

ORDINANCE NO. 678-2024

AN ORDINANCE REGULATING CONTROL OF MOSQUITOES AND STAGNANT WATER IN THE CITY OF SPANISH FORT, ALABAMA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Definitions.

The following words, when used in this section shall have the meaning ascribed to them, except where the context clearly indicates otherwise or requires a different meaning:

City shall mean the City of Spanish Fort, Alabama.

Corrective notice shall mean a courtesy letter provided to advise anyone that there may be a violation of this section which may require corrective action on the part of the recipient of the notice.

Hot tub and *Jacuzzi* shall mean any pool of water utilized by persons as a hot tub, as that product is commonly known.

Occupant shall mean the person or entity in current possession or control of subject real property.

Owner shall mean the last person or entity against whom ad valorem taxes were assessed for subject real property.

Pond shall mean any ornamental or decorative pond, pool, vessel or other type of in-ground or aboveground pond designed to hold water and/or fish and/or water plants.

Swimming pool shall mean any pool of water designed or constructed for swimming either and being installed either in-ground or above ground.

SECTION 2. Areas subject to Ordinance. Unless specifically stated otherwise or where the context clearly indicates otherwise or requires a different meaning, each provision of this section shall apply to all real property within the City.

SECTION 3. Standard for maintenance of swimming pools, hot tubs, Jacuzzis, ponds and other containers.

It shall be the duty and responsibility of every owner or occupant of any parcel of real property to keep and maintain swimming pools, hot tubs, Jacuzzis, ponds, or other containers located on said property clean and free of stagnant water and mosquito larvae.

- (a) Within the City of Spanish Fort, it shall be unlawful to keep, maintain, cause or permit the collection of water, in containers, ponds, pools or otherwise, including but not limited to swimming pools, hot tubs, Jacuzzis, ponds or other structures, either standing or flowing, under such conditions or circumstances as may permit or favor the propagation or reproduction of mosquitoes. The presence of live mosquito larvae in such collections or bodies of water shall be prima facie evidence of the propagation or reproduction of mosquitoes in such water.
- (b) It shall be unlawful for the owner, proprietor or person in charge or control of any lot or parcel of land in the city to create or permit upon such lot or parcel of land any pool or body of stagnant water, or offensive damp place.

SECTION 4. Enforcement procedures.

- (a) When any police officer and/or other employee of the city designated by law or ordinance as an enforcement officer finds any violation of any provision of this section which he is authorized or required to enforce, such may issue on forms provided by the city, a municipal offense citation and delivery it to the person in violation, directing the person to appear before the municipal court of the City of Spanish Fort at a time and date stated thereon to answer to the charge or charges for the violation, which shall be stated in the citation.

- (b) The police officers and/or other employees of the city, designated by law or ordinance as enforcement officers and authorized to issue citations as above provided, are hereby authorized to swear out warrants or execute affidavits or complaints charging persons with the violations of this Ordinance without first having issued a citation for such violation.
- (c) Any employee of the City of Spanish Fort designated by the Mayor or the Chief of Police may issue corrective notices to persons, corporations, establishments, companies, owners, tenants, occupants and agents found to be in violation of any provision of this section. The issuance of such corrective notice is not necessary for the prosecution of violations of this Ordinance.

SECTION 5. Failure to comply with notice.

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

SECTION 6. Penalties.

Any person found guilty of violating any provision of this Ordinance shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the municipal jail for a period not exceeding six (6) months, or both, or in the alternative, may be sentenced to community service or any other lawful remedial action which the municipal judge may deem appropriate.

SECTION 7. Repealer Clause.

Any ordinance heretofore adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION 8. Severability Clause.

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 9. Effective Date.

This Ordinance shall become effective upon its adoption or as otherwise required by state law.

ADOPTED and APPROVED this ____ day of _____, 2024.

Michael M. McMillan
Mayor

ATTEST:

Rebecca A. Gaines, CMC
City Clerk