor vehicle; and (iii) a description of such vehicle giving its make, model and year and such other information as will reasonably describe the vehicle.

## **Sec. 4-5-23 Obstruction generally of free passage on streets and sidewalks.**

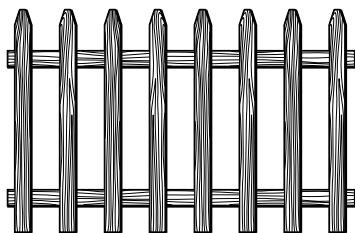
### **— Plain & Simple —**

Don't block streets or sidewalks with  
stuff like cars and trash.

No one likes ugly, and that is very ugly—and ILLEGAL.  
If you do it, you could be fined up to \$35.

### **— Long & Legal —**

No person shall obstruct any street or sidewalk or part thereof in any manner not permitted by this code or other ordinance of the city with any animal or vehicle or with boxes or barrels, glass, trash, rubbish or display of wares, merchandise or sidewalk signs or other like things, so as to obstruct the free passage of persons on the streets or sidewalks or any part thereof.



## **Sec. 4-5-27 Fences encroaching on public rights-of-way.**

### **— Plain & Simple —**

Your fence must not stick out into the street,  
sidewalk, alley, or any public property.

— Long & Legal —

No person, or owner or occupant of any property shall erect or maintain any fence in the city in such a manner that the same will encroach upon a sidewalk, street or alley, or other public right of way.

**Sec. 4-5-32 Obstructing gutters or ditches.**

— Plain & Simple —

Ditches, gutters and drains that lead onto streets,  
public ways, and easements must be kept clear.  
Trash, debris and other obstructions can cause a blockage.  
Bag your trash and leaves, or you could be fined \$50.

— Long & Legal —

It shall be unlawful for any person to obstruct or cause to be obstructed the free flow of water in, over, along, upon or through any gutter or drainage way or ditch in any street or other public way or easement in the city, or to erect or maintain across any such gutter or drainage way or ditch any bridge, platform or other structure which so obstructs or tends to so obstruct or which accumulates or tends to accumulate trash, leaves, dirt or other substances to form such obstruction.



**Sec. 4-5-39 Basketball goals on public rights-of-way prohibited.**

**— Plain & Simple —**

You can't put up a basketball goal in the street.  
The city quickly will call foul and remove it,  
and send the bill to you.

**— Long & Legal —**

(1) Basketball goals and other like structures or devices located upon any city street, sidewalk, grass plot, parkway or other public right-of-way are hereby declared to be health and safety hazards and public nuisances and shall be removed by the owner or occupant of the abutting property within five (5) days of receiving notice from the Office of the City Engineer.

(2) In the event the owner or occupant fails to remove the basketball goal as required herein above, it shall be the duty of the City Engineer to remove the same as provided in section 4-5-13 of this code. Council shall assess a cost and can place a lien for the cost.



## **Sec. 4-5-5 Dropping trash, etc., from vehicles.**

### **— Plain & Simple —**

Your trash is yours. If trash (or anything else) falls from your vehicle, you must stop and clean it up, or risk a \$100 fine.

### **— Long & Legal —**

No person hauling earth, trash, slag, concrete, gravel, coke, coal or other substance in any vehicle along or over any of the streets of the city shall allow that earth, trash, slag, concrete, gravel or other substance to escape from any vehicle and be deposited upon any of the streets.

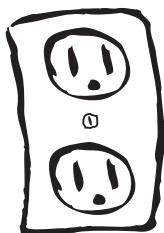
## **Sec. 12-11-26 Public ways.**

### **— Plain & Simple —**

It is illegal for junk and scrap dealers to leave junk or scrap on a public street, alley, or other public property.  
Those who do will be fined \$50.

### **— Long & Legal —**

It shall be unlawful for any junk dealer or junk peddler, or any person operating or in charge of a junk yard or automobile graveyard to store, leave, park or permit any scrap or junk owned by or in the possession of him, or it, to be on or open upon any public street, alleyway or other public property in the city.



## **Sec. 7-1-74 Electric outlets, etc.**

### **— Plain & Simple —**

Any house with electricity must have proper electrical outlets, safe electrical fixtures, and an adequate electrical supply that is up to code. This helps to eliminate or avoid potential fire hazards.

### **— Long & Legal —**

(a) Where there is usable electric service available from power lines which are not more than 300 feet away from a dwelling, said dwelling shall be supplied with adequate electric service, outlets and fixtures which shall be properly installed and maintained in a safe working condition and connected to said source of electrical power in an approved manner.



## **Sec. 7-1-92 Floors, ceilings, etc.**

### **— Plain & Simple —**

Doors must be hung properly,  
and kept in good working order.

Your roof and gutters must be  
in good repair and not leak.

### **— Long & Legal —**

- (a) Interior walls, ceilings and floors shall be capable of affording privacy and shall be maintained free of holes, cracks, loose or deteriorated material or any other condition which constitutes a hazard to the occupants, or is a harborage for insects or vermin or admits water or dampness to the interior of the building.
- (b) All walls, ceilings, floors, doors, windows and woodwork shall be kept clean and free of loose, defective or missing parts, peeling paint and peeling paper.
- (c) Interior doors to habitable rooms, bathrooms and toilet rooms shall fit the openings in which they are hung, be properly equipped with hardware and be maintained in good working condition. Doors with locking devices shall be provided where necessary to provide privacy and protection of the occupant.
- (d) Gutters and downspouts are not required under this section but existing downspouts and gutters must be maintained in good repair or removed. Every roof shall be watertight and kept in good repair. You must maintain your house in a safe condition and free from bugs, rats and leaks. Walls, ceilings and floors must be in good repair.



## Sec. 7-1-95 Plumbing fixtures, etc.

### — Plain & Simple —

Plumbing fixtures must be installed properly.  
Water and sewage waste lines and fixtures must be installed properly, and operate properly, to meet code.

### — Long & Legal —

(a) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

(b) Every potable water line, as required by provisions of this article, shall be in good working condition and properly connected to an **approved\*** water supply system. Every plumbing fixture required by this standard, except water closets requiring a supply of unheated water, only, shall at all times be supplied with both heated and unheated water under positive pressure. Each plumbing fixture shall be properly connected to an approved sewage disposal system.

*\*Before any work is done, you should call our building inspection division (254-2211) for information and proper permits, and licensing for plumbing, electrical and sewer work. Such work, in most instances, requires licensed specialty contractors and may require inspection by the city for final approval. Always make sure your contractors have all proper licenses.*

## **Sec. 7-1-100 Maintenance of dwellings, dwelling units, and places of employment.**

(See also city code section 11-8-8 Premises to be kept free... etc.)

### **— Plain & Simple —**

All houses and businesses, whether occupied or vacant,  
must be maintained in proper repair.

This means that all windows and doors must fit properly, that  
porches and steps are maintained in a safe, working condition,  
and that buildings are repainted whenever necessary.

Properties also must be secured in a way that ensures  
that animals, birds and trespassers are kept out.

If the owner of the property fails to maintain it, the City may make  
corrections to violations and assess the cost against the property.

### **— Long & Legal —**

(a) All dwellings, dwelling units, or places of employment, whether occupied or vacant, shall at all times be maintained in proper repair so as to be habitable under this code and so as to give adequate protection from the elements. Windows and doors shall fit properly. Porches and steps shall be maintained in a safe condition. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. It shall be unlawful for any owner to fail to remedy any violation of this section within the time allowed in a notice of violation issued under the provisions of sections 7-1-31 to 7-1-37 of this code.

(b) It shall be the duty of the owner, agent, or other person in charge or control of a vacant dwelling, dwelling unit or place of employment to keep all openings into such dwelling, dwelling unit or place of employment securely closed in such manner as to exclude animals and fowl and the trespass of human beings therein.

(c) In the event the owner, agent or other person in charge shall fail to remedy any violation of this section within the time allowed, the City may correct said violation in an approved manner and establish a lien against the property concerned for the cost of such repairs, alterations or rehabilitation effected.



**Sec. 7-1-134 Storage, disposition, etc.,  
of rubbish, garbage, etc.**

(See also city code section 11-8-8 Premises to be kept free... etc.)

**— Plain & Simple —**

*If you own a house or apartment building,  
you must ensure proper disposal of all garbage, and provide  
proper containers. The fine for failure to do so is \$30.*

**— Long & Legal —**

Every occupant of a dwelling or dwelling unit shall dispose of all rubbish, ashes, garbage and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide the disposal facilities for his dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a multiple dwelling shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. He shall be responsible further for placing out for collection all common garbage and rubbish containers, except where the facilities are for the sole use of an occupant, under which circumstances it shall be the responsibility of the occupant to place the containers out for collection.



## **Sec. 7-1-135 Extermination of insects, rodents, etc.**

### **— Plain & Simple —**

Pests bugging you? Here's the deal. If you live in a house or rent an apartment unit, you are responsible for getting rid of rats, insects, or other pests. However, if the apartment building has rats or bugs in three or more units, or in the common parts of the apartment building, the owner of the apartment building is responsible for getting rid of them all.

### **— Long & Legal —**

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for this extermination whenever his dwelling is the only one (1) infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in three (3) or more of the dwelling units in any dwelling, or in the shared part of any dwelling containing three (3) or more dwelling units, extermination thereof shall be the responsibility of the owner. Notices of violations shall be sent to both the owners and the occupants by the health officer.

## **Sec. 10-1-11 Parking and storage of disabled, etc., automobiles.**

### **— Plain & Simple —**

Work on automobiles must be carried out away from general view and be enclosed by a fence that is at least 8 feet high.

### **— Long & Legal —**

(a) No owner, operator, employee or other person in charge or control of any service station, public or private garage, automotive towing or wrecker service, automobile repair shop, automobile sales establishment, new or used parts shop, automobile graveyard, automobile storage service or other automotive establishment shall permit the placement, storage, parking, dismantling, assembling or disassembling of any disabled or inoperable automobile, or part or parts thereof, including but not limited to motors, tires, wheels, axles, transmissions and accessories, upon the premises thereof or other premises under the control or use of the owner, operator, employee or other person, for a period in excess of three (3) hours between the hours of 7:00 a.m. and 6:00 p.m. of any day, unless those vehicles, or part or parts thereof, shall be parked, stored, deposited or placed within or upon an area which is enclosed so as not to be visible from any adjacent public way open to travel, either by a fence, wall or screening device which shall be not less than eight (8) feet in height measured from ground level. The fence, wall or screening device must be non-transparent and contain no openings wider or more numerous than reasonably necessary for ingress and egress; these openings shall be closable by a gate, door or other device of non-transparent material and be of a minimum height of eight (8) feet measured from the ground level, and must remain closed at all times except when required to be open for ingress or egress, unless the same shall be stored, parked or deposited within a permanent type building or structure having a conventional or permanent type roof, and not less than three (3) permanently constructed walls supporting the roof covering same; provided, however, that the council may, upon written application and public hearing thereon, waive the requirement for a fence, vertical wall or screening device along any railroad or other embankment, or alleyway when it finds that a non-transparent fence or wall or other screening device at the location applied for is not necessary to accomplish the purposes of this section.

(b) No such establishment as described in subsection (a) of this section shall be operated at any time in such a manner as to constitute a nuisance.



## Sec. 6-1-15. Excretion of Dogs

### — Plain & Simple —

Keep Birmingham beautiful — don't let your dog use street, sidewalks, rights-of-way, parks, school ground, or other people's property as a restroom, unless you're prepared to clean up after it. When walking your dog, you should carry a wrapper, bag, container, or "pooper scooper" for disposing of what your dog leaves behind.

The fine for violating this ordinance is \$50.

**NOTE:** Vision-impaired individuals, and handlers of guide or service dogs, are exempt from this ordinance.

### — Long & Legal —

(a) It shall be unlawful for the owner or person having charge or control of any dog to permit or allow such dog to defecate upon the private property of others or on any public street, public right of way, sidewalk, pathway, park, pedestrian way, or any public facility or on any school ground unless such person shall immediately secure and enclose within a bag or other container all feces deposited by the animal and dispose of it in a sanitary manner.

(b) It shall be unlawful for any person who has the charge and control of a dog on any private property of others, public street, public right of way, sidewalk, pathway, park, pedestrian way, or any public facility or on any school ground, to fail to maintain in his possession sufficient wrappers, bags, or a container for the purpose of complying with the requirements of this section, when in charge or control of a dog on public street, public right of way, sidewalk, pathway, park, pedestrian way, or any public facility or on any school ground.

(c) The vision-impaired or such person who has the charge or control of a guide or service dog, shall be exempt from the provisions of this Section.

(d) Same; fees.

The fine for the violation of this ordinance will be \$50.00.

**SECTION 2.** BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby declared to be severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held to be unconstitutional or void, the remainder shall continue in full force and effect.

**SECTION 3.** BE IT FURTHER ORDAINED, that this Ordinance shall become effective when published and as required by law.

## **Sec. 6-1-71 Certain acts of cruelty enumerated.**

### **— Plain & Simple —**

Don't be cruel; animals must not be mistreated.  
They must be fed, watered and sheltered properly.

### **— Long & Legal —**

No person shall override, overdrive, overload, torture, torment, maim, mutilate, deprive of necessary sustenance or cruelly kill, beat, bruise, wound, cause or procure to be overridden, overdriven, overloaded, driven while overloaded, cruelly beaten, mutilated or cruelly killed, any domestic animal, whether belonging to himself or to another, or, either as owner or otherwise, inflict unnecessary cruelty upon the same, or upon any living creature, or use, work, ride or employ in any manner any bruised, maimed, sick or lame beast of burden or working animal, or fail to provide any domestic animal with proper food, drink or protection from the weather; provided, that this section shall not be construed as prohibiting the dehorning of cattle. Code 1964, Sec. 7-42

## **OTHER CODE SECTIONS OF INTEREST**

### **6-1-2 Wild or vicious animals**

You can't keep wild or vicious animals on your property unless they are secured so that they can't bite or attack other people.

### **6-1-3 Noisy animals**

You can't let your dog bark constantly so that it becomes a nuisance or annoys others.

### **6-1-4 Keeping swine, goats**

You can't raise pigs, goats or sheep on your property, unless properly zoned.

## **6-1-5 Sanitation**

You must keep places where animals are kept clean, sanitary, free of odors and flies.

### **6-1-14 Running at large (dogs) [Leash Law]**

You can't let your dog run at large. If you do, you could be fined \$20.

### **6-1-51 Running at large (other)**

You can't let horses or cows out on the streets or in public parks and if they are on your property they must be fenced in.

## **6-1-81 Dead animals**

You can't deposit a dead animal on a street, on a sidewalk or in a park or public place. The fine for violating this law is \$50.

## **6-1-91 - 99 Corrals, pens and stables**

You must keep pens, corrals and stables clean, drained and ventilated. There are distance requirements from dwellings and other buildings.

## **6-1-111 - 119 Birds**

You can't let chickens, ducks or geese run or fly at large. Coops and enclosures must be clean and ventilated.

## **6-3-34 Vessels containing water**

You can't leave tanks, barrels, cans or other containers which might collect water open so that mosquitoes can breed in them.

## **6-3-52 Rats**

If you have a building where food, feed or grain is sold or stored, you must keep it free from rats.

## **7-1-57 Garbage disposal**

Every house must have adequate containers for garbage. If yours does not, you could be fined \$50.

## **7-1-99 Vacant dwelling units**

You can't live in or rent any vacant dwelling unless it is clean, sanitary and fit to be lived in. (Running water, gas, electricity, etc.)

## **7-1-101 Accessory structures**

Out-buildings must be safe, clean and well maintained.

## **7-1-171 Condemnation**

Buildings may be condemned if they are dilapidated, unsanitary, unsafe or unfit for human occupancy.

## **7-1-173 -174 Condemned property**

You can't live in condemned property.

## **4-5-8 Washing of vehicles**

You can't wash cars or animals on city streets (curb side).

## **4-5-9 Sidewalks cleaned**

The owner of property abutting a sidewalk can't let garbage debris or refuse collect on the sidewalk. The fine for doing so is \$35.

## **4-5-11 Unsafe sidewalks**

The adjacent property owner can't allow the sidewalk to become unsafe, broken or damaged or permit any obstruction on it or on any grass plot beside the sidewalk.

