

Chapter 11 OFFENSES AND MISCELLANEOUS PROVISIONS

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§ 11-1. State misdemeanors; offense against city.

Any person or corporation committing an offense within the corporate limits of the City of Fayette, Alabama, or within the police jurisdiction thereof, which is declared by law or laws of the State of Alabama now existing or hereafter enacted to be a misdemeanor, shall be guilty of an offense against the City of Fayette, Alabama.

(Ord. No. 1983-5, § 1, 10-1-83; Ord. No. 2003-1, § 1, 1-23-03)

§ 11-1.1. State violations; an offense against city.

Any person or corporation committing an offense within the corporate limits of the City of Fayette, Alabama, or within the police jurisdiction thereof, which is declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a violation, shall be guilty of an offense against the City of Fayette, Alabama.

(Ord. No. 1983-5, § 2, 10-1-83; Ord. No. 2003-1, § 2, 1-23-03)

§ 11-1.2. Offenses as defined by state criminal code; offense against city.

Any person or corporation committing within the corporate limits of the City of Fayette, Alabama, or within the police jurisdiction thereof, 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 of Alabama now existing or hereafter enacted to be a felony, misdemeanor or violation, shall be guilty of an offense against the City of Fayette, Alabama.

(Ord. No. 1983-5, § 3, 10-1-83; Ord. No. 2003-1, § 3, 1-23-03)

§ 11-1.3. Penalty for violation.

Any person found to be in violation of [section 11-1](#), [11-1.1](#), or [11-1.2](#) of the Code of Ordinances of the City of Fayette shall, upon conviction, be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) 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, unless otherwise provided by [section 11-1.4](#) of this article. Any corporation found to be in violation of [section 11-1](#), [11-1.1](#), or [11-1.2](#) of this article 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.

(Ord. No. 1983-5, § 4, 10-1-83; Ord. No. 2003-1, § 4, 1-23-03)

§ 11-1.4. Penalty for violation; other.

Any person found to be in violation of this article for the commission of an offense as defined in § 32-5A-191, Code of Alabama, 1975, as amended, shall, upon conviction, be punished in accordance with the provisions of that statute, provided, however, that no fine shall exceed five thousand dollars (\$5,000.00) and no sentence of imprisonment or hard labor shall exceed one (1) year.

(Ord. No. 2003-1, § 5, 1-23-03)

§ 11-2. Violation of ordinances; penalties.

Any person, firm or corporation committing an offense within the corporate limits of the City of Fayette, Alabama, or within the police jurisdiction thereof, which is in violation of an ordinance of the City of Fayette, Alabama, now existing or hereafter enacted, which is not also a state misdemeanor, violation or offense, shall, upon conviction, be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00). In addition to thereto, any person so convicted, may be imprisoned or sentenced to hard labor for the City of Fayette, Alabama, for a period not exceeding six (6) months, at the discretion of the court trying the case.

(Ord. of 12-27-77; Ord. No. 2003-1, § 6, 1-23-03)

State law reference— Code of Alabama, § 15-8-2

§ 11-3. Police jurisdiction defined.

The police jurisdiction of the city shall extend to all adjoining territory within one and one-half (1½) miles of the corporate limits of the city. All laws and ordinances of the city, enforcing police or sanitary regulations and prescribing fines and penalties therefor, shall have full force and effect within the corporate limits of the city and within the limits of the said police jurisdiction thereof and on any property or rights-of-way belonging to the city.

(Ord. No. 2003-1, § 7, 1-23-03)

§ 11-4. Failure of defendant to appear in court.

It shall be unlawful for any person charged with a violation of any ordinance of the city, who has been given a ticket, summons, citation or other notice to appear in municipal court, to fail to appear in court at the time and place set forth on the notice, citation, ticket, bond or summons and any violator shall be guilty of a misdemeanor and punished in accordance with [section 11-2](#).

(Ord. No. 2009-01, § 1, 2-24-09)

§ 11-5. Reserved.

Editor's note—

Ord. No. 2003-01, § 8, adopted Jan. 23, 2003, repealed [§ 11-5](#), which pertained to penalties for persons conspiring to commit a misdemeanor and derived from the Code of 1919, § 430.

§§ 11-6—11-8. Reserved.

Editor's note—

Section 3 of Ord. No. 1998-04, adopted April 6, 1998, repealed §§ 11-6—11-8 which pertained to public nuisances in general, penalties therefor, and keeping or slaughtering animals improperly, and derived from an ordinance adopted April 6, 1967, §§ 1, 2, and 2a.

§ 11-9. Disposing of dead animals improperly; a nuisance.

Within the City of Fayette, Alabama, or its police jurisdiction, all owners or custodians of animals which die or are killed in their possession or custody, other than as such as are slaughtered for food, within twenty-four (24) hours, shall cause the bodies of such animals to be removed from the city or its police jurisdiction and then be buried below the surface of the ground, or otherwise disposed of, but in no case shall such animals be burned or buried within the city or its police jurisdiction, sufficiently near a residence or residences as to create a nuisance.

(Ord. of 4-6-97, § 2b)

§§ 11-10—11-12. Reserved.

Editor's note—

Section 3 of Ord. No. 1998-04, adopted April 6, 1998, repealed §§ 11-10—11-12 which pertained to improper use of airplanes spraying poisons and chemicals, burning vehicles

and parts, and right of city to abate a nuisance; and derived from an ordinance adopted April 6, 1967, §§ 2c, 2d, and 3.

§ 11-13. Reserved.

Editor's note—

Ord. No. 2003-01, § 9, adopted Jan. 23, 2003, repealed [§ 11-13](#), which pertained to the prohibition of assault and battery and derived from the Code of 1919, § 404.

§ 11-14. Reserved.

Editor's note—

Ord. No. 2003-01, § 10, adopted Jan. 23, 2003, repealed [§ 11-14](#), which pertained to the prohibition of affrays and derived from the Code of 1919, § 400.

§ 11-15. Reserved.

Editor's note—

Ord. No. 2003-01, § 11, adopted Jan. 23, 2003, repealed [§ 11-15](#), which pertained to trespassing and derived from the Code of 1919, § 408.

§ 11-16. Reserved.

Editor's note—

Ord. No. 2003-01, [§ 12](#), adopted Jan. 23, 2003, repealed [§ 11-16](#), which pertained to loitering and derived from § 61 of an ordinance adopted April 6, 1927.

§ 11-17. Reserved.

Editor's note—

Ord. No. 2003-01, [§ 13](#), adopted Jan. 23, 2003, repealed [§ 11-17](#), which pertained to loitering at night and derived from the Code of 1919, § 409.

§ 11-18. Reserved.

Editor's note—

Ord. No. 2003-01, [§ 14](#), adopted Jan. 23, 2003, repealed [§ 11-18](#), which pertained to aiding the escape of prisoners and derived from the Code of 1919, § 403.

§ 11-19. Reserved.

Editor's note—

Ord. No. 2003-01, [§ 15](#), adopted Jan. 23, 2003, repealed [§ 11-19](#), which pertained to aiding the escape of convicts and derived from the Code of 1919, § 404.

§ 11-20. Reserved.

Editor's note—

Ord. No. 2003-01, [§ 16](#), adopted Jan. 23, 2003, repealed [§ 11-20](#), which pertained to the penalty for escaped prisoners and derived from the Code of 1919, § 405.

§ 11-21. Reserved.

Editor's note—

Ord. No. 2003-01, [§ 17](#), adopted Jan. 23, 2003, repealed [§ 11-21](#), which pertained to defamation and derived from the Code of 1919, § 427.

§ 11-22. Disturbing assemblies or women in public place prohibited; penalty.

Any person who willfully disturbs any school or other assemblage of people met for any lawful purpose, or for amusement or recreation, or who disturbs any woman at any public place within the city must, on conviction, be fined not less than ten dollars (\$10.00) no more than five hundred dollars (\$500.00), and may also be imprisoned in the city prison or sentenced to hard labor on the streets for the city for not more than thirty (30) days.

(Code of Fayette, 1919, § 429)

State law reference— Code of Alabama, §§ 13-6-101, 13-6-103

§ 11-23. Disturbing religious worship—prohibited; penalty.

Any person who willfully interrupts or disturbs any assemblage of people met for religious worship by noise, profane discourse, rude or indecent behavior or any other act must, on conviction, be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), and may also be imprisoned in the city prison or sentenced to hard labor for the city for not more than thirty (30) days.

(Code of Fayette, 1919, § 428)

State law reference— Code of Alabama, § 13-6-102

§ 11-24. Reserved.

Editor's note—

Ord. No. 2003-01, § 18, adopted Jan. 23, 2003, repealed [§ 11-24](#), which pertained to violations on Sundays and derived from the Code of 1919, § 398.

§ 11-25. Sound amplifiers—regulations; exceptions.

Within that portion of the City of Fayette, Alabama, bounded on the south by the north right-of-way line of the Southern Railway, on the west by the east edge of Peyton Street, on the north by the south edge of Luxapalila Street, on the east by the west edge of Caine or Foreacre Street, it shall be unlawful for any person or persons, firms or corporations to make use of an electrical or mechanical device for the purpose of amplifying the human voice, or for the purpose of amplifying the sound produced by musical instruments, whether direct or through the use of recordings.

There is exempted from the operation of this section, upon compliance with provisions hereinafter set forth, all ministers of the various established churches within the City of Fayette, Alabama, who wish to make announcements of various church activities by the use of loud speakers affixed to an automobile and which said announcements are to be made from a moving automobile. Any such minister wishing to make announcements of his various church activities shall first obtain from the mayor of the City of Fayette, a permit authorizing him to use the streets within the area above defined for such purpose.

There is also exempt from the operation of this section all candidates for state offices who wish to use amplifying devices within the area defined above. Candidates for state offices need to obtain a permit from the mayor also before using such devices.

(Ord. of 6-7-65, § 1)

§ 11-26. Same—Prohibited use; exceptions.

In all other areas or portions of the city, not specifically described in the next preceding section, it shall be unlawful for any person, persons, firms or corporations to maintain or operate any loudspeaker or other device by which sounds are magnified and made heard over any public street or public place within the city limits without first obtaining a permit from the mayor authorizing the use thereof, and no person, persons, firm or corporation shall use, operate or employ any such device within a radius of two (2) blocks from any hospital or within a radius of two (2) blocks from any church while services are being held there.

This section shall not apply to radios in homes or in private pleasure vehicles, when the same are operated in such manner as not to be audible at a distance of fifty (50) feet from such vehicle, nor to noise devices, bands or other musical devices used in any public parade or procession which is operated under a permit in accordance with the ordinance of the city. The exemptions cited in the next preceding section shall also be exempted from the provisions herein.

(Ord. of 6-7-65, § 2; Ord. No. 1996-04, § 1, 6-3-96)

§ 11-27. Same—Penalty for violation.

Any person, firm or corporation violating any of the provisions of the next two (2) preceding sections, shall be fined not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00), to which may be added, in the discretion of the court trying the case, confinement in the city jail or to hard labor for the city for a period not exceeding six (6) months.

(Ord. of 6-7-65, § 4)

§ 11-28. City cemetery—Prohibited burial area.

It shall be unlawful for burial to be made east of the present Fayette-Vernon Highway and west of a line drawn north and south so as to touch the western edge of lots on the western edge of the present city cemetery and heretofore conveyed and used for burial purposes.

(Ord. of 3-5-50, § 1)

§ 11-29. Same—Areas not affected.

The next preceding section shall not be construed as affecting lands to the south of lands now used for the said cemetery, nor as affecting lands to the north and east of lands presently used for said city cemetery.

(Ord. of 3-5-50, § 2)

§ 11-30. Same—Penalty for violation.

Any person, violating any of the provisions of [section 11-28](#) by burying a dead body or dead bodies within the area hereby prohibited, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than two hundred (\$200.00) dollars, and may be imprisoned at hard labor for the city for not more than six (6) months, one or both, in the discretion of the court trying the case.

(Ord. of Mar. 6, 1950, § 3.)

§ 11-31 Billiard or Pool Room - Conditions for Operating

No person, firm or corporation shall operate, maintain or manage a billiard or pool room, open to visitation and playing by the public, unless the same be operated in a building equipped with a clear glass or other transparent front which will afford a clear view of the entire billiard or pool room, such view to be unobstructed by partitions, curtains or otherwise, nor shall such billiard or pool room be operated except on street level, and no such room shall be operated in a basement or above the street level.

(Ord. of Jan. 5, 1948, § 1.)

§ 11-32 Soliciting Donations - Permit Required

It shall be unlawful for any person, firm, corporation, society or association to solicit the gratuitous donation or money or other thing of value in or upon any street, avenue, alley, park or other public place within the City of Fayette, Alabama, unless a permit therefor be first obtained from the mayor of the City of Fayette, Alabama.

(Ord. of May 15, 1939, § 1.)

§ 11-33 Soliciting Donations - Conditions for Granting of Permit

No permit required by the next preceding section shall issue unless the entire proceeds of the donations mentioned therein are to be used for some public, charitable, educational, religious or other similar purpose, and the character and fitness of the applicant for such permit is such as to insure the devotion of the entirety of such proceeds, without deduction of commissions, wages or fees, to the purpose for which the same are permitted to be raised.

(Ord. of May 15, 1939, § 2.)

§ 11-34 Soliciting Donations - Information Needed Before Granting Permit

Before issuing any such permit, the mayor may require a written application, signed and sworn to by the applicant, setting forth the name and address of the officers and directors of the applicant, if such applicant be other than an individual, the names and addresses of the officers and directors of the organization for which the solicitation of funds is to be made, the purpose for which said funds are to be

raised, the time for which a permit is desired, whether any commissions, fees, wages or other compensation is to be expended in connection with such solicitation and such other additional information as may be reasonably necessary to enable the mayor to judge of the propriety of issuing such permit.

(Ord. of May 15, 1939, § 3.)

§ 11-35 Penalty for Violation

Any person, firm, corporation or partnership, violating any of the provisions of [section 11-45](#) above, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than five (\$5.00) dollars nor more than two hundred (\$200.00) dollars for each such offense.

(Ord. of May 15, 1939, § 4.)

§ 11-36 Soliciting from Persons in Vehicles in Transit - Prohibited

It shall be unlawful and an offense against the City of Fayette for any person to solicit business or charitable contributions from operators or passengers in vehicles which are in transit on any public way in the City of Fayette.

(Ord. of Sept. 15, 1975, § 1.)

§ 11-37 Penalty for Violation

Any person found guilty of violating any of the provisions of the next preceding section, shall be fined in an amount not exceeding the sum of two hundred (\$200.00) dollars, and may also be sentenced to hard labor for the city or to imprisonment in the city jail for a period not exceeding six (6) months, one or both, in the discretion of the court trying the case.

(Ord. of Sept. 15, 1975, § 2.)

§ 11-38. Obstructing streets unlawful; penalty.

Any person, who in any manner willfully obstructs any street or sidewalk of the city, or willfully does any act in any way interfering with the free use of any street or sidewalk of the city, must, on conviction, be fined not less than one dollar (\$1.00), and not more than fifty dollars (\$50.00).

(Code 1919, § 391)

§ 11-39. Riding, driving on sidewalks, gutters, sewers prohibited; penalty.

Any person who willfully or wantonly rides or drives upon any sidewalk, gutter or sewer within the corporate limits of the City of Fayette, Alabama, must, on conviction, be punished by a fine not exceeding five hundred dollars (\$500.00), and may also be imprisoned in the city prison or sentenced to hard labor upon the streets of the City of Fayette, Alabama, for not more than six (6) months; and in the event the fine and costs are not presently paid, the city shall require the offender, or person thus in default, to work out the fine and costs under the direction of the city authorities.

(Code 1919, § 392)

§ 11-39.1. Cutting across or driving through private property to avoid traffic control device prohibited.

It shall be unlawful for any person to operate a vehicle upon any private premises for the purpose of avoiding a traffic-control device or for the purpose of using the private premises solely as a route of travel from one roadway to another.

(Ord. No. 1997-04, § 1, 5-5-97)

§ 11-40. Riding on sidewalks prohibited; penalty.

Any person who rides any bicycle, motorcycle, scooter, skateboard, skates or like vehicle or apparatus, except handicapped persons and children under the age of ten (10) years, upon or across any sidewalk, except at public crossings, within the following described boundaries of the city, viz:

That area of the city bounded on the South by the Southern Railway right-of-way; on the North by 5th Street, NE and NW (Walker Street); on the East by 2nd Avenue, NE and SE (Aylette Street); and, on the West by 2nd Avenue, NW and SW (Winston Street)

shall be guilty of a misdemeanor.

(Code 1919, § 394; Ord. No. 1990-7, § 1, 10-1-90; Ord. No. 1996-02, § 1, 3-18-96)

§ 11-40.1. Bicycle and scooter operation.

(a) *Bicycle and scooter operation; when unlawful.* It is unlawful for any person to use a bicycle or scooter on a public roadway, sidewalks, other public rights-of-way, state, city, or county public park under any one of the following conditions:

- (1) For any person under the age of sixteen (16) years to operate or be a passenger on a bicycle or scooter unless at all times the person wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.
- (2) For any person to operate a bicycle or scooter with a passenger who weighs less than forty (40) pounds or is less than forty (40) inches in height unless the passenger is properly seated in and adequately secured in a restraining seat.
- (3) For any parent or legal guardian of a person under the age of sixteen (16) years to knowingly permit the person to operate or be a passenger on a bicycle or scooter in violation of subdivision (1) or (2)

(b) *Violations.* Violations of subsection (a) shall be handled in the following manner:

- (1) On the first offense, the police officer shall counsel and provide written information to the child relative to bicycle or scooter helmet safety. The officer shall instruct the child to deliver the written information to the parent.
- (2) On the second offense, the police officer shall counsel the child and provide written information on bicycle or scooter helmet safety. A warning citation shall be issued to the child to give to the parent. The citation shall instruct the parent or guardian to contact the police department for further information about the law and where to obtain a bicycle or scooter helmet.
- (3) On the third offense, the police officer shall counsel the child, confiscate the bicycle or scooter, and take the child to his or her residence. The officer shall then return the bicycle or scooter and give a warning ticket to the parent or guardian. If the parent or guardian is unavailable, the ticket shall be left at the residence with instructions to the parent or guardian to pick up the bicycle or scooter at the police department.

- (4) On the fourth offense, the police officer shall confiscate the bicycle or scooter, take the child to his or her residence, whereupon a citation for fifty dollars (\$50.00) will be issued to the parent or guardian to pick up the bicycle or scooter at the police department.

(Ord. No. 2001-06, §§ 1, 2, 3-15-01)

§ 11-41. Obstructing crossings unlawful; penalty.

Any person, firm or corporation, who obstructs the free passage of any street or crossing in the city, with any animal, vehicle or otherwise, and shall not immediately remove such obstruction on the request of any person wishing to use such crossing, must, on conviction, be fined not less than one dollar (\$1.00), and not more than twenty-five dollars (\$25.00) dollars.

(Code 1919, § 396)

§ 11-42. Standing trains on sidewalk—prohibited; penalty.

Any person, firm or corporation running or operating a railroad, trains or engines within the corporate limits of the city who permits any such train or engine or railroad car or any part of such train, engine or railroad car to stand on or across any street, sidewalk or public crossing in the city, so as to prevent the usual travel of the public over or across such street, sidewalk or public crossing, shall be fined not less than one dollar (\$1.00) and not more than twenty-five dollars (\$25.00).

(Code of Fayette, 1919, § 397)

ARTICLE II. MISDEMEANORS INVOLVING PRIVATE, PERSONAL AND PUBLIC PROPERTY

[§ 11-43. Reserved.](#)

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[§ 11-51. Injuring or removing property on which city has lien unlawful; penalty.](#)

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[§ 11-54. Reserved.](#)

[§ 11-55. Reserved.](#)

§ 11-43. Reserved.

Editor's note—

Ord. No. 2003-01, § 19, adopted Jan. 23, 2003, repealed [§ 11-43](#), which pertained to breaking or destroying fences and derived from the Code of 1919, § 440.

§ 11-44. Reserved.

Editor's note—

Ord. No. 2003-01, § 20, adopted Jan. 23, 2003, repealed [§ 11-44](#), which pertained to damaging or destroying telegraph or telephone lines and derived from the Code of 1919, § 438.

§ 11-45. Reserved.

Editor's note—

Ord. No. 2003-01, § 21, adopted Jan. 23, 2003, repealed [§ 11-45](#), which pertained to injuries to the property of others and derived from the Code of 1919, § 387.

§ 11-46. Reserved.

Editor's note—

Ord. No. 2003-01, § 22, adopted Jan. 23, 2003, repealed [§ 11-46](#), which pertained to taking possession of another's property and derived from the Code of 1919, § 406.

§ 11-47. Reserved.

Editor's note—

Ord. No. 2003-01, § 23, adopted Jan. 23, 2003, repealed [§ 11-47](#), which pertained to destroying the property of others and derived from the Code of 1919, § 389.

§ 11-48. Reserved.

Editor's note—

Ord. No. 2003-01, § 24, adopted Jan. 23, 2003, repealed [§ 11-48](#), which pertained to defacing public or private buildings and derived from the Code of 1919, § 388.

§ 11-49. Reserved.

Editor's note—

Ord. No. 2003-01, § 25, adopted Jan. 23, 2003, repealed [§ 11-49](#), which pertained to removing personal property with intent to defraud another and derived from the Code of 1919, § 411.

§ 11-50. Reserved.

Editor's note—

Ord. No. 2003-01, § 26, adopted Jan. 23, 2003, repealed [§ 11-50](#), which pertained to removing property on which lien exists and derived from the Code of 1919, § 410.

§ 11-51. Injuring or removing property on which city has lien unlawful; penalty.

Any person, who removes, injures or destroys any real estate or personal property upon which the city has a lien for unpaid taxes, with the intent to injure or defraud the city after being notified of such lien, must, on conviction, be fined not less than five dollars (\$5.00), and not more than two hundred dollars (\$200.00).

(Code of Fayette, 1919, § 412)

§ 11-52. Failure to return property of library—a misdemeanor.

It shall be unlawful for any person to willfully detain or fail to return any book, periodical or any property of the Fayette County Memorial Library for thirty (30) days after notice is given to return the same, and any violator shall be guilty of a misdemeanor.

(Ord. of 11-15-71, § 1)

§ 11-53. Penalty for violation.

Any person, violating any of the provisions of the next preceding section shall, upon conviction, be fined not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00) or may be sentenced to the city jail of the City of Fayette for a term not exceeding thirty (30) days, either or both, at the discretion of the recorder.

(Ord. of 11-15-71, § 2)

§ 11-54. Reserved.

Editor's note—

Ord. No. 2003-01, § 27, adopted Jan. 23, 2003, repealed [§ 11-54](#), which pertained to bringing stolen property into the city and derived from the Code of Fayette, § 418.

§ 11-55. Reserved.

Editor's note—

Ord. No. 2003-01, § 28, adopted Jan. 23, 2003, repealed [§ 11-55](#), which pertained to buying or concealing stolen property and derived from the Code of Fayette, 1919, § 419.

ARTICLE III. RESERVED

[§ 11-56. Reserved.](#)

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[§ 11-59. Reserved.](#)

§ 11-56. Reserved.

Editor's note—

Ord. No. 2003-01, § 29, adopted Jan. 23, 2003, repealed [§ 11-56](#), which pertained to the definition of disorderly conduct and derived from the Code of Fayette, § 418.

§ 11-57. Reserved.

Editor's note—

Ord. No. 2003-01, § 30, adopted Jan. 23, 2003, repealed [§ 11-57](#), which pertained to the use of obscene, abusive or profane language and derived from the Code of Fayette, § 399.

§ 11-58. Reserved.

Editor's note—

Ord. No. 2003-01, § 31, adopted Jan. 23, 2003, repealed [§ 11-58](#), which pertained to disorderly houses and derived from § 1 of an ordinance adopted Oct. 18, 1937.

§ 11-59. Reserved.

Editor's note—

Ord. No. 2003-01, § 32, adopted Jan. 23, 2003, repealed [§ 11-59](#), which pertained to public drunkenness and derived from § 1 of an ordinance adopted Oct. 18, 1937.

ARTICLE IV - EXPLOSIVES, FIREARMS AND FIREWORKS

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§ 11-60 Explosives - Definitions

Whenever used in the sections hereinafter, unless contrary intention is clearly evident, the following terms shall be interpreted as herein defined:

- a. Explosive - Shall mean and include any chemical compound or mechanical mixture, that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, friction, concussion, percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limbs.
- b. Highway - Shall mean any alley, street, highway or any public way within the City of Fayette, Alabama, and its police jurisdiction.
- c. Magazine - Shall mean any building or structure used for the storage of explosives.
- d. Small Arms Ammunition - Shall mean any shotgun, rifle, pistol or revolver cartridges.

(Ord. of May 16, 1955, § 1.)

§ 11-61 Explosives - Storage

All explosives, except small arms ammunition, shall be kept stored in a magazine complying with the requirements of this regulation; provided, that such explosives may be transported or used as permitted by this regulation.

- a. Regulations:
 1. Blasting caps or detonators of any kind shall not be kept in the same magazine with other explosives.
 2. All magazines shall be kept locked except when being inspected or when explosives are being placed therein or being removed therefrom.
 3. All magazines shall be kept clean, dry and free of grit, paper, empty packages and rubbish.

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4. No fire or open flame of any kind shall be permitted within twenty-five (25) feet of a magazine containing explosives.
 5. Smoking shall not be permitted in or in the vicinity of a magazine.
 6. Magazines shall not be provided with artificial heat or light, except that portable electric safety battery lamps may be used for lighting.
 7. The area for a distance of twenty-five (25) feet around a magazine shall be kept free of brush, grass, rubbish and other combustible materials.
- b. Classes of magazines:
1. Class A magazines shall be for the storage of explosives when quantities are in excess of fifty (50) pounds.
 2. Class A magazines shall be located at distances from neighboring buildings, highways and railways in conformity with the "American Table of Distances for Storage of Explosives" herein.
 3. Class A magazines shall be constructed of brick, concrete, iron or wood with the exterior of the walls covered with iron, or of other approved construction. They shall be constructed to provide resistance against bullets, and shall have no openings except for ventilation and entrances. Ventilation openings shall be screened to prevent entrance of sparks.
 4. Property upon which Class A magazines are located shall be posted with signs reading "Explosives-Keep Off." Such signs shall be located so that if any one shoots at the sign the bullet will not travel in the direction of the magazine.
 5. Class B magazines shall be for the storage of explosives in quantities of fifty (50) pounds or less.
 6. Class B magazines shall be located at distances from neighboring buildings, highways and railways in conformity with the "American Table of Distances for Storage of Explosives" herein.
 7. Class B magazines when within any building shall be located not more than ten (10) feet from and on the same floor with the entrance of the floor nearest the street level. Two Class B magazines may be located on the same premises when one is used only for the storage of blasting caps in quantity not in excess of five thousand (5,000) caps.
 8. Class B magazines shall be constructed of two (2) inch tongue and grooved hardwood covered on the outside with twenty (20) U. S. Standard gauge sheet iron. They shall be mounted on wheels and shall be painted vermilion and shall be conspicuously marked "Explosives" in white letters at least three (3) inches in height on all sides and top.
 9. Portable magazines—when explosives in excess of immediate requirements are removed from a magazine and delivered in the vicinity of a blasting operation, they shall be kept in a portable magazine consisting of either a stout tight box covered with not less than twenty-four (24) gauge sheet iron and equipped with a hinged lid or in a small portable building similarly covered. Such portable magazine shall be painted red and conspicuously marked "Explosives-Dangerous" in white block letters not less than three (3) inches in height.

(Ord. of May 16, 1955, § 2; for state law regarding storage of explosives, see: Code of Alabama, tit. 14, § 391.)

§ 11-62 Deteriorating Explosives

When any explosive has deteriorated to such an extent that it is in an unstable or dangerous condition, or if nitroglycerine leaks from any explosive, then the person in possession of such explosive shall immediately cause same to be removed and destroyed in accordance with the instructions of the manufacturer of the explosive.

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(Ord. of May 16, 1955, § 3.)

§ 11-63 Explosive - Distances for Storage

AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES					
EXPLOSIVES		DISTANCE IN FEET WHEN STORAGE IS BARRICADED			
POUNDS OVER	POUNDS NOT OVER	FROM INHABITED BUILDINGS	FROM PASSENGER RAILWAYS	FROM PUBLIC HIGHWAYS	SEPARATION OF MAGAZINES
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	11
30	40	140	55	55	12
40	50	150	60	60	14
50	75	170	70	70	15
75	100	180	75	75	16
100	125	200	80	80	18
125	150	215	85	85	19
150	200	235	95	95	21
200	250	255	105	105	23
250	300	270	110	110	24
300	400	295	120	120	27

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400	500	320	130	130	29
500	600	340	135	135	31
600	700	355	145	145	32
700	800	375	150	150	33
800	900	390	155	155	35
900	1,000	400	160	160	36
1,000	1,200	425	170	165	39
1,200	1,400	450	180	170	41
1,400	1,600	470	190	175	43
1,600	1,800	490	195	180	44
1,800	2,000	505	205	185	45
2,000	2,500	545	220	190	49
2,500	3,000	580	235	195	52
3,000	4,000	635	255	210	58
4,000	5,000	685	275	225	61
5,000	6,000	730	295	235	65
6,000	7,000	770	310	245	68
7,000	8,000	880	320	250	72
9,000	10,000	865	345	260	78
10,000	12,000	875	370	270	82

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12,000	14,000	885	390	275	87
14,000	16,000	900	405	280	90
16,000	18,000	940	420	285	94
18,000	20,000	975	435	290	98
20,000	25,000	1,055	470	315	105
25,000	30,000	1,130	500	340	112
30,000	35,000	1,205	525	360	119
35,000	40,000	1,275	550	380	124
40,000	45,000	1,340	570	400	129
45,000	50,000	1,400	590	420	135

Note 1: Each one thousand (1,000) blasting caps shall be considered equivalent to one and one-half (1.5) pounds of explosives.

Note 2: Barricaded means that a building containing explosives is effectually screened from a magazine, building, railway or highway, either by a natural barricade, or by an artificial barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine, or building or to a point twelve (12) feet above the center of a railway or highway, will pass through such intervening natural or artificial barricade.

Note 3: Artificial barricade means an artificial mound or revetted wall of earth of a minimum thickness of three (3) feet.

Note 4: Natural barricade means natural features of the ground, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

Note 5: When a building containing explosives is not barricaded, the distances shown in the Table herein shall be doubled.

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Note 6. Inhabited building means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosives.

Note 7. When two (2) or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways and highways and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two (2) or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two (2) or more magazines, as a group, must be considered as one (1) magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine or the group, and must comply with the minimum distances specified from other magazines, inhabited buildings, railways and highways.

Note 8: This Table hereby applies only to the permanent storage of commercial explosives. It is not applicable to transportation of explosives, or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles or other heavily encased explosives.

(Ord. of May 16, 1955, § 4.)

§ 11-64 Transportation of Explosives; Exceptions

- a. Blasting caps or detonators shall not be transported over the highways on the same vehicles with explosives.
- b. Vehicles, used for the transportation of explosives, shall be strong enough to carry the load without difficulty, and shall be in good mechanical condition. If said vehicles do not have a closed body, the body shall be covered with a tarpaulin or other effective protection against moisture and sparks. Such vehicles shall have tight floors and shall have a lining of wood or other non-sparking material which shall cover any projections or metal which might come into contact with packages of explosives.
- c. Every vehicle while carrying explosives shall have painted on both sides and rear, in letters at least four (4) inches high, in contrasting colors, the word "EXPLOSIVES" or in lieu thereof shall display, in such manner that it will be visible from all directions, a red flag with the word "EXPLOSIVES" printed, stamped or sewed thereon in white letters at least six (6) inches high.
- d. Every vehicle, when used for transporting explosives over highways within the City of Fayette, Alabama, and its police jurisdiction, shall be equipped with not less than two (2) approved types of fire extinguishers, suitable for use on flammable liquid fires, filled and ready for immediate use, and located near the driver's seat.
- e. It shall be the duty of the person in charge of vehicles transporting explosives over the highways within the City of Fayette, Alabama, and its police jurisdiction, to daily inspect those vehicles employed by him to determine that:
 1. Fire extinguishers are filled and in work-order;
 2. Electric wiring is completely insulated and firmly secured;
 3. Chassis, motor, body and all other parts of vehicles are clean and free from surplus oil and grease;

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4. Gasoline tank and piping are secure and without leaks;
 5. Brakes and steering equipment are in good condition; and
 6. The vehicle is in proper condition for handling explosives.
- f. Vehicles transporting explosives shall only be driven by and be in charge of a driver who is careful, capable, reliable and not addicted to the use of or under the influence of intoxicants or narcotics. He shall be familiar with the traffic regulations, state laws and the provisions of the fire marshal's regulations governing the transportation of explosives, and the provisions of this section pertaining to the transportation of explosives.
 - g. No explosives shall be transported in any form of pole-type trailer, nor shall any trailer be attached to a vehicle hauling explosives.
 - h. No metal, metal tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing or corrosive compounds shall be carried in the bed or body of any vehicle transporting explosives.
 - i. Vehicles containing explosives shall never be taken into a garage or other repair shop for repairs or storage.
 - j. Transporting explosives when possible shall be done only during daylight hours.
 - k. Unauthorized persons, or passengers, shall not ride on a vehicle transporting explosives.
 - l. Vehicles transporting explosives shall not be left unattended, at any time, except while making actual deliveries. In making deliveries, explosives shall not be left unless they are placed in a magazine or in charge of some competent person authorized to accept them.
 - m. Vehicles transporting explosives and traveling in the same direction shall not be driven nearer than three hundred (300) feet of each other.
 - n. Explosives shall not be transported through any completed vehicular tunnel or subway.
 - o. When explosives are loaded or unloaded, the packages containing the explosives shall not be thrown or dropped but shall be carefully deposited and stored in such a manner as to prevent any displacement of the packages.
 - p. Nothing in the sections hereinto for shall be construed as applying to:
 1. The regular military or naval forces of the United States, the duly authorized militia of this state, or to the police and fire departments in the proper performance of their duty.
 2. Signal rockets or devices or compositions used to obtain visible or audible pyrotechnic effects, which are covered in Act No. 110, General Acts of the 1949 Alabama Legislature.
 3. The laboratories of schools, colleges and similar institutions when confined to the purpose of instruction or research, or explosives in the forms prescribed by the official United States Pharmacopeia.
 4. The hand loading of small arms ammunition for private personal use and not for resale. For this purpose, not more than ten (10) pounds of smokeless powder and one thousand (1,000) small arms primers packed in approved I.C.C. containers shall be permitted to be kept on hand when acceptable to the police authorities.

(Ord. of May 16, 1955, § 5)

§ 11-65. Penalty for violation.

Any person, violating the sections hereinabove, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00), and may also be imprisoned in the municipal jail or sentenced to hard labor for the city for a period not exceeding six (6) months, one or both.

(Ord. of May 16, 1955, § 6)

§ 11-66. Discharging firearms off one's premises—unlawful.

It shall be unlawful for any person to discharge air rifles or firearms of any nature or description off his or her own premises within the corporate limits of the City of Fayette, Alabama.

(Ord. of 6-19-61, § 1)

State law reference— Code of Alabama, § 13-6-164

§ 11-67. Discharging firearms in city—unlawful.

It shall be unlawful for any person to discharge, within the corporate limits of the City of Fayette, an air rifle or firearm of any nature or description across the lands of another or across a public street, road or alley.

(Ord. of 6-19-61, § 2)

§ 11-68. Penalty for violation.

Any person violating the next preceding section shall be guilty of a misdemeanor.

(Ord. of 6-19-61, § 3; Ord. No. 2003-1, § 33, 1-23-03)

§ 11-69. Reserved.

Editor's note—

Ord. No. 2003-01, § 34, adopted Jan. 23, 2003, repealed [§ 11-69](#), which pertained to shooting or throwing missiles at others' houses and derived from the Code of Fayette, 1919, § 421.

§ 11-70. Reserved.

Editor's note—

Ord. No. 2003-01, § 35, adopted Jan. 23, 2003, repealed [§ 11-70](#), which pertained to carrying concealed pistols and derived from the Code of Fayette, 1919, § 200.

§ 11-71. Reserved.

Editor's note—

Ord. No. 2003-01, § 36, adopted Jan. 23, 2003, repealed [§ 11-71](#), which pertained to carrying pistols onto others' premises and derived from the Code of Fayette, 1919, § 201.

§ 11-72. Reserved.

Editor's note—

Ord. No. 2003-01, § 37, adopted Jan. 23, 2003, repealed [§ 11-72](#), which pertained to penalties for violations of the two preceding sections and derived from the Code of Fayette, 1919, § 202.

§ 11-73. Reserved.

Editor's note—

Ord. No. 2003-01, § 38, adopted Jan. 23, 2003, repealed [§ 11-73](#), which pertained to carrying concealed weapons and derived from § 1 of an ordinance adopted May 28, 1928.

§ 11-74. Sale of fireworks—Prohibited.

It shall be unlawful for any person, firm or corporation to sell or offer for sale any fire crackers, Roman candles, sky rockets, torpedoes or any other explosives which are commonly termed a firework or fireworks within the City of Fayette.

(Ord. of Dec. 16, 1963, § 1; Ord. No. 2000-08, § 1, 6-21-00)

§ 11-75. Shooting off fireworks—Prohibited.

It shall be unlawful for any person, firm or corporation to fire, ignite or explode any fire crackers, Roman candles, sky rockets, torpedoes or any other explosive which are commonly termed a firework or fireworks within the City of Fayette.

(Ord. of Dec. 16, 1963, § 2; Ord. No. 2000-08, § 2, 6-21-00)

State law reference— Similar provisions, Code of Alabama, Tit. 14, § 125(1).

§ 11-76. Permit for pyrotechnic display.

The mayor may, upon due application, issue a permit to a properly qualified person for giving a pyrotechnic display in the public parks or other open place within the city. Such permits shall impose restrictions as, in the opinion of the mayor, may be necessary to properly safeguard life and property in each case.

(Ord. of June 17, 1946, § 3)

§ 11-77. Storing fireworks—Place to be approved by fire chief.

It shall be unlawful for any person, firm or corporation to store or have in their possession any firework or fireworks, Roman candles, sky rockets, torpedoes or other explosives which are commonly termed a firework or fireworks within the City of Fayette or within the police jurisdiction thereof, except at such place or places that shall be approved by the fire chief of the City of Fayette as a place suitable for same.

(Ord. of Dec. 16, 1963, § 3)

§ 11-78 Exception

Nothing contained in the preceding sections shall apply to the sale or use of sparklers or dipped sticks.

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(Ord. of Dec. 16, 1963, § 4.)

§ 11-79 Penalty for Violation

Any person, firm or corporation violating any provision of the sections hereinabove, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than one (\$1.00) dollar nor more than two hundred (\$200.00) dollars and each day the person, firm or corporation possesses, sells or offers for sale any fireworks, as defined herein, shall constitute a separate offense.

(Ord. of Dec. 16, 1963, § 5.)

ARTICLE V - MASSAGE PARLORS

[§ 11-80 Definitions](#)

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[§ 11-82 License Required](#)

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§ 11-80 Definitions

- a. Employee - Shall mean any and all persons, other than the masseurs or masseuses, who render any service to the licensee, who receive compensation directly from the licensee and who have no physical contact with the customers and clients.
- b. Licensee - Shall mean any person, firm or corporation in possession of a valid, unrevoked license issued by the City of Fayette for the operation of a massage parlor.
- c. Massage - Shall mean any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in this practice.
- d. Massage Parlor - Shall mean any establishment having a fixed place of business where any person, firm, association or corporation engages in the business of giving massages or permits others to engage in such business or practice.

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- e. Masseur or Masseuse - Shall mean any person who, for any consideration, engages in the practice of massage as herein defined.
- f. Person - Shall mean any individual, partnership, firm, association, corporation or combination of individuals of whatever form or character.

(Ord. of Dec. 18, 1974, § 1.)

§ 11-81 Exceptions

This article shall not apply to hospitals, nursing homes or to any physician, osteopath, chiropractor, physical therapist or person of similarly licensed status; nor shall the same apply to any person administering therapy prescribed by a medical doctor to be administered to any person.

(Ord. of Dec. 18, 1974, § 2.)

§ 11-82 License Required

No massage parlor shall be opened to members of the public, or operated for any other purpose, unless the owner or other person in charge thereof shall first have obtained a license therefor from the City of Fayette.

(Ord. of Dec. 18, 1974, § 3.)

§ 11-83 Revocation of License

Any license, issued hereunder by the City of Fayette, may be revoked by the city upon the violation of any section, requirement or provision of this article by the licensee or by any agent or employee of said licensee; provided, the licensee shall first be notified of said violation and be afforded a hearing before the city council of the City of Fayette. Written notice of any violation hereunder and any hearing thereon before the city council may be given to any licensee by delivering said notice by hand to the licensee, or in his absence, to any adult person employed at the licensed premises or by depositing said notice, postage prepaid, in the United States Mail and addressed to the licensee at the licensed premises, not less than ten (10) days prior to such hearing before the city council.

(Ord. of Dec. 18, 1974, § 4.)

§ 11-84 Health and Sanitary Requirements

Any massage parlor, licensed under the provisions of this article, shall at all times comply with all health regulations, rules and requirements as now or hereinafter promulgated by the Fayette County Health Department.

(Ord. of Dec. 18, 1974, § 5.)

§ 11-85 Inspection

Any premises, used for the purpose of a massage parlor, shall during all hours of operation be made open and available to inspection by the Fayette County Health Department and the Fayette Police Department for the purposes of insuring compliance with the requirements of the county board of health and with the requirements of this article.

(Ord. of Dec. 18, 1974, § 6.)

§ 11-86 Health Regulations

The following health regulations shall apply to the owner of a massage parlor and his employees:

- a. No applicant for a license to conduct or operate a massage parlor shall be granted the same unless he or she shall first present to the city clerk of the City of Fayette, the following:
 1. An affidavit listing the names of all employees to be employed on the premises at the commencement of the business; and
 2. A written verification from a physician, duly licensed to practice in the State of Alabama and bearing a date of not more than twenty (20) days prior to the application, evidencing that the applicant and each of those persons to be initially employed by the applicant, in and about the operation of the massage parlor, are free from infectious disease.
- b. No masseur, masseuse or other employee shall be employed in any massage parlor subsequent to the issuance of the license applied for hereinunder, without having first obtained a written verification from a physician, duly licensed to practice in the State of Alabama, bearing a date not more than twenty (20) days prior thereto, that the said person or employee is free of any contagious, infectious or communicable disease.
- c. Each such written verification of health examination shall be dated by the physician performing the examination and shall be renewed by a new examination every six (6) months.
- d. Any masseur, masseuse, or other employee of any massage parlor shall, at all times while on duty or working in any massage parlor, have upon his or her person said written medical verification.

(Ord. of Dec. 18, 1974, § 7.)

§ 11-87 Treatment of Patrons

The following provisions shall apply to the treatment of patrons in massage parlors:

- a. It shall be unlawful for any masseur or masseuse to apply or administer any massage to any person of the opposite sex in any massage parlor.
- b. It shall be unlawful for any licensee, granted a license under the provisions of this article, to allow any masseur or masseuse to apply any massage to any member of the opposite sex in the massage parlor for which said licensee has been granted a license.
- c. The private parts of patrons must at all times be covered by towels, clothes or undergarments when in the presence of any employee, masseur or masseuse. Any contact with a patron's genital area is strictly prohibited.

(Ord. of Dec. 18, 1974, § 8.)

§ 11-88 Treatment on Premises Only

No massages shall be administered or applied by any masseur or masseuse in any massage parlor except in or upon the premises where a license is regularly displayed, and at the location designated for the operation of said massage parlor in said license.

(Ord. of Dec. 18, 1974, § 9.)

§ 11-89 Not To Be Used as Dormitory

No massage parlor shall be used as and for a dormitory or place of sleep; nor shall any licensee, under this article, permit any massage parlor to be so used.

(Ord. of Dec. 18, 1974, § 10.)

§ 11-90 Signs and Advertising

The following provisions shall apply to the signs and advertising used by massage parlors:

- a. No licensee, granted a license under the provisions of this article, shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that would indicate or reasonably suggest to prospective patrons that any service is available other than those services defined herein as "massage," or that employees, masseurs or masseuses are dressed in any manner other than that described in section 11-129 of this article.
- b. Every massage parlor shall display a legible sign, not larger than permitted by the Zoning Ordinance of the City of Fayette, upon which sign the words "licensed masseur" or "licensed masseuse" or both, shall conspicuously appear thereon. Such sign shall contain letters no less than three (3) inches in height and shall be displayed in a manner that the words "licensed masseur" or "licensed masseuse" may be readily observed or read by persons upon entering the premises occupied by any massage parlor.
- c. No massage parlor shall operate under any name, or conduct its operation under any designation not specified in its license issued by the City of Fayette in accordance with this article.

(Ord. of Dec. 18, 1974, § 11(a,b,c).)

§ 11-91 Massage To Be Given in Visible Area

All massages, as defined herein, must be carried on in one cubicle, room, booth or other area within the massage parlor. No massage, as defined herein, may be carried on in any cubicle, room, booth or area except where such cubicle, room, booth or area has transparent doors or walls, such that all activity within the cubicle, room, booth or area is visible outside the same.

(Ord. of Dec. 18, 1974, § 11d.)

§ 11-92 Cleanliness

The following regulations shall apply to personal apparel and cleanliness in massage parlors:

- a. No towels, wash clothes or other cloth or linen items shall come in contact with the body, or any part thereof, of any patron at a massage parlor that has not been boiled and laundered since last used.
- b. Every masseur or masseuse shall cleanse his or her hands thoroughly by washing same with soap and hot water before attending or massaging any person.
- c. All employees, masseurs and masseuses, shall be clothed from the shoulders to the knees by a robe, smock or other opaque apparel. Flimsy, transparent, form-fitting or tight clothing is prohibited.
- d. Any massage parlor, licensed pursuant to this article, shall be equipped with running hot and cold water and with all appliances, furnishings and materials as may be necessary to enable persons employed in and about said massage parlor to comply with the provisions of this ordinance.

(Ord. of Dec. 18, 1974, § 12.)

§ 11-93 Penalty for Violation

Any person, firm or corporation violating any of the provisions of this article, shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be fined in an amount not exceeding two hundred (\$200.00) dollars or be imprisoned in the city jail for a period not exceeding twenty (20) days, or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

(Ord. of Dec. 18, 1974, § 13.)

ARTICLE VI - AUTHORITY OF POLICE

[§ 11-94 Failure to Obey Lawful Order of Police Officer - Unlawful](#)

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[§ 11-104. Penalty for violation.](#)

§ 11-94 Failure to Obey Lawful Order of Police Officer - Unlawful

It shall be unlawful for any person to fail or refuse to obey the direction or order of a member of the police department of the City of Fayette, while said member is acting in an official capacity in carrying out his duties.

(Ord. of June 15, 1964, § 1.)

§ 11-95 Penalty for Violation

Any person, violating any of the provisions of the preceding section shall, upon conviction, be fined not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars or be sentenced to hard labor for the City of Fayette, Alabama, not exceeding six (6) months, one or both at the discretion of the recorder trying the case.

(Ord. of June 15, 1964, § 2.)

§ 11-96 Failure to Move or Disperse Upon Lawful Order - Prohibited

It shall be unlawful for any person, grouping or assemblage of persons, whose standing, remaining or congregating upon any entrance, alcove or steps leading from a public street or sidewalk to the entrance or exit of any public or private building or structure in the City of Fayette, Alabama, or its police jurisdiction, shall obstruct, prevent or interfere with the free or unobstructed use of said entrance or exit,

or of the street or sidewalk adjacent thereto by other persons, to fail or refuse to move on or to disperse upon being ordered to by any police officer of the City of Fayette, or by any other peace officer.

(Ord. of June 15, 1964, § 1.)

§ 11-97 Penalty for Violation

Any violation of the next preceding section shall constitute a misdemeanor and any person, upon conviction therefor, shall be punished by a fine of not less than one (\$1.00) dollar nor more than two hundred (\$200.00) dollars, and may also be imprisoned or sentenced to hard labor for the city for not more than six (6) months.

(Ord. of June 15, 1964, § 2.)

§ 11-98 Loitering After Warning - Unlawful

It shall be unlawful for any person or persons to loiter or loaf on, along or upon any sidewalk, street, avenue, public way or upon any public property in the City of Fayette, Alabama, after having been warned by a police officer of the City of Fayette not to so loiter or loaf.

(Ord. of Sept. 15, 1954, § 1.)

§ 11-99 Penalty for Violation

Any person, violating the next preceding section, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one (\$1.00) dollar and not more than two hundred (\$200.00) dollars, and may also be imprisoned in the municipal jail or sentenced to hard labor for the city for a period not exceeding six (6) months, one or both.

(Ord. of Sept. 15, 1954, § 3.)

§ 11-100 Chief of Police - Authority to Establish Police Line or Check Point

The chief of police of the City of Fayette, be and he hereby is authorized to establish or cause to be established a police line or check point at any location in the City of Fayette, or its police jurisdiction where, in the judgment of said police chief, it is reasonably necessary to do so for the purpose of maintaining law and order within an area to the rear of said line or check point, and to maintain said line or check point so long as, in the judgment of said police chief, the maintenance of such line or check point is necessary to maintain law and order in such area.

(Ord. of June 15, 1964, § 1.)

§ 11-101 Police Line or Check Point - Authority of Law Enforcement Officers

Policemen or other law enforcement officers, at any such line or check point, shall be authorized to prohibit any person or persons from entering the area for which such line or check point is being maintained, except residents of such area, persons engaged in the operation of businesses in such areas, customers of such businesses, persons servicing such businesses and such other persons as the chief of police, or the superior officer on duty at such line or check point, determines has business in such area of a nature not likely to impede the maintenance of law and order therein.

(Ord. of June 15, 1964, § 2.)

§ 11-102 Police Line or Check Point - Unlawful Acts

It shall be unlawful for any person to enter the area to the rear of any such line or check point in disregard of the order of any policemen or other law enforcement officer, at such line or check point. It shall be unlawful for any person, who is permitted to enter any such area as a customer of any business therein or to service any business therein, to fail to proceed directly to said business and to leave such area without delay upon the completion of the activity for which he or she was permitted to enter such area. It shall be unlawful for persons to congregate in the vicinity of such line or check point and refuse to disperse and leave after being ordered to do so by any police officer, or other law enforcement officer at such line or check point. It shall be unlawful for any person to remain at, or loiter at or in, the vicinity of any such line or check point after having been requested to depart therefrom by any policeman, or other law enforcement officer at such line or check point. It shall be unlawful for any person to remain in, or fail to leave, the area for which any such line or check point is being maintained after having been requested to do so by any policemen maintaining law and order or attempting to maintain law and order therein.

(Ord. of June 15, 1964, § 3.)

§ 11-103 Authority of Law Enforcement Officers - Cumulative

The power and authority delegated to the chief of police, any policeman or other law enforcement officer, under the provisions of the preceding sections, shall be cumulative and in addition to all other power and authority which such chief of police, policeman or other law enforcement officer may have under any other rule, regulation, ordinance or law.

(Ord. of 6-15-64, § 4)

§ 11-104. Penalty for violation.

Any violation of the next preceding sections shall constitute a misdemeanor and any person, upon conviction shall be punished by a fine of not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00), and may also be imprisoned or sentenced to hard labor for the city for not more than six (6) months.

(Ord. of 6-15-64, § 5)

ARTICLE VI¹/₂. ABANDONED, LOST OR STOLEN PROPERTY ¹¹

[§ 11-105. Delivery to chief of police.](#)

[§ 11-106. Storage.](#)

[§ 11-107. Sale generally.](#)

[§ 11-107.1. Sale of perishable property.](#)

[§ 11-107.2. Redemption by owner.](#)

[§ 11-107.3. Records to be kept.](#)

[§ 11-107.4. Disposition of property taken as evidence.](#)

[§ 11-107.5. Exceptions.](#)

§ 11-105. Delivery to chief of police.

Every item of personal property taken up or coming into the possession of any police officer of the city in his official capacity as lost, stolen or abandoned property, or otherwise, shall be delivered to the custody of the chief of police or the chief's designated representative and shall be stored and disposed of according to the provisions of this article.

(Ord. of 11-16-92, § 1)

§ 11-106. Storage.

Property taken up as provided in [section 11-105](#) shall be stored by the chief of police or the chief's designated representative in a suitable place to protect it from deterioration and held for a period of not less than three (3) months, excepting, however, that perishable property may be sold at once as provided in [section 11-107.1](#).

(Ord. of 11-16-92, § 2)

§ 11-107. Sale generally.

At least every six (6) months, the chief of police or the chief's designated representative shall sell, at public auction, to the highest bidder for cash, the property which has been taken up and stored for a period of three (3) months or more, as provided in this article, such sales to be made after 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 such notice of sale shall be at least twenty (20) days before the sale. Each article shall be sold separately and the person making 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 sale from time to time if all bids are rejected or if no bidders are present. The proceeds of any such sale shall be promptly paid into the general fund of the city.

(Ord. of 11-16-92, § 3)

§ 11-107.1. Sale of perishable property.

If property in the possession of the chief of police as provided in this article is perishable, the chief of police or the chief's designated representative may sell such property at public or private sale, at once and without notice, in which case the proceeds shall be promptly paid to the city clerk and there held for a period of six (6) months for the account of the owner and, if not called for within the time, shall be converted into the general fund of the city.

(Ord. of 11-16-92, § 4)

§ 11-107.2. Redemption by owner.

The owner of any property taken up and stored under this article, on proof of ownership, or any person having the legal right to possession thereof on proof of such right, may redeem the same at any time prior to sale by paying the reasonable expense of taking the property in charge, its maintenance and storage, and a pro rata of the cost of publication, if notice of sale has been published.

(Ord. of 11-16-92, § 5)

§ 11-107.3. Records to be kept.

The chief of police shall maintain a permanent storage record book containing a description of the property, the date of the taking of each piece of such property, the place where found and taken, the name of the person to whom the property is sold or delivered, and the price paid, if such property was disposed of by sale.

(Ord. of 11-16-92, § 6)

§ 11-107.4. Disposition of property taken as evidence.

Every item of personal property taken in as evidence in connection with the investigation of the breach of any law or ordinance, if unclaimed by the owner thereof for thirty (30) days after final disposition of the case wherein the property is held as evidence, shall be entered in the storage record book and thereafter disposed of as provided in this article.

(Ord. of 11-16-92, § 7)

§ 11-107.5. Exceptions.

The provisions of this article shall not apply to contraband or other property, the disposition of which is directed by statute, or to lost or abandoned personal property found within the city or within its police jurisdiction and left by the finder thereof with the police department pending the location of the true owner, but such property shall be disposed of according to law in such cases made and provided.

(Ord. of 11-16-92, § 8)

FOOTNOTE(S):

--- (1) ---

Editor's note— Ordinance of Nov. 16, 1992 did not specifically amend the Code; hence, inclusion of §§ 1—8 as a new Art. VI½, §§ 11-105—11-107.5, was at the editor's discretion. Further, former §§ 11-105—11-107, pertaining to similar subject matter, as derived from §§ 1—3 of an Ordinance of July 17, 1961, have been deemed superseded by the Ordinance of Nov. 16, 1992. ([Back](#))

ARTICLE VII. PUBLIC DANCES

[§ 11-108. Permit required to operate or conduct public dance.](#)

[§ 11-109. Requirements of application for permit.](#)

[§ 11-110 Permit to be Approved by Police Chief and Fire Chief](#)

[§ 11-111 Police Officers and/or Firemen to be Present](#)

[§ 11-112 Exceptions](#)

[§ 11-113 No Public Dance on Sunday](#)

[§ 11-114 Penalty for Violation](#)

§ 11-108. Permit required to operate or conduct public dance.

It shall be unlawful for any person or organization to operate or conduct a public dance within the corporate limits of the City of Fayette or within the police jurisdiction of the City of Fayette without having first obtained a permit therefor as hereinafter provided.

(Ord. No. 1984-1, 2-6-84, § 1)

§ 11-109. Requirements of application for permit.

Application for such permit shall be made with the chief of police and said application shall specify the name of the persons or organization sponsoring said dance, the location of the proposed dance and the number of persons anticipated to be present at said dance.

(Ord. No. 1984-1, 2-6-84, § 1)

§ 11-110 Permit to be Approved by Police Chief and Fire Chief

No such permit shall be issued except after the approval by the Chief or Police and Fire Chief, who shall make or cause to be made an investigation to determine that the person applying for such permit is of good moral character or that the corporation or organization applying for such permit is represented by a person of good moral character, that the location of such proposed dance is on a ground floor with adequate parking space, sufficient space in the building to contain the number of persons anticipated to be present at such dance and equipped with adequate toilet and water facilities.

(Ord. # 1984-1, Feb 6, 1984, § 3.)

§ 11-111 Police Officers and/or Firemen to be Present

At all dances operated or conducted within the provisions of this Article, there shall be present such number of Police Officers and/or Firemen as shall be determined by the Chief of Police as necessary and the applicant for each permit shall pay to the officer designated by the Chief of Police the sum of fifty dollars (\$50.00) for each such Police Officer and/or Fireman prior to the issuance of such permit.

(Ord. # 1984-1, Feb. 6, 1984, # 4.)

§ 11-112 Exceptions

The provisions of this Article shall not apply to schools, school related clubs or organizations, or charitable, religious or fraternal organizations.

(Ord. # 1984-1, Feb. 6, 1984, § 5.)

§ 11-113 No Public Dance on Sunday

No such public dance shall be conducted on any Sunday at any time.

(Ord. # 1984-1, Feb. 6, 1984, § 6.)

§ 11-114 Penalty for Violation

Any person who shall violate any provision of this Article shall be guilty of a misdemeanor against the City of Fayette, Alabama, and shall be punished by a fine of not less than one dollar (\$1.00) nor more

than five hundred dollars (\$500.00), and may be imprisoned or sentenced to hard labor for not more than one hundred eighty (180) days, one or both, at the discretion of the court trying the case.

(Ord. # 1984-1, Feb. 6, 1984, § 7.)

ARTICLE VIII. BOXING AND WRESTLING

[§ 11-115. Permit required for operating or conducting boxing, sparring or wrestling matches.](#)

[§ 11-116. Requirements of application for permit.](#)

[§ 11-117. Permit to be approved by police chief and fire chief.](#)

[§ 11-118. Police officers and/or firemen to be present.](#)

[§ 11-119. Exceptions.](#)

[§ 11-120. No such public activities on Sunday.](#)

[§ 11-121. Penalty for violation.](#)

[§§ 11-122—11-130. Reserved.](#)

§ 11-115. Permit required for operating or conducting boxing, sparring or wrestling matches.

It shall be unlawful for any person or organization to operate or conduct boxing, sparring or wrestling matches or exhibitions where an admission fee or charge is made within the corporate limits of the City of Fayette or within the police jurisdiction of the City of Fayette without having first obtained a permit therefor as hereinafter provided.

(Ord. No. 1984-3, § 1, 2-6-84)

§ 11-116. Requirements of application for permit.

Application for such permit shall be made with the chief of police and said application shall specify the name of the person or organization sponsoring such activity, the location of the proposed activity and the number of persons anticipated to be present at said activity.

(Ord. No. 1984-3, § 2, 2-6-84)

§ 11-117. Permit to be approved by police chief and fire chief.

No such permit shall be issued except after the approval by the chief of police and fire chief, who shall make or cause to be made an investigation to determine that the person applying for such permit is of good moral character or that the corporation or organization applying for such permit is represented by a person of good moral character, that the location of such proposed activity is on a ground floor with adequate parking space, sufficient space in the building to contain safely the number of persons anticipated to be present at such activity and equipped with adequate toilet and water facilities.

(Ord. No. 1984-3, § 3, 2-6-84)

§ 11-118. Police officers and/or firemen to be present.

At all such activities operated or conducted within the provisions of this article, there shall be present such number of police officers and/or firemen as shall be determined by the chief of police as necessary. No such permit shall be issued until the applicant pays to the city clerk an amount sufficient to reimburse the city for the pay and benefits of the police officers or firemen who are to be present at the event. This amount shall be calculated by the city clerk and shall be based upon the following:

- (a) The number of police officers or firemen required to be present;
- (b) The number of hours the police officers or firemen will be present; and
- (c) The current overtime rate of pay of the police officers or firemen plus the costs of their benefits as determined by the city clerk.

(Ord. No. 1984-3, § 4, 2-6-84; Ord. No. 1998-10, § 1, 12-22-98)

§ 11-119. Exceptions.

The provisions of this article shall not apply to schools, school related clubs or organizations, or charitable, religious or fraternal organizations.

(Ord. No. 1984-3, § 5, 2-6-84)

§ 11-120. No such public activities on Sunday.

No such activities shall be conducted on any Sunday at any time.

(Ord. No. 1984-3, § 6, 2-6-84)

§ 11-121. Penalty for violation.

Any person who shall violate any provision of this article shall be guilty of a misdemeanor against the City of Fayette, Alabama, and shall be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) and may be imprisoned or sentenced to hard labor for not more than one hundred eighty (180) days, one or both, at the discretion of the court trying the case.

(Ord. No. 1984-3, § 7, 2-6-84)

§§ 11-122—11-130. Reserved.

ARTICLE IX. NUISANCES ^[2]

[DIVISION 1. - GENERALLY](#)

[DIVISION 2. - ABATEMENT OF NUISANCE CAUSED BY GROWTH OF WEEDS AND ACCUMULATION OF LITTER](#)

[DIVISION 3. - ABATEMENT OF NUISANCES EXCEPT THOSE ARISING FROM THE GROWTH OF WEEDS OR ACCUMULATION OF LITTER](#)

FOOTNOTE(S):

--- (2) ---

Editor's note— Section 4 of Ord. No. 1998-04, adopted April 6, 1998, repealed Art. IX in its entirety and enacted similar provisions to read as herein set out. Former Art. IX contained §§ 11-131—11-142 which derived from Ord. No. 1987-05, adopted May 4, 1987. In order to maintain a uniformity in organization of this Code, at the editor's discretion, §§ 11-131—11-139 of Ord. No. 1998-04 have been organized under Division 1, Generally and Divs. I and II of said ordinance have been renumbered Divs. 2 and 3, respectively. ([Back](#))

DIVISION 1. GENERALLY

[§ 11-131. Defined.](#)

[§ 11-132. Responsibility of owner or person in charge of premises.](#)

[§ 11-133. Unlawful.](#)

[§ 11-134. Noncompliance with article declared misdemeanor; penalty.](#)

[§ 11-135. Continuing offenses.](#)

[§ 11-136. Responsibility for enforcement; reports.](#)

[§ 11-137. Appeals from notice to abate.](#)

[§ 11-138. Remedy not exclusive](#)

[§ 11-139. Construction of article](#)

[§ 11-140. Reserved.](#)

§ 11-131. Defined.

For the purpose of this article the term "nuisance" shall mean:

- (1) Anything that unlawfully causes hurt, inconvenience or damage;
- (2) That class of wrongs that arises from the unreasonable, unwarrantable or unlawful use by a person of such person's own property, either real or personal, or from such person's own improper, indecent, unsightly or unlawful personal conduct, working an obstruction of or injury to the right of another or of the public, and producing material annoyance, inconvenience, discomfort or hurt to another person or to the general public;
- (3) Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property of another;
- (4) All buildings, structures or conditions which are:
 - a. Unsafe, unsanitary or unfit for human habitation;
 - b. Not provided with adequate egress;
 - c. Which constitutes a fire hazard;
 - d. Otherwise dangerous to human life;
 - e. Which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, abandonment, or accumulation of litter;

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- (5) Raising, maintaining, having in possession, keeping, feeding, killing or slaughtering any animals on any premise or vacant lot, in such numbers or under such conditions or circumstances, or with such result as to be offensive or unwholesome or a source of injury, detriment, hurt or annoyance to the health, comfort well being or welfare of any other person or persons occupying adjacent property or nearby premises; or under said conditions or circumstances or with such result that offensive odors emanate therefrom to the annoyance or discomfort of others; or under such circumstances or with such result that flies or other obnoxious or repulsive insects breed or congregate therein on thereat;
- (6) Operating an airplane that sprays poisons and/or chemical substance or substances in such manner or under such condition or circumstances or with such result as to create an offensive or unwholesome or a source of injury, detriment hurt or annoyance to the health, safety, or welfare of any other person or persons occupying adjacent or nearby premises or under such conditions or circumstances or with such result or results that offensive odors emanate therefrom to the annoyance or discomfort of others;
- (7) Burning or causing to burn any automobile, truck or other vehicle or parts of an automobile, including tires and tubes in such manner or under such condition or circumstances or with such result as to create smoke, in such volume or intensity as to be offensive or unwholesome or a source of injury, detriment, hurt or annoyance to the health, safety or welfare of other persons occupying adjacent or nearby premises, or under such conditions or circumstances or with such result that offensive smoke is emanated therefrom to the annoyance or discomfort of others;
- (8) Any growth of weeds, grass or other vegetable matter favorable to the harboring of vermin, mosquitoes or other insects of like kind. Any growth of weeds more than one foot in height shall be deemed favorable to the harboring of vermin, mosquitoes or insects of like kind within the meaning of this ordinance; or
- (9) Any accumulation of litter, as defined in [section 8-27](#) of the Code of Ordinances of the City of Fayette, Alabama, or anything that will, or is likely to, constitute a health hazard by raising or harboring mosquitoes, flies, rats, fleas, snakes, vermin or the decaying of such accumulations so as to create an obnoxious odor. Also, any accumulation of litter which is dangerous to public health, safety and welfare.
- (10) Any vehicle which is partially dismantled, nonoperative, wrecked, junked, or discarded that will, or is likely to, constitute a health hazard and/or is favorable to the harboring or raising of vermin, mosquitoes, or other insects of like kind and/or is dangerous to public health, safety and welfare. A vehicle will be considered nonoperative for the purposes of this section if it cannot be safely operated or it is incapable of being moved under its own power or if it may not be legally operated due to lack of any legal requirement including an expired license plate.

(Ord. No. 1998-04, § 4, 4-6-98; Ord. No. 2004-10, § 1, 9-23-04)

§ 11-132. Responsibility of owner or person in charge of premises.

It shall be the responsibility of owners, agents, occupants and lessees to keep their property free of nuisances. Owners, agents, occupants and lessees whose properties face on municipal sidewalks and strips between streets and sidewalks shall be responsible for keeping those sidewalks and strips free of nuisances. Owners, agents, occupants and lessees whose properties face on municipal alleys shall be responsible for keeping the area from their property to centerline of the alley free of nuisances.

(Ord. No. 1998-04, § 4, 4-6-98)

§ 11-133. Unlawful.

- (a) It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property and it shall be unlawful to permit any dangerous building, structure or condition to remain or to continue in existence in any place after receiving an order from the enforcing official to abate the

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same by repair, rehabilitation, demolition or removal, it shall be unlawful to occupy any building or structure or permit it to be occupied while it is or remains a nuisance.

- (b) It shall be unlawful for any person, firm or corporation, owning or in charge of real property in the City of Fayette, Alabama, or its police jurisdiction, to permit the premises, whether vacant or not, to accumulate a growth of weeds or to accumulate litter (as defined in [section 8-27](#)) or vehicles (as described in subsection [11-131](#)(10)) or anything that will, or is likely to, constitute a health hazard or nuisance by raising or harboring mosquitoes, flies, rats, fleas, snakes, vermin or the decaying of such accumulations so as to create an obnoxious odor or which is dangerous to public health, safety and welfare after receiving a notice from the enforcing official to abate same.
- (c) "Abatement" shall mean either repair, rehabilitation, demolition, cutting or removal, as shall be determined by the enforcing official as the proper remedy for any nuisance declared under this article.

(Ord. No. 1998-04, § 4, 4-6-98; Ord. No. 2004-10, § 2, 9-23-04)

§ 11-134. Noncompliance with article declared misdemeanor; penalty.

A violation of the provisions of this article, including divisions 2 and 3, shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

City police officers may choose to cite and release the defendant for a violation of this article. The Uniform Non-Traffic Citation and Complaint (UNTCC) shall serve as the charging instrument. The UNTCC shall be issued in accordance with Rule 20 of the Alabama Rule of Administration.

In lieu of appearing in court to answer a citation, any person or corporation may after signing a waiver and guilty plea pay a fine or fines in accordance with the minor violation settlement schedule established in [section 12-14](#) of the Code of Ordinances.

(Ord. No. 1998-04, § 4, 4-6-98; Ord. No. 2004-10, § 3, 9-23-04)

§ 11-135. Continuing offenses.

In all cases the person whose duty it is to abate any nuisance shall be liable for separate and distinct offense for each day the nuisance is allowed to remain after it has become such person's duty by notice of the enforcing official to abate it.

(Ord. No. 1998-04, § 4, 4-6-98)

§ 11-136. Responsibility for enforcement; reports.

- (a) The police chief, the fire chief, the building inspector and all police officers and such other employee of the city as may be designated by the city council shall be responsible for reporting any such nuisance.
- (b) Such report shall be made to the building inspector, police chief, police officers or to such person who may be designated by the city council, as the enforcing officer who is hereby authorized to abate any such nuisance found to exist in the city.
- (c) The building inspector, police chief and police officers are hereby designated as the enforcing officials.

(Ord. No. 1998-04, § 4, 4-6-98; Ord. No. 2004-10, § 4, 9-23-04)

§ 11-137. Appeals from notice to abate.

Any person receiving a notice of a nuisance and an order to abate the same from the enforcing official may appeal said order to the city council by written notice filed with the city clerk within seven (7) days of the date of such notice. No appeal filed later than seven (7) days after the notice shall be considered unless for good cause shown. The city council may affirm, modify or reverse the order and its decision shall be final, subject, however, to such remedy as any aggrieved party may have at law or in equity.

(Ord. No. 1998-04, § 4, 4-6-98)

§ 11-138. Remedy not exclusive

In addition to remedies otherwise provided for herein, the city council may cause an action to be instituted to enjoin or abate any nuisance.

(Ord. No. 1998-04, § 4, 4-6-98)

§ 11-139. Construction of article

This article shall be construed to contain all power granted to municipalities under the code of the State of Alabama providing for controlling nuisances, sanitation and good public health and safety conditions, including but not limited to present Sections 11-40-10, 11-47-117, 11-47-118, 11-47-131 and 11-47-140, 1975 Code of Alabama, as last amended.

(Ord. No. 1998-04, § 4, 4-6-98)

§ 11-140. Reserved.

DIVISION 2. ABATEMENT OF NUISANCE CAUSED BY GROWTH OF WEEDS AND ACCUMULATION OF LITTER

[§ 11-140.1. Notice to abate nuisance arising out of growth of weeds and/or accumulation of litter.](#)

[§ 11-140.2. Failure of owner or tenant to comply with notice to abate nuisance arising out of growth of weeds or accumulation of litter](#)

[§ 11-141. Reserved.](#)

§ 11-140.1. Notice to abate nuisance arising out of growth of weeds and/or accumulation of litter.

- (a) Whenever in the opinion of the enforcing official a nuisance exists as defined in [section 11-131](#)(8) and (9) such official shall give notice in writing to the person owning, residing on, or having charge or control thereof, that such weeds or vegetation must be cut or that such litter must be removed within fourteen (14) days from the date of delivery of such notice. Such notice may be served upon the person to whom it is directed by registered or certified mail, return receipt requested.
- (b) If the owner of the land is not a resident of the city and no person resides thereon, or has charge or control of the premises or vacant lot, and the address of the owner or person having control thereof is unknown and cannot by reasonable diligence be ascertained, the notice shall be served by posting a copy thereof on the property.

(Ord. No. 1998-04, § 4, 4-6-98)

§ 11-140.2. Failure of owner or tenant to comply with notice to abate nuisance arising out of growth of weeds or accumulation of litter

- (a) Any person who owns or has charge or control of any premises or vacant lot on the city and who, after having received notice as provided for in [section 11-140.1](#) to cut weeds, grass or vegetation or to remove the litter therefrom, fails to do so within fourteen (14) days after such notice, shall be guilty of a misdemeanor.
- (b) If after the expiration of said fourteen (14) days, the owner, or such person in charge of premises, has failed or refused to abate such nuisances or to remove such weeds and litter, upon being notified to do so as herein provided, then the City of Fayette is hereby authorized to do such work at the expense of the owner of such property, the cost thereof to be a lien upon the property and to be collected as any other debts are collected or liens enforced.

(Ord. No. 1998-04, § 4, 4-6-98)

Editor's note—

In order to maintain alphanumeric order, § 11-139.1 of Ord. No. 1998-04, has been renumbered as [§ 11-140.2](#)

§ 11-141. Reserved.

DIVISION 3. ABATEMENT OF NUISANCES EXCEPT THOSE ARISING FROM THE GROWTH OF WEEDS OR ACCUMULATION OF LITTER

[§ 11-141.1. Notice to abate nuisances except those arising from the growth of weeds or accumulation of litter.](#)

[§ 11-141.2. Failure to comply with notice to abate](#)

[§§ 11-142—11-150. Reserved.](#)

§ 11-141.1. Notice to abate nuisances except those arising from the growth of weeds or accumulation of litter.

- (a) Whenever in the opinion of the enforcing official a nuisance exists as defined in subsections [11-131](#)(1), (2), (3), (4), (5), (6), (7) and (10) or other applicable law or ordinance, such official shall order the owner, agent, occupant or lessee of the property on which the nuisance is located to abate the same.
- (b) The enforcing official shall give written notice to the owner, agent, occupant or lessee, of the existence of the nuisance, shall describe the particular matter which makes it a nuisance, shall order the manner in which it shall be abated, and shall state the time within which the nuisance must be abated.
- (c) Said notice shall either be served on the person known to be the owner, agent, occupant or lessee of the premises by the enforcing official or be sent by certified mail to the person known to be the owner, agent, occupant or lessee of the premises or such notice shall be sent by certified mail to that person shown by the records of the Revenue Commissioner of Fayette County, Alabama, to have

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been the person last assessed for payment of ad valorem tax on the property where the nuisance is situated.

- (d) Said notice shall also be posted in a conspicuous place on the property in cases of nuisances as defined in subsections [11-131](#)(1), (2), (3), (4), (5), (6) and (7).
- (e) Where service of said notice by certified mail has been attempted, but the return receipt shows a failure of service, the notice shall be published once in a newspaper of general circulation in the city.
- (f) The notice shall require the owner, agent, occupant or lessee to complete the abatement of the nuisance within thirty (30) days from the date of the notice; provided, however the enforcing official may stipulate a different time but in no case more than ninety (90) days or less than fourteen (14) days.
- (g) The notice may also require the vacation of a building or structure forthwith and prohibit its occupation until the required repairs and improvements have been completed, inspected and approved by the enforcing official. In such cases the enforcing official shall post at each entrance to the building or structure a sign stating "THIS STRUCTURE IS UNSAFE. ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CITY OF FAYETTE," or words of similar import, and shall be signed and dated. Said sign shall remain until the required repairs and improvements have been made or the structure has been demolished and removed. Said sign shall not be removed without permission of the enforcing official whose name is affixed thereon. No person shall enter the structure except for the purpose of making the required repairs or demolishing the structure.
- (h) The notice shall state that if the nuisance is not abated within the stated time, the enforcing official may institute legal proceedings against the owner, agent, occupant or lessee for the violation of this article.

(Ord. No. 1998-04, § 4, 4-6-98; Ord. No. 2004-10, § 5, 9-23-04)

§ 11-141.2. Failure to comply with notice to abate

- (a) In case the owner, agent, occupant or lessee shall fail, neglect or refuse to comply with the notice to abate the nuisance as provided for in [section 11-141.1](#), the enforcing official may proceed to prosecute said person for a violation of the provisions of this article or other applicable ordinance.
- (b) In case the owner, agent, occupant or lessee shall fail, neglect or refuse to comply with the notice to abate the nuisance, the enforcing official shall notify the city council of such fact. The city council shall hold a public hearing before authorizing the abatement of the nuisance by the enforcing official and also before levying an assessment on the property.
- (c) Notice of the public hearing to determine whether the city council should order the enforcing official to abate the nuisance shall be given by causing a notice of such hearing to be sent by certified mail to the owner, agent, occupant or lessee at least ten (10) days before the date of the hearing. Such notice shall also be published once in a newspaper of general circulation in the city at least five (5) days prior to the hearing.
- (d) After the public hearing the city council may by resolution order the enforcing official to proceed with the work specified in such notice or may order such nuisance demolished or removed. If the owner, agent, occupant or lessee of the property shall appear at the public hearing, no further notice of the order of the city council shall be required. If the owner, agent, occupant or lessee fails to appear, notice of the order of the city council shall be mailed to such person's last known address and shall be published once in a newspaper of general circulation in the city.
- (e) Upon the expiration of seven (7) days from the date of publication under subsection (d), or seven (7) days from the date of the order if notice by publication is not required, the enforcing official or such official's designated representative or agent shall proceed to carry out the order of the city council.
- (f) Upon consideration of the work ordered by the city council the enforcing official shall compute the actual expense, including, but not limited to, total wages paid, value of the use of equipment,

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advertising expense, postage, attorneys fees, materials purchased, which was incurred by the city as a result of such work. An itemized statement of such expenses shall be mailed to the last known address of the owner, agent, occupant or lessee of the property.

- (g) In the event the owner, agent, occupant or lessee shall fail or refuse for a period of twenty-eight (28) days to pay off and discharge the expenses, the enforcing official shall report such failure to the city council at the next regular meeting following the expiration of that period.
- (h) The city council shall hold a public hearing before causing the actual expense of such work to be levied as a special assessment against the property. Notice of such public hearing shall be published in a newspaper of general circulation in the city at least five (5) days prior to the hearing. The itemized statement under subsection (a) shall also give notice of the time and place of the public hearing. After the public hearing, the city council may be resolution assess all or part of such expense against the property.
- (i) Any assessment against property under this section shall not be final until seven (7) days after adoption by the city council. Once the assessment has become final, the city clerk shall have such resolution recorded in the office of the judge of probate of the county.
- (j) In the event the owner, agent, occupant or lessee shall fail or refuse to discharge the assessment after a period of twenty-eight (28) days from the date the assessment was made final, the city may commence an action in any court of competent jurisdiction to recover said expense.

(Ord. No. 1998-04, § 4, 4-6-98)

Editor's note—

In order to maintain alphanumeric order, [§ 11-140.2](#) of Ord. No. 1998-04, has been renumbered as [§ 11-141.2](#)

§§ 11-142—11-150. Reserved.

ARTICLE X. DETECTIVE AGENCIES ^[3]

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§ 11-151. Definitions.

For the purpose of this article the following terms, phrases, words, and the derivations shall have the meaning given herein. When not inconsistent with the context words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

City is the City of Fayette, Alabama.

Person is any person, firm, partnership, association, corporation, company or organization of any kind.

Private detective is any person who accepts employment for hire, fee or reward to furnish or supply information as to the personal character or actions or identity of any person or as to the character or kind of business or occupation by any person or to furnish guard or watchman services. The term shall not include within its meaning a private investigator employed exclusively for one employer in connection with the business of a collection agency. Nor shall it include a detective or officer belonging to the law enforcement agencies of the United States or any state, county, or city, while engaged in work for said agencies. Nor shall it include any person engaged in the insurance adjusting business or polygraph examiners.

(Ord. No. 1990-04, § 1, 6-18-90)

§ 11-152. Business license required.

No person shall engage in business of a private detective, detective agency, investigation bureau or other similar enterprise without having obtained a license therefor pursuant to the provisions of the license code of the city.

(Ord. No. 1990-4, § 2, 6-18-90)

Cross reference— Licenses and taxation, Ch. 10.

§ 11-153. Permit required.

No person shall engage in the business of a private detective, including any person employed as a private detective by any person, firm or corporation, without first having obtained a permit to do so from the council of the city.

(Ord. No. 1990-4, § 3, 6-18-90)

§ 11-154. Same—Application.

- (a) Any person desiring a permit required by this article shall file an application therefor with the chief of police on a form approved by the chief of police. Such application shall include the following information:
- (1) The complete name and vital statistics of the applicant;
 - (2) A complete outline of the applicant's education, giving all schools and colleges attended and dates thereof;
 - (3) A brief personal history of the applicant, together with a detailed statement for the preceding five (5) years showing each business activity and employment during such period;
 - (4) A complete list of arrests, including traffic offenses, showing the date, place and disposition of each such charge lodged against the applicant; and

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- (5) Such additional information as may be reasonably required to substantiate or verify the data called for in subsections (1), (2), (3) and (4) of this section.
- (b) An application for a permit under this article shall be accompanied by the affidavits of three (3) freeholders, citizens of the city, each of whom shall have known the applicant for a period of at least two (2) years, testifying to the integrity, sobriety and good moral character of the applicant. In lieu of such affidavit, a nonresident may furnish a similar affidavit for the chief of police of the city or town of residence of applicant.
- (c) An application for a permit under this article shall be accompanied by a set of fingerprints of the applicant.

(Ord. No. 1990-4, § 4, 6-18-90)

§ 11-155. Application fee.

No application for a permit under this article shall be considered until a fee of fifty dollars (\$50.00) shall have been paid to the city clerk to help defray the cost of processing and investigating the application. Such fee shall in no instance be refunded.

(Ord. No. 1990-4, § 5, 6-18-90)

§ 11-156. Investigation of application; public hearing before city council; grant or denial of permit.

- (a) The chief of police shall investigate all applications for permits and shall conduct an examination reasonably designed to test the aptitude, knowledge and competency of the applicant in question for engaging in the business for which a permit is sought. The chief of police shall file a written report of his findings, together with the application, with the city clerk within thirty (30) days from the date of the receipt of the application.
- (b) Upon receipt of the application and the report of the chief of police, the city clerk shall submit such application and report to the city council. The city council shall hold a public hearing on such application at a regular or special meeting to be held within thirty (30) days from the date of the receipt of such application by the city clerk. The city clerk shall notify the applicant of the time and place of such public hearing. Such notice shall be in writing and shall state that the applicant, at such public hearing, may appear in person and/or by his attorney and that he may present his position, argument or contentions orally and/or in writing and that he may present his evidence in his behalf and examine witnesses appearing for or against him.
- (c) At such public hearing, the city council shall hear any person who desires to be heard and shall receive all evidence offered by any person which is relevant to the issuance or denial of the permit. The city council shall consider all relevant testimony and evidence presented to it at such public hearing and shall, at the conclusion of such hearing, grant or deny the permit.
- (d) The city council, in its discretion, may deny the permit if the applicant or any officer, agent or employee of the applicant has violated or failed to comply with any provision of this article.
- (e) The city council may deny the permit if the applicant or any officer, agent or employee of the applicant has:
 - (1) Knowingly and willfully given any false information of a material nature in connection with the application for a permit or in connection with the public hearing on the issuance or denial of such permit.
 - (2) Has been convicted of any federal or state law or municipal ordinance which reasonably relates to the applicant's character, fitness and business responsibility for engaging in the business of a private detective, detective agency, investigation bureau or other similar enterprise in a manner consistent with the public safety. The city council shall, in regard to any such convictions,

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consider the nature and seriousness of the offense; the circumstances surrounding the offense; the number of the offenses; the amount of time that has elapsed since the offense was committed; the age of the applicant at the time of the offense; and any evidence of rehabilitation.

- (3) The applicant fails to make a passing grade on the examination provided for in subsection (a) of this section.
- (f) All private detective permits shall be valid for a period of two (2) years from the date of issuance. All such permits must be renewed by filing an application for renewal on forms approved by the chief of police, and all renewed permits shall be valid for a period of two (2) years. All of the provisions of this chapter pertaining to permits, including the payment by the applicant of a nonrefundable application fee of fifty dollars (\$50.00).

(Ord. No. 1990-4, § 6, 6-18-90)

§ 11-157. Revocation of permit.

- (a) The city council may revoke any permit pursuant to the provisions of this chapter for any of the reasons set forth in [section 11-156](#) of said chapter pertaining to denial of permits.
- (b) The city council shall set a time for a public hearing on the matter of the revocation of any permit issued pursuant to this article and notice of the date and time of such hearing will be given to the permittee in writing by the city clerk not less than seven (7) days prior to such hearing. Such notice shall state the reason for the hearing and shall advise the permittee that he may appear in person and/or by attorney and that he may present his position, arguments and contentions in writing and/or orally and that he may present evidence in his behalf and examine witnesses appearing for and against him. The city council shall receive any relevant evidence and hear any relevant testimony on the matter of revocation prior to making its decision on such matter.

(Ord. No. 1990-4, § 7, 6-18-90)

§ 11-158. Misrepresentations in applications.

No person, whether granted a permit under this chapter or not, shall misrepresent the capacity under which he acts or make any false or untrue statement of fact in his application for a permit.

(Ord. No. 1990-4, § 8, 6-18-90)

§ 11-159. Bond.

Before a permit hereunder shall be issued by the city, the applicant for such permit must first obtain and deposit with the city clerk a comprehensive general liability policy with limits of one hundred thousand dollars (\$100,000.00) for bodily injury and ten thousand dollars (\$10,000.00) for property damage. All insurance policies required to be deposited with the city clerk under the provision of this article must contain an endorsement providing for thirty (30) days written notice to the clerk of the city prior to any material change therein or cancellation thereof.

(Ord. No. 1990-4, § 9, 6-18-90; Ord. No. 1996-03, § 1, 3-18-96)

§ 11-160. Duties of permittee.

- (a) *Carry and post permit certificates.* The permittees hereunder shall cause a certificate of such permit to be displayed at all times in a convenient place in or on his place of business described in such permit. The permittee shall carry on his person at all times when performing services as a private detective a certificate of the permit issued hereunder.

- (b) *Impersonation of state police officers.* No private detective licensed hereunder shall impersonate or hold himself as a peace officer of this state, nor shall a private detective operate or permit to be operated a motor vehicle with a siren, blinker light, or any insignia bearing likeness to the insignia used by peace officers of this state.

(Ord. No. 1990-4, § 10, 6-18-90)

§ 11-161. Penalty for violation.

Any person found guilty of violating any provision of this article shall be fined in an amount not exceeding the sum of one hundred dollars (\$100.00) and may also be sentenced to the city jail for not more than six (6) months, or to hard labor for the city not exceeding six (6) months; or by both one hundred dollars (\$100.00) and imprisonment or hard labor in the discretion of the court trying the case.

(Ord. No. 1990-4, § 11, 6-18-90)

§§ 11-162—11-169. Reserved.

FOOTNOTE(S):

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Editor's note— Inasmuch as Or. No. 1990-4, adopted June 18, 1990, did not specify manner of codification, said provisions have been designated as Art. X, substantive sections being §§ 11-151—11-161, at the discretion of the editor. ([Back](#))

ARTICLE XI. USE OF TOBACCO IN CITY BUILDINGS, VEHICLES AND PARKS

[§ 11-170. Use of tobacco in city buildings and vehicles.](#)

[§ 11-171. Use of tobacco in city parks.](#)

[§ 11-172. Penalty.](#)

§ 11-170. Use of tobacco in city buildings and vehicles.

The use of tobacco, in all forms, including, but not limited to, cigarettes, pipes, cigars, chewing tobacco and snuff is hereby prohibited in all buildings and vehicles owned and/or operated by the city.

(Ord. No. 2008-02, § 1, 2-12-08)

§ 11-171. Use of tobacco in city parks.

The use of tobacco, in all forms, including, but not limited to, cigarettes, pipes, cigars, chewing tobacco and snuff is hereby prohibited in all city parks owned and/or operated by the city.

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(Ord. No. 2008-02, § 1, 2-12-08)

§ 11-172. Penalty.

A violation of the provisions of this article shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

City police officers may choose to cite and release the defendant for a violation of this article. The Uniform Non-Traffic Citation and Complaint (UNTCC) shall serve as the charging instrument. The UNTCC shall be issued in accordance with Rule 20 of the Alabama Rule of Administration.

In lieu of appearing in court to answer a citation, any person or corporation may, after signing a waiver and guilty plea, pay a fine or fines in accordance with the minor violation settlement schedule established in [section 12-14](#) of the Code of Ordinances.

(Ord. No. 2008-02, § 1, 2-12-08)