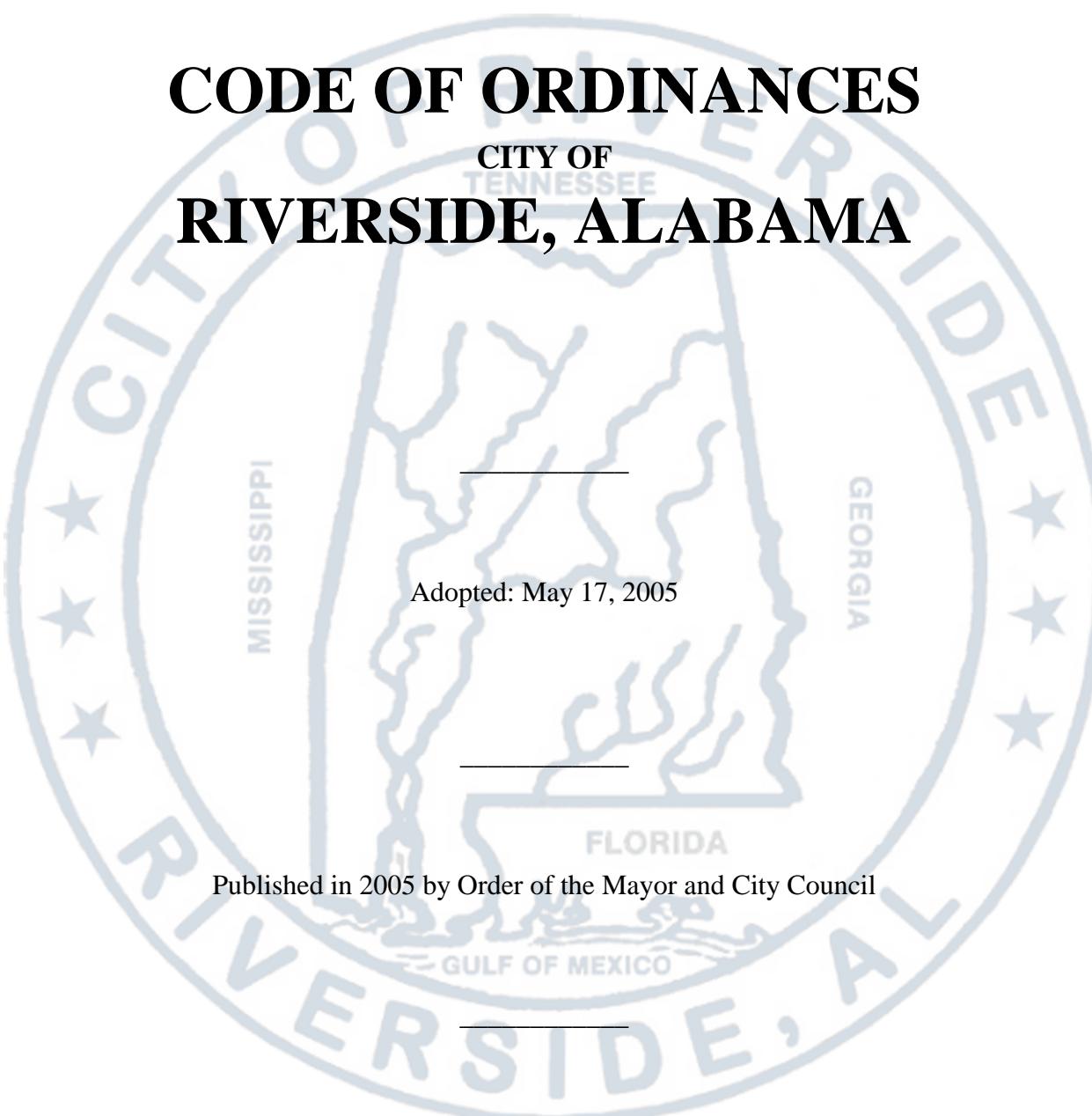


CODE OF ORDINANCES

CITY OF
TENNESSEE

RIVERSIDE, ALABAMA

A circular seal for the City of Riverside, Alabama. The outer ring contains the text "CITY OF" at the top and "RIVERSIDE, AL" at the bottom, with five stars on each side. The inner circle features a map of the state of Alabama with the Mississippi River highlighted in blue. The river flows from the north through the state, ending at the Gulf of Mexico in the southeast. The map is labeled with "MISSISSIPPI" to the west, "GEORGIA" to the east, "FLORIDA" to the southeast, and "GULF OF MEXICO" at the bottom. The text "TENNESSEE" is faintly visible in the upper center of the map area.

Adopted: May 17, 2005

Published in 2005 by Order of the Mayor and City Council

ADOPTING ORDINANCE

ORDINANCE 2005-0517

An Ordinance Adopting and Enacting a New Code of the Town of Riverside, Alabama; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.

BE IT ORDAINED by the Town Council of the Town of Riverside in the State of Alabama, as follows:

Section 1. That the Code entitled "Code of Ordinances Town of Riverside, Alabama" consisting of Chapters 1—82, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before December 21, 2004, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rules or regulation adopted or issued in pursuance thereof shall be punished by a fine of not less than one dollar nor more than five hundred dollars and/or by imprisonment or sentence to hard labor for a period not exceeding six months. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinances. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the town council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after December 21, 2004 that amend or refer to ordinances that have been codified in the Code shall be construed as they amend or refer to like provisions of the code.

ADOPTED AND APPROVED THIS 17TH DAY OF MAY, 2005. This Ordinance shall go into effect upon passage and publication as provided by law.

Melvin H. Forrester
Mayor, Town of Riverside

ATTESTED BY:

Rhonda F. Martin, CMC
Clerk

Certificate of Adoption

I, Rhonda F. Martin, as City Clerk of the Town of Riverside, Alabama, hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the Town Council held on the 17th day of May, 2005.

Rhonda F. Martin, Clerk

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

CURRENT

OFFICIALS

of the

CITY OF

RIVERSIDE, ALABAMA

Rusty Jessup

Mayor

William "Bill" Cantley

Jimmy Hollander

Johnny Osborn

Frank H. Riddle

Kenny Womack

City Council

Elizabeth S. Parsons

City Attorney

Candace Smith

City Clerk

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

OFFICIALS

of the

TOWN OF

RIVERSIDE, ALABAMA

AT THE TIME OF THIS CODIFICATION

Melvin H. Forrester

Mayor

Jimmy Hollander

Rusty Jessup

Russell O. Smith

Tammy Champion

Steven Allen

Town Council

Elizabeth S. Parsons

Town Attorney

Rhonda F. Martin, CMC

Town Clerk

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

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CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

PREFACE

This Code constitutes a codification of the general and permanent ordinances of the Town of Riverside, Alabama.

Source materials used in the preparation of the Code were the ordinances adopted by the mayor and town council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section any section of the Code, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

LOCAL ACTS AND ANNEXATIONS	LA:1
LOCAL ACTS COMPARATIVE TABLE	LACT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
LOCAL ACTS AND ANNEXATIONS INDEX	LAi:1
CODE INDEX	CDi:1

Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Acknowledgments

This publication was under the direct supervision of David G. Poucher, Code Attorney, and Diana L. Kampert, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to the town staff for its cooperation and assistance during the progress of the work on this publication. It is hoped that the town staff's efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the town's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the Town of Riverside, Alabama. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the Town of Riverside, Alabama.

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CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/ Omitted	Supp. No.
2010-0602	5-16-2006	Omitted	5
2010-0615	6-15-2010	Included	5
2011-0301	3- 1-2011	Included	5
2012-0117	1-17-2012	Included	6
2012-0220	2-20-2007	Included	6
2012-0605	6- 5-2012	Included	6
2012-0605-2	6- 5-2012	Included	6
2012-0619	6-19-2012	Included	6
2012-0619-2	6-19-2012	Omitted	6
2012-0702	7-17-2012	Included	6
2012-1204-1	12- 4-2012	Included	6
2012-1204-2	12- 4-2012	Included	6
2013-0402	4- 2-2013	Included	6
2013-0903	9- 3-2013	Included	6
Agreement	2- 1-2014	Omitted	7
2014-0609	6- 9-2014	Included	7
2014-0715	8- 5-2014	Included	7
2015-0317	3-17-2015	Included	7
2015-0804	8- 4-2015	Included	7

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

PART I

LOCAL ACTS AND ANNEXATIONS [\(1\)](#)

ARTICLE I. LOCAL ACTS

[Sec. 1-1. Extension of corporate limits of 1969.](#)

[Sec. 1-2. Extension of corporate limits of 1991.](#)

ARTICLE II. ANNEXATION ORDINANCES

[Sec. 2-1. Annexation of 1998.](#)

[Sec. 2-2. Annexation of 1999.](#)

[Sec. 2-3. Annexation of 2004.](#)

FOOTNOTE(S):

--- (1) ---

Editor's note—Printed herein are acts of the legislature and local annexations that affect the town. Amendments to the act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings and punctuation errors have been corrected without notation. To maintain consistency, articles, catchlines and subcatchlines have been added. For stylistic purposes, the same system of capitalization, citation to state statutes and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

ARTICLE I. - LOCAL ACTS

Sec. 1-1. Extension of corporate limits of 1969.

(a) *Boundaries and corporate limits.* The boundaries and corporate limits of the Town of Riverside, St. Clair County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the town the following described territory, to wit:

Commence at the point where the north line of section 19, township 16, range 5 east intersects the west bank of Coosa River (now Logan Martin Lake); thence west following the north line of said section 19 and the north line of sections 24, 23, and 22 in township 16, range 4 east to the northwest corner of said section 22; thence south to the southwest corner of section 22; then west along the north line of section 28 to the northwest corner thereof; thence south along west section line of said section 28 to a point where same intersects Fishing Creek (also known as Seddon Creek); thence in a southerly direction following the meanderings of said creek to a point where same flows into Logan Martin Lake; thence following the north shore line of Logan Martin Lake a the low water mark in an easterly direction to a point where same turns back north; thence continue along said shore line of Logan Martin Lake back to point of beginning.

Said description includes all of sections 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, township 16, range 4 east lying west of Logan Martin Lake, and that part of section 19, township 16, range 5 east lying west of Logan Martin Lake, and that part of Sections 29 and 32, township 16, range 4 east lying east of Fishing Creek (Seddon Creek), and that part of Sections 5 and 4, township 17, range 4 east lying east of Fishing Creek and north and west of Logan Martin Lake.

LESS AND EXCEPT that part of section 33 lying west of Fishing Creek.

Said property includes that territory now constituting Riverside, Alabama. Also less and except lots 27 through 35 inclusive of Seddon Shores Subdivision according to the map or plat of said subdivision on record in [the] office of judge of probate Pell City, Ala[bama].

(b) *Effective date.* This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

(Local Act No. 97, p. 379, Laws of Alabama 1969)

Sec. 1-2. Extension of corporate limits of 1991.

(a) *Boundaries and corporate limits.* The boundaries and corporate limits of the municipality of Riverside, St. Clair County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the municipality the following described territory in addition to the area now embraced within such boundaries and corporate limits, to wit:

All of section 13, township 16 south, range 4 east located east of the east right-of-way line of the Broken Arrow Creek Road, except the NE ¼ of the NW ¼ of said section. Also all that part of section 18, township 16 south, range 5 east, west of Logan Martin Lake. All of the above described land is located above the 465.0 mean sea level elevation (normal pool) of Logan Martin Lake and includes all of Broken Arrow Estate east of Broken Arrow Creek Road; all Holladay Estates and Island Lake Estates and all other subdivisions (recorded or unrecorded) located in above described area.

(b) *Effective date.* This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

(Local Act No. 91-512, p. 906, Laws of Alabama 1991)

Editor's note— This section was included in this Part per direction of the city.

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

ARTICLE II. - ANNEXATION ORDINANCES

Sec. 2-1. Annexation of 1998.

- (a) *Findings.* The council of the Town of Riverside, Alabama, finds and declares as the legislative body of the town that it is in the best interests of the citizens of the town, and the citizens of the affected area, to bring the territory described in subsection (b) of this section into the Town of Riverside, Alabama, and be zoned as R-1.
- (b) *Boundaries.* The boundary lines of the Town of Riverside, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Riverside, Alabama, and in addition thereto the following described territory, to-wit:

Commence at the NW corner of lot 6 of Hamilton Acres, phase 2, as recorded in map slide A83-2 and amended in slide A83-7; thence run southerly along the west line of lots 6, 5, 4 and 3 of said Hamilton Acres, phase 2, for a distance of 1019.74 feet, more or less, to the SW corner of lot 3 of Hamilton Acres, phase 2; thence run easterly along the south line of lot 3 for a distance of 310 feet, more or less, to the SW corner of lot 2; thence continue easterly along the south line of lot 2 for a distance of 472.03 feet, more or less, to the NW corner of the tract or parcel of land heretofore conveyed to Alberta W. Brown and Floyd H. Brown, as described in deed volume 110, page 664, in the judge of probate office, Pell City, Alabama; thence run southerly along the westerly line of line of said Brown parcel for a distance of 1320 feet, more or less, to the south line of the SE quarter of the SW quarter of section 12, township 16 south, range 4 east, St. Clair County, Alabama; thence east along said south line for a distance of 106 feet, more or less, to a point: thence north paralleling west forty line for a distance of 210 feet, more or less; thence east paralleling south forty line for a distance of 120 feet, more or less; thence north paralleling west forty line for a distance of 1110 feet, more or less, to the north forty line; thence run east along the north forty line for a distance of 500 feet, more or less, to the SE corner of lot 6 of Hamilton Acres subdivision (not recorded); thence north 14 deg. 52' 50" west along east line of lot 6 for a distance of 863.55 feet to a point the normal pool elevation of Logan Martin Lake; thence run in a NW direction along the north lines of lot 6 and 7 of Hamilton Acres subdivision (not recorded), to the NW corner of lot 7; thence run along the north line of lots 1 and 2 of Hamilton Acres, phase 2, as recorded in slide A83-2 and amended in A83-7 for a distance of 386.52 feet, more or less, to the NW corner of lot 2; thence run in a westerly and northwesterly direction along east lines of lots 2, 3, 4, 5 and 6 of Hamilton Acres, phase 2, for a distance of 467.14 feet, more or less, to the NE corner of lot 6; thence run northwesterly along north line of lot 6 for a distance of 715.27 feet, more or less, to the point of beginning.

- (c) *Published and filed.* This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the probate judge of St. Clair County, Alabama.
- (d) *Zoning of territory.* The territory described in this ordinance shall become a part of the corporate limits of Riverside, Alabama, and zoned R-1, upon publication of this ordinance as set forth in subsection (c), above.

(Ord. No. 98-0505, 5-5-1998)

Sec. 2-2. Annexation of 1999.

- (a) *Findings.* The Council of the Town of Riverside, Alabama, finds and declares as the legislative body of the Town that it is in the best interests of the citizens of the Town, and the citizens of the affected area, to bring the territory described in subsection (b) of this ordinance into the Town of Riverside, Alabama, and be zoned as R-5.
- (b) *Boundaries.* The boundary lines of the Town of Riverside, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Riverside, Alabama, and in addition thereto the following described territory, to-wit:

A tract of land situated in the SW 1/4 of the SW 1/4 of section 21, township 16 south, range 4 east, St. Clair County, Alabama and being more particularly described as follows: begin at concrete monument found, locally accepted to be the SE corner of said SW 1/4 of the SW 1/4 of section 21, township 16 south, range 4 east and run thence S 90 deg. 00' 00" E along the south line of said 1/4-1/4 a distance of 1330.67' to an iron pin found locally accepted to be the

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

southwest corner of said SW 1/4 of the SW 1/4 of section 21, township 16 south, range 4 east; thence N 00 deg. 29'06" E for a distance of 1333.38' to an iron pin found, locally accepted to be the northwest corner of said SW 1/4 of the SW 1/4 of section 21, township 16 south, range 4 east; thence N 89 deg. 57'04" E along the north line of said 1/4-1/4 section for a distance of 853.69' to an iron pin found; thence S 00 deg. 03'28" W a distance of 466.21' to an iron pin found; thence N 89 deg. 56'26" E for a distance of 466.97' to an iron pin found on the east line of said 1/4-1/4 section; thence S 00 deg. 03'09" W for a distance of 868.34' back to the point of beginning.

According to the January 28, 1998 survey by Gregory James Martin, Al. Reg. 18115.

Following is a description of a 60' wide strip of land situated in the southeast 1/4 of the southwest 1/4 of section 21, township 16 south, range 4 east, St. Clair County, Alabama; the centerline of which being more particularly described as follows: commence at a concrete monument found, locally accepted to be the southwest corner of said southeast 1/4 of the southwest 1/4 of section 21, township 16 south, range 4 east and run thence N 00 deg. 03'09" E along the west line of said quarter-quarter section a distance of 608.55' to the point of beginning of the within described right-of-way centerline; thence N 89 deg. 59'55" E a distance of 200.32' to the centerline of Sprayberry road and the endpoint of the within described strip of land. Said strip of land intended to be 60' wide, and being 30' on each side of and parallel with the within described centerline.

- (c) *Published and filed.* This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the probate judge of St. Clair County, Alabama.
- (d) *Zoning of territory.* The territory described in this ordinance shall become a part of the corporate limits of Riverside, Alabama, and zoned R-5, upon publication of this ordinance as set forth in subsection (c), above.
(Ord. No. 99-0406, 4-6-1999)

Sec. 2-3. Annexation of 2004.

- (a) *Findings.* The council of the Town of Riverside, Alabama, finds and declares as the legislative body of the town that it is in the best interests of the citizens of the town, and the citizens of the affected area, to bring the territory described in subsection (b) of this ordinance into the Town of Riverside, Alabama, and be zoned as R-1.
- (b) *Boundaries.* The boundary lines of the Town of Riverside, Alabama, be and the same hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Riverside, Alabama, and in addition thereto the following described territory, lots 27, 28, 29, 30, 31, 32, 33, 34, and 35 of Seddon Shores subdivision, to-wit:

All of that part of the Seddon Shores subdivision surveyed by Howard M. Barnes and lying north of Logan Martin Lake at Fishing CREEK and further identified as lots 27 through 35 of said subdivision and being a portion of the north one-half of the northeast one-quarter, section 4, township 17 south, range 4 east. All of the above described land is located above the 45.0 mean sea level elevation (normal pool) of Logan Martin Lake and includes all of that land south and southeast of the Norfolk-Southern Railroad (Old Southern Railroad) and north and west of Fishing Creek and Logan Martin Lake.

- (c) *Published and filed.* This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the probate judge of St. Clair County, Alabama.
- (d) *Zoning of territory.* The territory described in this ordinance shall become a part of the corporate limits of Riverside, Alabama, and zoned R-1, upon publication of this ordinance as set forth in subsection (c), above.
(Ord. No. 2004-0106, 1-6-2004)

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

LOCAL ACTS COMPARATIVE TABLE

This table shows the location of the sections of the local acts of the town and any amendments thereto.

Local Act No.	Page	Laws of Alabama Year	Section this Local Acts
97	379	1969	1-1
91-512	906	1991	1-2

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

ANNEXATION ORDINANCES COMPARATIVE TABLE

This table shows the location of the sections of the Annexation Ordinances of the town and any amendments thereto.

Ordinance No.	Date	Section	Section this Annexation Ordinance
89-0505	5-5-1998		2-1
99-0406Tc>4-6-1999		2-2	
04-0106	1-6-2004		2-3

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

PART II CODE OF ORDINANCES

- Chapter 1 GENERAL PROVISIONS
- Chapter 2 ADMINISTRATION
- Chapters 3-5 RESERVED
- Chapter 6 ALCOHOLIC BEVERAGES
- Chapters 7-9 RESERVED
- Chapter 10 ANIMALS
- Chapters 11-13 RESERVED
- Chapter 14 BUILDINGS AND BUILDING REGULATIONS
- Chapters 15-17 RESERVED
- Chapter 18 BUSINESSES
- Chapters 19-21 RESERVED
- Chapter 22 COURT
- Chapters 23-25 RESERVED
- Chapter 26 FIRE PREVENTION AND PROTECTION
- Chapters 27-29 RESERVED
- Chapter 30 FLOODS
- Chapters 31-33 RESERVED
- Chapter 34 LAW ENFORCEMENT
- Chapters 35-37 RESERVED
- Chapter 38 NUISANCES
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CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 1 GENERAL PROVISIONS

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CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters shall constitute and be designated the "Code of Ordinances, Town of Riverside, Alabama," and may be so cited. Such ordinances may also be cited as the "Riverside Code."

State Law reference— Authority of town to codify its ordinances and adopt a code of ordinances generally, Code of Ala. 1975, § 11-45-7.

Sec. 1-2. Definitions and rules of construction.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Generally. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the town council may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical terms, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

And, or. The term "and" may be read as the term "or" and the term "or" may be read as the term "and," where the sense requires it.

Code. Whenever the term "Code" is used without further qualification, it shall mean the "Code of Ordinances, Town of Riverside, Alabama," as designated in section 1-1.

Code of Ala., Alabama Code. Whenever reference is made to the "Code of Ala." or the "Alabama Code," it shall mean the Code of Alabama, 1975, as amended, or any subsequent code of this state.

Computation of time. The time in which an act is to be done will be per the Alabama Rules of Civil Procedure, Rule 6:1(a).

Council, town council. The terms "council" and "town council" shall mean the town council of the Town of Riverside, Alabama.

County. The terms "the county" or "this county" shall mean the County of St. Clair, Alabama.

Gender. A term importing the masculine gender only shall extend and be applied to females, and to firms, partnerships and corporations, as well as to males, unless a more limited intent is disclosed in the context.

May. The term "may" is to be construed as being permissive and not mandatory.

May not. The term "may not" states a prohibition.

Number. A term importing the singular may extend and be applied to the plural as well as to the singular number and vice versa.

Oath. The term "oath" shall include an affirmation in all cases where by law an affirmation may be substituted for an oath. If any oath or affirmation is required to be taken, such oath or affirmation shall be taken before and administered by some officer authorized by law to administer oaths, at the place where the same is required to be taken or administered, unless otherwise expressly directed, and, when necessary, duly certified by such officer.

Officers, departments, boards, commissions. Any reference to the title of an officer, department, board or commission shall be construed as if followed by the words "of the Town of Riverside, Alabama."

Owner. The term "owner" shall include not only the owner of the whole but any part owner, joint tenant, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or part of any property.

Person. The term "person" shall extend and be applied to associations, clubs, societies, firms, partnerships, trustees, agents and bodies politic, or any combination thereof, as well as to natural persons.

Personal property. The term "personal property" shall include every species of property except real property as defined herein.

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Preceding, following. The terms "preceding" and "following" shall mean next before and next after, respectively.

Premises. The term "premises," as applied to real property, shall include land and structures.

Property. The term "property" shall include real and personal property.

Real property, real estate, land, lands. The terms "real property," "real estate," "land," and "lands" shall include land, tenements and hereditaments.

Shall. The term "shall" is to be construed as being mandatory.

State. The terms "the state" and "this state" shall mean the State of Alabama.

Street. The term "street" shall be construed to embrace alleys, avenues, boulevards, highways, roads, lanes, streets, viaducts and all other public ways in the town and shall embrace all parts thereof within the designated right-of-way.

Tenant, occupant. The terms "tenant" and "occupant," as applied to a building or land, shall include:

- (1) Any person holding either alone or with others a written or oral lease of such building or land.
- (2) Any person who either alone or with others occupies such building or land.

Tense. Terms used in the past or present tense shall include the future as well as the past and present.

Town, city. The terms "the town," "this town," "the city" and "this city" shall mean the Town of Riverside, Alabama.

Sec. 1-3. Catchlines of sections; history notes; references and editor's notes.

- (a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.
- (b) The history or source notes appearing in parenthesis after sections in this Code have no legal effect and only indicate legislative history.
- (c) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.
- (d) Editor's notes and other references appearing after sections thorough this Code are not intended to have any legal effect but are merely intended to assist the user of the Code.

Sec. 1-4. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are the same as ordinances previously adopted by the town existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

Sec. 1-5. Certain ordinances not affected by Code.

- (a) Nothing in this Code or the ordinance adopting this Code affects the validity of any of the following ordinances or portion of ordinances:
 - (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;
 - (2) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness;
 - (3) Any contract, obligation, deed or agreement assumed by the town;
 - (4) Granting any right or franchise not printed in this Code;

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- (5) Making or approving any appropriation or budget;
- (6) Providing for salaries or other employee benefits not codified in this Code, including but not limited to public corporations;
- (7) Levying, imposing or otherwise relating to taxes not codified in this Code;
- (8) Adopting or amending the comprehensive plan;
- (9) Dedicating, accepting or vacating any plat or subdivision;
- (10) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street or public way;
- (11) Establishing the grade of any street or sidewalk;
- (12) Levying or imposing any special assessment;
- (13) Annexing property into the town;
- (14) Deannexing or excluding property from the town;
- (15) That is temporary, although general in effect;
- (16) That is special, although permanent in effect;
- (17) The purpose of which has been accomplished;
- (18) Prescribing zoning for particular property or zoning districts.

(b) The ordinances designated in subsection (a) of this section continue in full force and effect to the same extent as if published at length in this Code.

Sec. 1-6. Effect of repeal of ordinances.

- (a) Unless specifically provided otherwise, the repeal of an ordinance does not revive any repealed ordinance.
- (b) The repeal or amendment of an ordinance does not affect any action or forfeiture incurred before the repeal took effect, nor does such repeal or amendment affect any suit, prosecution or proceeding pending at the time of the amendment or repeal.

Sec. 1-7. Code does not affect prior offenses or rights.

- (a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.
- (b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any ordinance of the town in effect on the date of adoption of this Code.

Sec. 1-8. General penalty; continuing violations.

- (a) Any person, firm or corporation committing an offense within the corporate limits of the town, or within the police jurisdiction thereof, which is in violation of an ordinance of the town, now existing or hereafter enacted, shall, upon conviction, be punished by a fine of not less than \$1.00 nor more than \$500.00. In addition thereto, any person so convicted may be imprisoned or sentenced to hard labor for the town, for a period not exceeding six months, at the discretion of the court trying the case. Provided, however, that no penalty shall consist of a fine or sentence of imprisonment exceeding the maximum fine or sentence of imprisonment established under state law for the commission of substantially similar offenses.
- (b) The imposition of a penalty does not prevent the suspension or revocation of a license, permit or franchise.

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(c) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

(Ord. No. 10477B, §§ 1, 10-4-1977)

State Law reference— Penalty for ordinance violations, Code of Ala. 1975, § 11-45-9.

Sec. 1-9. Amendments to Code; effect of new ordinances; amendatory language.

- (a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected thereby.
- (b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) of the Riverside Code is hereby amended to read as follows:"
- (c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) of the Riverside Code is hereby created to read as follows:"
- (d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

Sec. 1-10. Supplementation of Code.

- (a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the town. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts or ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:
 - (1) Arrange the material into appropriate organizational units.
 - (2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.
 - (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.
 - (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
 - (5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections _____ to _____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).
 - (6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

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Sec. 1-11. Altering Code.

It shall be unlawful for any person in the town to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever except by ordinance or resolution or other official act of the council, which will cause the law of the Town of Riverside, Alabama, to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-8.

Sec. 1-12. Severability of parts of Code.

The sections, subsections, paragraphs, sentences, clauses and phrases of this Code and all provisions adopted by reference in this Code are severable so that if any section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code is declared unconstitutional in invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code, for the council declares that it is its intent that it would have enacted this Code and all provisions adopted by reference in this Code without such invalid or unconstitutional provisions.

Chapter 2 ADMINISTRATION

[Sec. 2-1. Meetings.](#)

[Sec. 2-2. Qualification fee.](#)

[Sec. 2-3. Polling hours.](#)

[Sec. 2-4. Town council; single-member districts.](#)

[Sec. 2-5. Compensation of mayor and council members.](#)

Sec. 2-1. Meetings.

- (a) The rules or order of procedure herein contained shall govern deliberations and meetings of the council of Riverside, Alabama.
 - (1) Regular meetings of the council shall be held on the following dates: First and third Tuesday of each month at 6:00 p.m. at the Riverside City Hall.
 - (2) Special meetings may be held at the call of the presiding officer by serving notice on each member of the council riot less than 24 hours before the time set for such special meetings; or special meetings may be held as provided by Section 11-43-50, Code of Alabama, 1975, whenever two council members making the request shall have the right to call such meeting. Notice of all special meetings shall be posted on a bulletin board accessible to the public at least 24 hours prior to such meeting.
 - (3) A quorum shall be determined as provided by Section 11-43-48, Code of Alabama.
 - (4) All regular meetings shall convene at 6:00 p.m. at the town hall and all meetings, regular and special, shall be open to the public.
 - (5) The order of business shall be as follows:
 - a. A call to order.
 - b. Roll call.
 - c. Reading and approval of the minutes of the previous meeting.
 - d. Reports of standing committees.
 - e. Reports of special committees.
 - f. Reports of officers.
 - g. Reading of petitions, applications, complaints, appeals, communications, etc.
 - h. Auditing accounts.
 - i. Resolutions, ordinances, orders, and other business.
 - j. Public comments.
 - (6) No member shall speak more than twice on the same subject without permission of the presiding officer.
 - (7) No person, not a member of the council, shall be allowed to address the same while in session without permission of the presiding officer.
 - (8) Every officer, whose duty it is to report at the regular meetings of the council, who shall be in default thereof, may be fined at the discretion of the council.
 - (9) Motions shall be reduced to writing when required by the presiding officer of the council or any member of the council. All resolutions and ordinances and any amendments thereto shall be in writing at the time of introduction.

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

- (10) Motions to reconsider must be by a member who voted with a majority and at the same or next succeeding meeting of the council.
- (11) Whenever it shall be required by one or more members, the "yeas" and "nays" shall be recorded and any member may call for a division on any question.
- (12) All questions of order shall be decided by the presiding officer of the council with the right of appeal to the council by any member.
- (13) The presiding officer of the council may, at this/her discretion, call any member to take the chair, to allow him or her to address the council, make a motion, or discuss any other matter at issue.
- (14) Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be first put.
- (15) All meetings of the council shall be open to the public, except when the council meets in executive session as authorized by state law.
- (16) The council may meet in executive session only for those purposes authorized by the state law. When a councilmember makes a motion to go into executive session for an enumerated purpose, the presiding officer shall put the motion to a vote. If the majority of the council shall vote in favor of the motion to go into executive session, the body shall then move into executive session to discuss the matter for which the executive session was called. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberations in public.
- (17) A motion for adjournment shall always be in order.
- (18) The rules of the council may be amended in the same manner as any other ordinance of general and permanent operation.
- (19) The rules of the council may be temporarily suspended by a vote of two-thirds of the members present.
- (20) The chairman of each respective committee, or the councilmember acting for him or her, shall submit or make all reports to the council when so requested by the presiding officer or any member of the council.
- (21) All ordinances, resolutions or propositions submitted to the council which require the expenditure of money shall lie over until the next meeting; provided, that such ordinances, resolutions, or propositions may be considered earlier by unanimous consent of the council; and provided further, that this rule shall not apply to current expenses of, or contracts previously made with, or regular salaries of the officers, or wages of employees of the town.
- (22) The clerk, engineer, attorney and chief of police, and such other officers or employees of the town shall, when requested, attend all meetings of the council and shall remain in the council room for such length of time as the council may direct.
- (23) No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent be obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the vote thereon spread on the minutes.

(b) Robert's Rules of Order is hereby adopted as the rules of procedure for this council in those situations which cannot be resolved by the rules set out in this section.

(Ord. of 10-4-2004; Ord. No. 2008-1103, §§ 1—25, 11-3-2008)

Sec. 2-2. Qualification fee.

- (a) A qualification fee in the amount of \$50.00 is hereby fixed and imposed upon all candidates seeking election as mayor of the city except as hereinafter provided for.
- (b) A qualification fee in the amount of \$40.00 is hereby fixed and imposed upon all candidates seeking election as councilmember of the city except as hereinafter provided for.

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

- (c) Such qualification fee shall be paid to the city clerk and deposited to the general fund of the city at or prior to the time of taking out qualification papers by any such candidates.
- (d) Any person desiring to qualify who is not financially able to pay the required fee may qualify provided such prospective candidate furnishes the clerk with an affidavit stating that he is financially unable to pay the required fee fixed by this section.
- (e) This section is adopted pursuant to Code of Ala. 1975, § 11-46-2, and shall be effective in all elections, both general and special, for aforesaid offices from and after the date of adoption.

(Ord. No. 96-1706A, 6-17-1996; Ord. No. 2012-0605, §§ 1—5, 6-5-2012; Ord. No. 2012-0619, §§ 1—5, 6-19-2012)

Sec. 2-3. Polling hours.

- (a) Pursuant to Code of Ala. 1975, § 11-46-28, the town council ordains that the polls during all future municipal elections shall open at 7:00 a.m. and remain open continuously until 7:00 p.m.
- (b) On-site absentee voting poll hours during all municipal elections shall open at 8:00 a.m. and remain open continuously until 5:00 p.m.

(Ord. No. 96-1706B, § 1, 6-17-1996; Ord. No. 2000-0520, §§ 1, 2, 5-2-2000)

Sec. 2-4. Town council; single-member districts.

- (a) The town council will consist of five members elected from five single-member districts.
- (b) The members so elected shall continue to have four-year terms.
- (c) The election shall be conducted at regularly scheduled municipal elections in the summer of 1988.
- (d) Voters will be assigned to single-member districts as shown on five district maps.
- (e) Each voter will be notified by mail as to what district they vote in and the location of the voting place.
- (f) Black voters will be appointed as poll officials in numbers that reasonably reflect the racial composition of the town.
- (g) A map showing the five single district voting plan will be on display in the town hall lobby during business hours.

(Ord. No. 87-1006, §§ 1—7, 10-20-1987)

Sec. 2-5. Compensation of mayor and council members.

- (a) That the salary of the mayor of the city shall be and the same is hereby fixed at the sum of \$1,000.00 per month.
- (b) That each council member shall be compensated at the sum of \$75.00 per regularly scheduled meeting, and paid for no more than four absences per year. For the purposes of this section, the "year" will begin on November 1, and end on October 31. A "regularly scheduled" meeting is hereby defined as any council meeting, open to the public, and scheduled to take place on a regular basis.

(Ord. No. 2003-1118, §§ 1, 2, 11-18-2003; Ord. No. 2012-0117, §§ 1, 2, 1-17-2012)

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapters 3 - 5 RESERVED

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 6 ALCOHOLIC BEVERAGES

[Sec. 6-1. Persons under 21 years of age.](#)

[Sec. 6-2. Nudity, sexual conduct prohibited.](#)

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Sec. 6-1. Persons under 21 years of age.

- (a) It shall be unlawful for a person less than 21 years of age to purchase, consume, possess, or to transport any alcohol, liquor or malt or brewed beverages within the state. Notwithstanding any other provision of this section, it shall not be unlawful for any alcoholic beverage control board licensee to employ any person under the legal drinking age to work, provided there is an adult in attendance at all times. It shall be permissible to employ persons in an on-premises licensed establishment under legal drinking age such as professional entertainers, show people, musicians, cashiers, hostesses, ushers, waiters and waitresses, busboys, and the like, provided they do not serve, dispense or consume alcoholic beverages and there is an adult in attendance at all times. Notwithstanding the previous sentence, persons who are 19 years of age or older and working as a waiter, waitress, or server may serve alcoholic beverages during normal dining hours in a restaurant which holds an alcoholic beverage control board restaurant retail license. An employer who employs a person between the ages of 19 and 21 years to serve alcoholic beverages as provided in the preceding sentence shall be a licensee of the board who has been annually certified as a responsible vendor under the Alabama Responsible Vendor Act as provided in Code of Ala. 1975, § 28-10-1 et seq.
- (b) It shall be the duty of any person who is the proprietor or keeper of a tavern, lounge, nightclub, saloon, private club or other similarly situated business to post conspicuously in his place of business the following sign:
"Persons under the age of 21 years not allowed here."
- (c) Violations of the provision of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed 180 days, or any combination thereof.

(Ord. No. 97-0401, § 1, 4-1-1997)

State Law reference— Similar provisions, Code of Ala. 1975, § 28-1-5.

Sec. 6-2. Nudity, sexual conduct prohibited.

- (a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Licensed establishment means any business dealing in alcoholic beverages; any business or commercial establishment (whether open to the public at large or where entrance is limited by cover charge or membership requirement) including those licensed by the state for sale and/or service of alcoholic beverages, and any bottle club; hotel; motel; restaurant; nightclub; country club; cabaret; meeting facility utilized by any religious, social, fraternal or similar organization; business or commercial establishment where a produce or article is sold, dispensed, served or provided with the knowledge, actual or implied, that the same will be, or is intended to be mixed, combined with or drunk in connection or combination with an alcoholic beverage on the premises of said business or commercial establishment; or business or commercial establishment where the consumption of alcoholic beverages is permitted.

- (b) **Prohibitions enumerated.**

- (1) No person shall expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any simulation thereof in an establishment dealing in alcoholic beverages.
- (2) No female person shall expose to public view any portion of her breasts below the top of the areola or any simulation thereof in an establishment dealing in alcoholic beverages.
- (3) No person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit any person to expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any simulation thereof within the establishment dealing in alcoholic beverages.
- (4) No person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit any female person to expose to public view any of her breasts below the top of the areola or any simulation thereof within the establishment dealing in alcoholic beverages.

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

- (5) No person shall engage in and no person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act which is prohibited by law, touching, caressing or fondling of the breasts, buttocks, anus or genitals or the simulation thereof within an establishment dealing in alcoholic beverages.
- (6) No person shall cause and no person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit the exposition of any graphic representation, including pictures or the projection of film, which depicts human genitals, pubic area, vulva, anus, anal cleft or cleavage, buttocks, female breasts below the top of the areola, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act prohibited by law, touching, caressing, or fondling of the breasts, buttocks, anus, or genitals, or any simulation thereof within any establishment dealing in alcoholic beverages.

(c) Violation. Any person violating any provision of this section shall, upon conviction, be punished by a fine as provided in section 1-8.

(Ord. No. 97-0318, §§ 1—3, 3-18-1997)

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapters 7 - 9 RESERVED

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 10 ANIMALS [11](#)

[Sec. 10-1. Definitions.](#)

[Sec. 10-2. Appointment of enforcing officer; provision for shelter or pound; interference with enforcing officer prohibited.](#)

[Sec. 10-3. Dogs roaming and running at large and permitting animals to trespass.](#)

[Sec. 10-4. Proof of immunization required.](#)

[Sec. 10-5. Kennel license and fees.](#)

[Sec. 10-6. Non-resident owners; immunizations by other cities and states.](#)

[Sec. 10-7. Impoundment of dog or cat without tag or certificate; liability of owner.](#)

[Sec. 10-8. Stray animals.](#)

[Sec. 10-9. Duration of impoundment; notice to public; care of animals; destruction of impounded animals; redemption by owner; sale of impounded animals; proceeds from sales.](#)

[Sec. 10-10. Vicious and dangerous dogs; definition; report of vicious animals.](#)

[Sec. 10-11. Nuisance animals.](#)

[Sec. 10-12. Poisoning, torture and cruelty prohibited.](#)

[Sec. 10-13. Penalties.](#)

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Sec. 10-1. Definitions.

Whenever used in this chapter, unless otherwise clearly indicated, the following words and phrases shall have the following meanings:

Animal(s): Dog(s) and cat(s).

Animal control officer (ACO): The person(s) designated by the mayor or city council who shall be primarily responsible for the enforcement of this chapter.

At large: All times and places a dog is off or outside the premises of the owner, unless such dog is securely restrained by a strong leash not exceeding six feet in length, securely and continuously held by a competent person owning, having an interest in, harboring, or having charge, care, control, custody, or possession of such dog, or unless such dog is confined within an enclosed vehicle, or transportation crate, or not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, which shall mean the dog is under "voice control", at any time the dog is not on a leash or confined on the premises of the owner. This section shall not apply to any dog being used for law enforcement purposes by any state, county or city law enforcement agency.

Cat: All members of the domesticated feline (*Felis catus*) family three months of age or older.

Dangerous circumstance: For this chapter, a dangerous circumstance is a time or place that a dog is engaging in, or threatening to engage in possible injury, harm or death to a human being or another animal.

Dog: All members of the domesticated canine (*Canis familiaris*) family three months of age or older.

Has been exposed: Seized with the teeth or claws, so that the skin of the person or animal seized has been nipped or gripped, or has been wounded or pierced and includes suspected or confirmed contact of saliva with a break or abrasion of the skin or with any mucous membrane, as determined by a licensed physician.

His: Either male or female.

Immunization against rabies: The injection, in a manner approved by the state health officer and the state veterinarian, of anti-rabies vaccine approved by the state health officer and the state veterinarian. The administration of anti-rabies vaccine to species other than those for which reliable immunization data is available shall be a violation of this chapter.

Kennel: A registered establishment for the breeding, boarding or selling of animals. Exceptions are rescue and foster homes for animals with the goal of ultimately transferring the animal to a permanent owner through any means of transfer.

Nuisance:

- (1) Any dog that roams or runs at large.
- (2) Any dog which chases vehicles or molests passerby.
- (3) Any animal that soils, defiles or defecates on property other than the property of the owner, unless the owner immediately removes and properly disposes of it.
- (4) Any animal which causes unsanitary or dangerous conditions or circumstances.
- (5) Any animal which continuously barks, howls or otherwise disturbs the peace.
- (6) Any animal that destroys real or personal property or scatters, tears up or places in disarray any personal property of a person other than its owner or keeper.

Owner: Any person having a right of property in the animal, or who keeps or harbors the animal, or who has it in his care, or acts as its custodian or who permits the animal to remain on or about any premises occupied by him.

Person: Individuals, corporations, firms, partnerships and associations.

Pound: A place for the impoundment of animals found to be in violation of the provisions of this chapter.

Stray animal: An animal having no means of identification as to the owner.

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Voice control: As used in this chapter, the term voice control shall mean that the dog returns immediately to and remains by the side of the owner or keeper in response to the owner or keeper's verbal command, whistle, or hand signals. If a dog approaches or remains within ten feet of any person other than the owner or keeper, that dog is not under voice control and shall be deemed at large, unless such person (or in the case of a minor child, an adult present with the child) has communicated to the owner or keeper by spoken word or gesture that such person consents to the presence of the dog.

(Ord. No. 2015-0804, art. 1, 8-4-2015)

Sec. 10-2. Appointment of enforcing officer; provision for shelter or pound; interference with enforcing officer prohibited.

- (a) The mayor or city council shall appoint one or more enforcement officers, and said enforcement officers shall be designated as the animal control officers or other names as determined by the council. Said animal control officers shall enforce provisions of this chapter.
- (b) The mayor or city council may employ, hire or contract with an individual or concern to maintain and keep a shelter or pound for animals picked up and/or impounded hereunder.
- (c) It shall be unlawful for any person to interfere with or resist an animal control officer or other person charged with the enforcement of the provisions of this chapter in the discharge of any act required or permitted hereby.

(Ord. No. 2015-0804, art. 2, 8-4-2015)

Sec. 10-3. Dogs roaming and running at large and permitting animals to trespass.

- (a) It shall be unlawful for any person, to permit or allow any dog owned by him, or under his control to roam or run at large within the city limits of Riverside. Any dog found roaming or running at large, within the city limits of Riverside shall be deemed to be a nuisance to the health and safety of the citizens, and shall be subject to being picked up and impounded as provided in this section, and the owner or person in charge thereof shall be subject to the penalties herein provided.
- (b) The owner of any animal, after being requested by the owner or tenant of any premises not to permit the animal to trespass upon such premises, shall not allow any such animal to go upon such premises.

(Ord. No. 2015-0804, art. 3, 8-4-2015)

Sec. 10-4. Proof of immunization required.

It shall be unlawful for any person, except humane societies, societies for the prevention of cruelty to animals, boarding kennels and veterinary hospitals and clinics to own, keep or harbor, within the city limits of Riverside, any dog or cat over three months old that does not have displayed on it at all times a license tag issued by a licensed veterinarian showing current immunization status.

(Ord. No. 2015-0804, art. 4, 8-4-2015)

State Law reference— Code of Ala. 1975, § 3-7A-4.

Sec. 10-5. Kennel license and fees.

It shall be unlawful to breed, board or sell animals without a kennel license. A kennel license shall be available for properly registered kennel owners who are breeding, boarding or selling animals. The annual license fee for such

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kennel owner shall be \$50.00. Provided that if such license is not obtained by October 1 of each year, there shall be imposed, in addition to the aforesaid fees, a penalty of \$10.00 for each month of the violation.

(Ord. No. 2015-0804, art. 5, 8-4-2015)

Sec. 10-6. Non-resident owners; immunizations by other cities and states.

Section 10-4 shall not apply to persons moving into the city limits of Riverside, until after 30 days residence therein. Animals that have been immunized against rabies in other cities of this state or in other states within six months prior to the date of becoming a resident need not be re-inoculated. The owner or person having custody of a dog or cat wearing a current license tag of another city, within or without this state, shall procure a dog or cat tag from a local veterinarian within 30 days after moving into the city limits of Riverside.

(Ord. No. 2015-0804, art. 6, 8-4-2015)

Sec. 10-7. Impoundment of dog or cat without tag or certificate; liability of owner.

- (a) Any dog or cat over three months old not wearing an immunization tag shall be taken up and impounded, notwithstanding the imposition of the fine provided herein for the owner or keeper of such dog or cat, and such taking up and impounding shall not relieve the owner or person having custody of such dog or cat from the payment of the fine hereinafter provided.
- (b) The owner of any dog or cat found not wearing the evidence of current immunization as provided herein or for which no certificate or current immunization can be produced, and which is apprehended by an officer or other person charged with the enforcement of this chapter, shall be in violation of this chapter.

(Ord. No. 2015-0804, art. 7, 8-4-2015)

State Law reference— Code of Ala. 1975, § 3-7A-6.

Sec. 10-8. Stray animals.

Any stray animal found at large within the city limits of Riverside shall be taken up and impounded.

(Ord. No. 2015-0804, art. 8, 8-4-2015)

Sec. 10-9. Duration of impoundment; notice to public; care of animals; destruction of impounded animals; redemption by owner; sale of impounded animals; proceeds from sales.

- (a) When animals are impounded and if the owner thereof is known, such owner shall immediately be given written notice of the impoundment of said animal or animals belonging to him. If the owner of an impounded animal is not known, notice shall be given by posting for five days a brief description of such animal at the city hall and by posting on the City of Riverside's social media sites.
- (b) In case the owner of an impounded animal desires to make redemption thereof, he may do so on the following conditions:

If certificate of current immunization cannot be produced, he shall pay for the immunization of the animal, and, in addition pay the applicable license fee and all costs of impoundment, including, but not limited to, board, advertisement, notification and any fines associated with the penalty portion of this chapter. Non-redemption of an impounded animal shall not alleviate the owner of liability to pay fines due to the City of Riverside.

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- (c) All dogs and cats which have been impounded for lack of rabies immunizations, due notice of which shall have been given to the owner as hereinafter provided, may be humanely destroyed and disposed of when not redeemed by the owner within seven days.
- (d) After a period of not less than seven days, the said impounding officer may sell any animal not redeemed or claimed or otherwise disposed of, to any purchaser desiring the said animal. No animal shall be sold at a price less than the costs of immunization, and all costs of impoundment, including, but not limited to, board, advertisement and notification.
- (e) After seven days, any dog or cat taken up and impounded which is neither redeemed nor sold may be humanely destroyed.
- (f) All monies received from the sale of such animals shall be paid to the county impoundment facility.

(Ord. No. 2015-0804, art. 9, 8-4-2015)

Sec. 10-10. Vicious and dangerous dogs; definition; report of vicious animals.

- (a) It shall be unlawful for any dog to cause action(s) that precipitate into a dangerous circumstance that threatens the safety of those nearby.
- (b) Any dog, regardless of breed, which has a disposition to bite humans and any animal, which has bitten or attempted to bite any person within six months immediately past shall be deemed to be a vicious dog. However, the fact that an animal has bitten or attempted to bite some person when that person was teasing or mistreating the dog shall not be deemed a vicious animal within the sense of this section.
- (c) It shall be unlawful for the owner or other person in charge thereof, to keep within the city limits of Riverside any vicious dog unless same is confined in a pen in such a manner that it cannot bite mail carriers, delivery men, workers or other licensees or invitees coming onto the premises where such animal is kept and clearly identified with a conspicuously posted sign that states:

"DANGEROUS DOG—NO TRESPASSING"

- (d) Whenever any person has been bitten by a dog of another, an animal control officer shall have authority to take possession of such animal and keep it securely confined at a place designated by the mayor or city council for observation for such length of time as the law requires determining whether or not such animal is suffering with rabies. The costs of such confinement shall be assessed to the owner of such animal and shall be in addition to any other penalties assessed to the owner.

(Ord. No. 2015-0804, art. 10, 8-4-2015)

Sec. 10-11. Nuisance animals.

- (a) It shall be unlawful for any animal to become a public nuisance.
- (b) The owner of any animal which is a public nuisance shall be subject to the procedures and penalties set forth in section 10-13.
- (c) Any nuisance complaint may be investigated by ACO or law enforcement. At discretion of the ACO or law enforcement, the owner may be given written notification that the animal's behavior constitutes a public nuisance, and the owner is required to make reasonable effort to abate the nuisance within seven calendar [days] of the written notice of violation, and that subsequent violations shall result in issuance of a citation to the owner for allowing his animal to become a nuisance.
- (d) Subsequent violation, after written warning, shall be based on the ACO or law enforcement having personal knowledge of the nuisance or at least two affidavits from different parties residing in close proximity to the alleged nuisance must be received. Close proximity shall be defined as residing within a radius of 300 feet from

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the residence or location of the offending dog. One affidavit may be sufficient to warrant an investigation where there is only one party in close proximity to the alleged nuisance.

(Ord. No. 2015-0804, art. 11, 8-4-2015)

Sec. 10-12. Poisoning, torture and cruelty prohibited.

- (a) It shall be unlawful for any person to expose or put out upon his own premises, or upon the premises of another, or upon property owned or held through easement by the city, any substance which is poured over, wrapped in, or otherwise combined with food and which is known to be poisonous to animals with the apparent intent to entice such animals to eat the poisonous substance and become poisoned thereby. The finding of such poisonous substance or poisoned foods, together with proof as to the identity of the person exposing or putting out same, shall be *prima facie* evidence of the intent to poison and destroy animals.
- (b) The provisions of the Code of Ala. 1975, §§ 13A-11-240—13A-11-247, are hereby adopted as part of this chapter. The animal control officer appointed by this chapter is authorized to enforce the provisions of the statutes adopted in this section.

(Ord. No. 2015-0804, art. 12, 8-4-2015)

Sec. 10-13. Penalties.

- (a) It shall be unlawful to violate any of the terms and provisions of this chapter, and any person, firm or corporation violating any of the said terms and provisions of this chapter, shall be guilty of a misdemeanor and upon conviction shall be punished by fines as follows:
 - (1) For a first offense, a \$25.00 fine paid to the City of Riverside and any impoundment and (or) immunization charges and/or fees to be paid to the county impoundment facility.
 - (2) For a second offense within a 12-month period beginning with the date of the first offense, a \$50.00 fine paid to the City of Riverside and any impoundment and (or) immunization charges and/or fees to be paid to the county impoundment facility.
 - (3) For a third offense within a 12-month period beginning with the date of the first offense, a \$100.00 fine paid to the City of Riverside and any impoundment and (or) immunization charges and (or) fees to be paid to the county impoundment facility.
 - (4) Penalties for subsequent offenses within a 12-month period beginning with the date of the first offense shall be a \$200.00 fine paid to the City of Riverside and any impoundment and (or) immunization charges and (or) fees to be paid to the county impoundment facility along with a written citation for a mandatory municipal court appearance to determine further penalties.
- (b) It shall be unlawful to violate the terms and conditions of section 10-12 of this chapter, and any person, firm or corporation violating any of the said terms of section 10-12 of this chapter shall be guilty of a felony or a misdemeanor and upon conviction shall be punished as set forth in Code of Ala. 1975, § 13A-11-241.

(Ord. No. 2015-0804, art. 13, 8-4-2015)

FOOTNOTE(S):

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Editor's note—Ord. No. 2015-0804, arts. 1—13, adopted Aug. 4, 2015, effective Aug. 1, 2015, repealed the former Ch. 10, §§ 10-1—10-13, and enacted a new Ch. 10 as set out herein. The former chapter derived from Ord. No. 2014-0715, 8-5-2014, as previously derived from Ord. No. 2013-0402, 4-2-2013. See also the Code Comparative Table.[\(Back\)](#)

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Chapters 11 - 13 RESERVED

Chapter 14 BUILDINGS AND BUILDING REGULATIONS

[Sec. 14-1. Building codes adopted.](#)

[Sec. 14-2. Permit fees.](#)

[Sec. 14-3. Penalties.](#)

Sec. 14-1. Building codes adopted.

(a) The following codes are hereby adopted by the city for the purpose of establishing rules and regulations for the construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the city:

- (1) International Building Code, International Code Council, including all appendices, supplements, amendments, and modifications thereto;
- (2) International Residential Code, International Code Council, including all appendices, supplements, amendments, and modifications thereto:

R3009.2

- (a) Separation required. The garage shall be separated from the residence and its attic area by not less than [than] $\frac{1}{2}$ inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than $\frac{5}{8}$ inch (15.9 mm) Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than $\frac{1}{4}$ inch (12.7 mm) gypsum board or equivalent; or
 - (b) Heat detectors shall be wired in series to the smoke detection system for each garage door; or
 - (c) Residential sprinklers shall be installed in the garage over each parking area.
- (3) 2009 International Existing Building Code, International Code Council, including all appendices, supplements, amendments, and modifications thereto and;
- (4) 2009 International Fire Code, International Code Council, including all appendices, supplements, amendments, and modifications thereto;
- (5) 2009 International Mechanical Code, International Code Council, including all appendices, supplements, amendments, and modifications thereto;
- (6) 2009 International Plumbing Code, International Code Council, including all appendices, supplements, amendments, and modifications thereto;
- (7) 2009 International Fuel Gas Code, International Code Council, including all appendices, supplements, amendments, and modifications thereto;
- (8) 2009 International Energy Conservation Code, International Code Council, including all appendices, supplements, amendments, and modifications thereto;
- (9) 2009 ICC Electrical Code, International Code Council, including all appendices, supplements, amendments, and modifications thereto.

(b) Copies of each of such codes are on file in the office of the building inspector, and the same are hereby adopted and incorporated in full as if set out at length herein; and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of the city.

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(c) The city clerk is hereby authorized, directed and empowered to insert at the appropriate place in a copy of each such codes a certificate to the effect that said codes are an official publication of building laws, ordinances, and resolutions passed and adopted by the council and that said publications in book form of said building ordinances, laws, and resolutions affecting the city, by authority and under direction of the council, are to be and become effective as the building laws and ordinances of the city.

(Ord. No. 2014-0609, 6-9-2014)

Editor's note— Ord. No. 2014-0609, adopted June 9, 2014, repealed the former § 14-1 and enacted a new § 14-1 as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 2005-0802-1, 8-2-2005.

Sec. 14-2. Permit fees.

No permit shall be issued until the fees prescribed herein shall have been paid.

(1) Generally.

Modular Homes/Trailers	
Total Valuation	
\$10,000.00 to \$50,000.00	\$75.00 for the first \$10,000.00 plus \$2.50 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$175.00 for the first \$50,001.00 plus \$2.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$200,000.00	\$275.00 for the first \$100,001.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$200,000.00.
Constructed Homes, Buildings, Etc.	
Total Valuation	
Less than \$1,000.00	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
\$1,001.00 to \$50,000.00	\$40.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$285.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00

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\$100,001.00 to \$500,000.00	\$485.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up	\$1,685.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.
Other	
Moving Fee	\$100.00 shall be the fee for the moving of any building or structure.
Demolition Fee	\$50.00 for 0—100,000 cubic feet.
	\$0.50 per 1,000 cubic feet over 100,000 cubic feet.

(2) Trailer permit schedule.

For each additional \$1,000.00 add \$2.50											
Value \$		\$1,000. 00	\$2,000. 00	\$3,000. 00	\$4,000. 00	\$5,000. 00	\$6,000. 00	\$7,000. 00	\$8,000. 00	\$9,000. 00	
\$10,000. 00	\$75.0 0	\$77.50	\$80.00	\$82.50	\$85.00	\$87.50	\$90.00	\$92.50	\$95.00	\$97.50	
\$20,000. 00	\$100. 00	\$102.50	\$105.00	\$107.50	\$110.00	\$112.50	\$115.00	\$117.50	\$120.00	\$122.50	
\$30,000. 00	\$125. 00	\$127.50	\$130.00	\$132.50	\$135.00	\$137.50	\$140.00	\$142.50	\$145.00	\$147.50	
\$40,000. 00	\$150. 00	\$152.50	\$155.00	\$157.50	\$160.00	\$162.50	\$165.00	\$167.50	\$170.00	\$172.50	
For each additional \$1,000.00 add \$2.00											
Value \$		\$1,000. 00	\$2,000. 00	\$3,000. 00	\$4,000. 00	\$5,000. 00	\$6,000. 00	\$7,000. 00	\$8,000. 00	\$9,000. 00	

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\$50,000. 00	\$175. 00	\$177.00	\$179.00	\$181.00	\$183.00	\$185.00	\$187.00	\$189.00	\$191.00	\$193.00
\$60,000. 00	\$195. 00	\$197.00	\$199.00	\$201.00	\$203.00	\$205.00	\$207.00	\$209.00	\$211.00	\$213.00
\$70,000. 00	\$215. 00	\$217.00	\$219.00	\$221.00	\$223.00	\$225.00	\$227.00	\$229.00	\$231.00	\$233.00
\$80,000. 00	\$235. 00	\$237.00	\$239.00	\$241.00	\$243.00	\$245.00	\$247.00	\$249.00	\$251.00	\$253.00
\$90,000. 00	\$255. 00	\$257.00	\$259.00	\$261.00	\$263.00	\$265.00	\$267.00	\$269.00	\$271.00	\$273.00

For each additional \$1,000.00 add \$1.50

Value \$		\$10,000. .00	\$20,000. .00	\$30,000. .00	\$40,000. .00	\$50,000. .00	\$60,000. .00	\$70,000. .00	\$80,000. .00	\$90,000. .00
\$100,00 00	\$275. 00	\$290.00	\$305.00	\$320.00	\$335.00	\$350.00	\$365.00	\$380.00	\$395.00	\$410.00
\$200,00 00	\$425. 00	\$440.00	\$445.00	\$470.00	\$485.00	\$500.00	\$515.00	\$530.00	\$545.00	\$560.00

(3) House permit schedule.

For value up to		\$1,000. 00	\$2,000. 00	\$3,000. 00	\$4,000. 00	\$5,000. 00	\$6,000. 00	\$7,000. 00	\$8,000. 00	\$9,000. 00
		\$40.00	\$45.00	\$50.00	\$55.00	\$60.00	\$65.00	\$70.00	\$75.00	\$80.00

For each additional \$1,000.00 add \$5.00

Value		\$1,000. 00	\$2,000. 00	\$3,000. 00	\$4,000. 00	\$5,000. 00	\$6,000. 00	\$7,000. 00	\$8,000. 00	\$9,000. 00

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\$10,000. 00	\$85.0 0	\$90.00	\$95.00	\$100.00	\$105.00	\$110.00	\$115.00	\$120.00	\$125.00	\$130.00
\$20,000. 00	\$135. 00	\$140.00	\$145.00	\$150.00	\$155.00	\$160.00	\$165.00	\$170.00	\$175.00	\$180.00
\$30,000. 00	\$185. 00	\$190.00	\$195.00	\$200.00	\$205.00	\$210.00	\$215.00	\$220.00	\$225.00	\$230.00
\$40,000. 00	\$235. 00	\$240.00	\$245.00	\$250.00	\$255.00	\$260.00	\$265.00	\$270.00	\$275.00	\$280.00

For each additional \$1,000.00 add \$4.00

Value		\$1,000. 00	\$2,000. 00	\$3,000. 00	\$4,000. 00	\$5,000. 00	\$6,000. 00	\$7,000. 00	\$8,000. 00	\$9,000. 00
\$50,000. 00	\$285. 00	\$289.00	\$293.00	\$297.00	\$301.00	\$305.00	\$309.00	\$313.00	\$317.00	\$321.00
\$60,000. 00	\$325. 00	\$329.00	\$333.00	\$337.00	\$341.00	\$345.00	\$349.00	\$353.00	\$357.00	\$361.00

\$70,000. 00	\$365.0 0	\$369.00	\$373.00	\$377.00	\$381.00	\$385.00	\$389.00	\$393.00	\$397.00	\$401.00
\$80,000. 00	\$405.0 0	\$409.00	\$413.00	\$417.00	\$421.00	\$425.00	\$429.00	\$433.00	\$437.00	\$441.00
\$90,000. 00	\$445.0 0	\$449.00	\$453.00	\$457.00	\$461.00	\$465.00	\$469.00	\$473.00	\$477.00	\$481.00

For each additional \$1,000.00 add \$3.00

Value		\$10,000. .00	\$20,000. .00	\$30,000. .00	\$40,000. .00	\$50,000. .00	\$60,000. .00	\$70,000. .00	\$80,000. .00	\$90,000. .00
\$100,00 0.00	\$485.0 0	\$515.00	\$545.00	\$575.00	\$605.00	\$635.00	\$665.00	\$695.00	\$725.00	\$755.00

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\$200,00 0.00	\$785.0 0	\$815.00	\$845.00	\$875.00	\$905.00	\$935.00	\$965.00	\$995.00	\$1,025. 00	\$1,055. 00
\$300,00 0.00	\$1,085 .00	\$1,115. 00	\$1,145. 00	\$1,175. 00	\$1,205. 00	\$1,235. 00	\$1,265. 00	\$1,295. 00	\$1,325. 00	\$1,355. 00
\$400,00 0.00	\$1,385 .00	\$1,415. 00	\$1,445. 00	\$1,475. 00	\$1,505. 00	\$1,535. 00	\$1,565. 00	\$1,595. 00	\$1,625. 00	\$1,655. 00

For each additional \$1,000.00 add \$2.00

Value		\$10,000 .00	\$20,000 .00	\$30,000 .00	\$40,000 .00	\$50,000 .00	\$60,000 .00	\$70,000 .00	\$80,000 .00	\$90,000 .00
\$500,00 0.00	\$1,685 .00	\$1,705. 00	\$1,725. 00	\$1,745. 00	\$1,765. 00	\$1,785. 00	\$1,805. 00	\$1,825. 00	\$1,845. 00	\$1,865. 00
\$600,00 0.00	\$1,885 .00	\$1,905. 00	\$1,925. 00	\$1,945. 00	\$1,965. 00	\$1,985. 00	\$2,005. 00	\$2,025. 00	\$2,045. 00	\$2,065. 00
\$700,00 0.00	\$2,085 .00	\$2,105. 00	\$2,125. 00	\$2,145. 00	\$2,165. 00	\$2,185. 00	\$2,205. 00	\$2,225. 00	\$2,245. 00	\$2,265. 00
\$800,00 0.00	\$2,285 .00	\$2,305. 00	\$2,325. 00	\$2,345. 00	\$2,365. 00	\$2,385. 00	\$2,405. 00	\$2,425. 00	\$2,425. 00	\$2,465. 00
\$900,00 0.00	\$2,485 .00	\$2,505. 00	\$2,525. 00	\$2,545. 00	\$2,565. 00	\$2,585. 00	\$2,605. 00	\$2,625. 00	\$2,645. 00	\$2,665. 00
#####	\$2,685 .00	\$2,705. 00	\$2,725. 00	\$2,745. 00	\$2,765. 00	\$2,785. 00	\$2,805. 00	\$2,825. 00	\$2,845. 00	\$2,865. 00

(4) Electrical permits.

a. The following electrical permit fees for residential housing have been established:

Residential Square Footage	Housing Fee
-------------------------------	----------------

1400—1600 square feet\$100.00

1601—1800 square feet110.00

1801—2000 square feet120.00

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2001—2400 square feet130.00

2401—2600 square feet140.00

2601—2800 square feet150.00

2801—3000 square feet160.00

3001—3400 square feet170.00

3401—3600 square feet180.00

For three phase, add75.00

Minimum permit25.00

- b. These electrical permit fees for residential housing are set by the governing body of the town and shall not be waived. The fees must be paid in full to the city clerk upon completion of the permit application. Permit fees are non-refundable.

- c. Commercial—New construction.

Up to 200 amps\$100.00

Over 200 amps100.00

Plus per each additional 100 amps or any fraction thereof (includes temporary service)20.00

Commercial—additions, alterations or repairs50.00

Plus per fixture or outlet2.00

Motors, generators, welders, capacitors, transformers or heaters

First piece of equipment25.00

Each additional piece of equipment5.00

Additional fees:

Minimum fee20.00

First re-inspection fee20.00

Second re-inspection fee50.00

Each additional re-inspection fee50.00

- (5) The Town Council of the Town of Riverside, Alabama establishes the plumbing and HVAC (mechanical) permit fees as follows:

- a. The following fees have been established:

Square foot up to 1,399 square feet\$ 80.00

1,400—1,600 square feet100.00

1,601—1,800 square feet110.00

1,801—2,000 square feet120.00

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2,001—2,400 square feet130.00

2,401—2,600 square feet140.00

2,601—2,800 square feet150.00

2,801—3,000 square feet160.00

3,001—3,400 square feet170.00

3,401—3,600 square feet180.00

3,601—3,800 square feet190.00

3,801—4,000 square feet200.00

Minimum permit25.00

b. Additional plumbing fees.

Each plumbing fixture, floor drain, trap, including water & drainage pipe\$3.00

Each dishwasher, garbage grinder and washing machine3.00

Each hydrant (outside faucet)3.00

Each plumbing fixture not provided above3.00

Each drinking fountain or cooler3.00

Each water heater (gas or electric), including vent5.00

Each sump, pump or interior rain leader system5.00

Each backflow device10.00

Each water service5.00

Each septic tank connection5.00

Each sanitary sewer (must have proof of payment of impact fees)5.00

Additional fees:

Minimum fee20.00

First re-inspection fee20.00

Second re-inspection fee50.00

Each additional re-inspection fee50.00

c. Each floor furnace, central heating furnace, central heating boiler, power boiler, unit heater, recessed heater, room heater, infrared radiant heater, conversion burner, incinerator, oven, clothes dryer, air conditioning unit, or refrigeration unit shall have the permit costs based on the BTU output as follows:

65,000 BTU or less\$10.00

65,000 to 150,000 BTU15.00

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150,001 to 299,999 BTU20.00

300,00025.00

Over 300,00025.00

Plus per each additional 100,000 BTU, or fraction thereof, over 300,000 BTU10.00

Additional fees:

Minimum fee20.00

First re-inspection fee20.00

Second re-inspection fee50.00

Each additional re-inspection fee50.00

- d. No charge shall be assessed on the first request for required inspections.

Re-inspection fees, where correction is required, or unnecessary calls where work is not ready for inspection when the inspector arrives, shall be assessed at \$20.00 for first re-inspection, \$50.00 for second re-inspection, and \$50.00 each additional re-inspection.

- e. These fees are set by the governing body of the town, and shall not be waived. Said fees must be paid in full to the Clerk of Riverside upon completion of the permit application. Permit fees are non-refundable.

(Res. No. 97-0805, 8-5-1997; Ord. No. 2005-0419B, §§ 1, 2, 4-19-2005; Ord. No. 2006-0404, 4-4-2006; Ord. No. 2012-0702, §§ 1—4, 7-17-2012)

Editor's note— Ord. No. 2006-0404, adopted April 4, 2006, did not specifically amend this Code. Hence, inclusion of said provisions as § 14-2(5) was at the editor's discretion.

Sec. 14-3. Penalties.

Where work for which a permit is required by section 14-2 is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

(Res. No. 97-0805, 8-5-1997)

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Chapters 15 - 17 RESERVED

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Chapter 18 BUSINESSES

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ARTICLE II. LICENSES [\[1\]](#)

[Sec. 18-31. Levy of tax.](#)

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[Sec. 18-33. License term; minimums.](#)

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CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

ARTICLE I. - IN GENERAL

Secs. 18-1—18-30. Reserved.

ARTICLE II. - LICENSES

Sec. 18-31. Levy of tax.

Pursuant to the Code of Alabama, the following is hereby declared to be and is adopted as the business license code and schedule of licenses for the municipality for the year beginning January 1, 2008, and for each subsequent year thereafter. There is hereby levied and assessed a business license fee for the privilege of doing any kind of business, trade, profession or other activity in the municipality, or the police jurisdiction, by whatever name called.

(Ord. No. 2007-0807, § 1, 8-7-2007)

Sec. 18-32. Definitions.

Unless the context clearly requires otherwise, the following terms shall have the following meaning as set forth below:

Business. Any commercial or industrial activity or any enterprise, trade, profession, occupation, or livelihood, including the lease or rental of residential or nonresidential real estate, whether or not carried on for gain or profit, and whether or not engaged in as a principal or as an independent contractor, which is engaged in, or caused to be engaged in, within a municipality.

Business license. An annual license issued by the municipality for the privilege of doing any kind of business, trade, profession, or any other activity in the municipality, by whatever name called, which document is required to be conspicuously posted or displayed except to the extent the taxpayer's business license tax or other financial information is listed thereon.

Business license remittance form. Any business license return, renewal reminder notice, or other writing on which the taxpayer calculates the business license tax liability for all or part of the license year and remits the amount so calculated with the form.

Department or department of revenue. The Alabama Department of Revenue, as created under Section 40-2-1 et seq.

Designee. An agent or employee of the municipality authorized to administer or collect, or both the municipality's business license taxes, which may include another taxing jurisdiction, the department of revenue, or a "private auditing or collecting firm" as defined in Section 40-2A-3 of the Code of Alabama.

Gross receipts. The measure of any and all receipts of a business from whatever source derived, to the maximum extent permitted by applicable laws and constitutional provisions, to be used in calculating the amount due for a business license. Provided, however, that:

- (1) Gross receipts shall not include any of the following taxes collected by the business on behalf of any taxing jurisdiction or the federal government: All taxes which are imposed on the ultimate consumer, collected by the taxpayer and remitted by or on behalf of the taxpayer to the taxing authority, whether state, local or federal, including utility gross receipts levied pursuant to Article 3, Chapter 21, Title 40; license taxes levied pursuant to Article 2, Chapter 21, Title 40; or reimbursements to professional employer organizations of federal, state or local payroll taxes or unemployment insurance contributions; but no other deductions or exclusions from gross receipts shall be allowed except as provided in this article.

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- (2) A different basis for calculating the business license may be used by the municipality with respect to certain categories of taxpayers as prescribed in Section 11-51-90B.
- (3) For a utility or other entity described in Section 11-51-129, gross receipts shall be limited to the gross receipts derived from the retail furnishing of utility services within the municipality during the preceding year that are taxed under Article 3 of Chapter 21 of Title 40, except that nothing herein shall affect any existing contract or agreement between a municipality and a utility or other entity. The gross receipts derived from the furnishing of utility services shall not be subject to further business license taxation by the municipality.
- (4) Gross receipts shall not include dividends or other distributions received by a corporation, or proceeds from borrowing, the sale of a capital asset, the repayment of the principal portion of a loan, the issuance of stock or other equity investments, or capital contributions, or the undistributed earnings of subsidiary entities.

License form. Any business license application form, renewal reminder notice, business license remittance form, or business license return by whatever name called.

License officer or municipal license officer. The municipal employee charged by the municipality with the primary responsibility of administering the municipality's business license tax ordinance and related matters thereto.

License year. The calendar year.

Municipality. Any town or city in this state that levies a business license tax from time to time. The term shall also include the town's or city's police jurisdiction, where the business license tax is levied in the police jurisdiction.

Person. Any individual, association, estate, trust, partnership, limited liability company, corporation, or other entity of any kind, except for any nonprofit corporation formed under the laws of Alabama which is operated to enable municipalities that become members of such nonprofit corporation to finance or refinance capital projects and related undertakings, on a cooperative basis, and whose board of directors or other governing body consists primarily of elected officials of the municipality.

Taxing jurisdiction. Any municipality that levies a business license tax, whether or not a business license tax is levied within its police jurisdiction, or the department of revenue acting as agent on behalf of a municipality pursuant to Section 11-51-180 et seq., as the context requires.

Taxpayer. Any person subject to or liable under this chapter for any business license tax; any person required to file a return with respect to, or pay or remit the business license tax levied under this chapter or to report any information or value to the taxing jurisdiction; or any person required to obtain, or who holds any interest in, any business license issued by the taxing jurisdiction; or any person that may be affected by any act or refusal to act by the taxing jurisdiction under this chapter, or to keep any required by this chapter.

U.S.C. The applicable title and section of the United States Code, as amended from time to time.

Other terms. Other capitalized or specialized terms used in this article, and not defined above, shall have the same meanings ascribed to them in Section 40-2A-3, of the Code of Alabama, unless the context therein otherwise specifies.

(Ord. No. 2007-0807, § 2, 8-7-2007)

Sec. 18-33. License term; minimums.

The license term and the minimum amount for a business license are as follows:

- (1) Full year. Every person who commences business before the first day of July shall be subject to and shall pay the annual license for such business in full. Unless otherwise specified in the enclosed schedules, the minimum annual license shall be \$125.00.
- (2) Half year. Every person who commences business on or after July 1, shall be subject to and shall pay $\frac{1}{2}$ of the annual license for such business for that calendar year.

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- (3) Issuance fee. For each license issued there shall be an issuance fee in the amount established, and adjusted quinquennially (every five years) by the state department of revenue, and the issuance fee shall be collected in the same manner as the license tax.
- (4) Annual renewal. Except as provided in subsections (i) or (ii), the business license shall be renewed annually on or before January 31 each year.
 - a. If the due date for payment of any business license falls on a weekend or a holiday recognized by the municipality from time to time, the due date shall automatically be extended until the next business day.
 - b. Insurance company annual license renewals shall be renewed in accordance with Code of Ala. 1975, § 11-51-122, which states that each year, each insurance company shall furnish the municipality a statement in writing duly certified showing the full and true amount of gross premiums received during the preceding year and shall accompany such statement with the amount of license tax due according to the licensing schedule. Failure to furnish such statement or to pay such sum shall subject the company and its agents to those penalties as prescribed for doing business without a license as provided for in the municipal code.
 - c. On or before December 31 of each year, a renewal reminder shall be mailed to each licensee that purchased a business license during the current year. Said renewal notice shall be mailed via regular U.S. mail to the licensee's last known address of record with the municipality. Licensees are required to furnish the municipality any address changes for their business prior to December 1 in order for them to receive their notice.
 - d. Business license renewal payments received by the municipality shall be applied to the current renewal only when any and other debts the licensee owes to the municipality are first paid in full. No business license shall be issued if the current renewal payment does not meet said prior obligations and the current renewal. Failure to pay such sums shall subject the licensee and its agents to those penalties as prescribed for doing business without a license provided for in the municipal code.

(Ord. No. 2007-0807, § 3, 8-7-2007; Ord. No. 2012-1204-2, 12-4-2012)

Sec. 18-34. License shall be location specific.

- (a) For each place at which any business is carried on, a separate license shall be paid, and any person desiring to engage in any business for which a license is required shall designate the place at which business is carried on, and the license to be issued shall designate such place, and such license shall authorize the carrying on of such business only at the place designated.
- (b) Every person dealing in two or more of the articles, or engaging in two or more of the businesses, vocations, occupations or professions scheduled herein, shall take out and pay for a license for each line of business.
- (c) A taxpayer subject to the license authorized by this article that is engaged in business in.
- (d) Other municipalities, may account for its gross receipts so that the part of its gross receipts attributable to its branch offices will not be subject to the business license imposed by this article. To establish a bona fide branch office, the taxpayer must demonstrate proof of all following criteria:
 - (1) The taxpayer must demonstrate the continuing existence of an actual facility located outside the police jurisdiction in which its principal business office is located, such as a retail store, outlet, business office, showroom, or warehouse, to which employees and/or independent contractors are assigned or located during regular normal working hours.
 - (2) The taxpayer must maintain books and records, which reasonably indicate a segregation or allocation of the taxpayer's gross receipts to the particular facility of facilities.
 - (3) The taxpayer must provide proof that separate telephone listings, signs, and other indications of its separate activity are in existence.

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- (4) Billing and/or collection activities relating to the business conducted at the branch office or offices are performed by an employee or other representative, of the taxpayer who has such responsibility for the branch office.
- (5) All business claimed by a branch office or offices must be conducted by and through said office or offices.
- (6) The taxpayer must supply proof that all applicable business licenses with respect to the branch office or offices have been issued.

(Ord. No. 2007-0807, § 4, 8-7-2007)

Sec. 18-35. Restriction on transfer of license.

No license shall be transferred except with the consent of the council or other governing body of the municipality or of the director of finance or other chief revenue officer or his or her designee, and no license shall be transferred to reflect a physical change of address of the taxpayer within the municipality more than once during a license year and never from one taxpayer to another. Provided that a mere change in the name or ownership of a taxpayer that is a corporation, partnership. Limited liability company or other form of legal entity now or hereafter recognized by the laws of Alabama shall not constitute a transfer for purposes of this chapter, unless (1) the change requires the taxpayer to obtain a new federal employer identification number or department of revenue taxpayer identification number or (2), in the discretion of the municipality, the subject license is one for the sale of alcoholic beverages. Nothing in this section shall prohibit a municipality from requiring a new business license application and approval for an alcoholic beverage license.

(Ord. No. 2007-0807, § 5, 8-7-2007)

Sec. 18-36. Unlawful to do business without a license.

It shall be unlawful for any person, taxpayer, or agent of a person or taxpayer to engage in businesses or vocations in the municipality for which a license is required without first having procured a license. A violation of this division of the ordinance passed hereunder fixing a license shall be punishable by a fine not to exceed the sum of \$500.00 for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both, at the discretion of the court trying the same. Each day shall constitute a separate offense.

(Ord. No. 2007-0807, § 6, 8-7-2007)

Sec. 18-37. License must be posted.

Every license shall be posted in a conspicuous place, where said business, trade or occupation is carried on, and the holder of the license shall immediately show same to the designee of the municipality upon being requested so to do.

(Ord. No. 2007-0807, § 7, 8-7-2007)

Sec. 18-38. Duty to file report.

- (a) It shall be the duty of every person subject to such license tax to render to the municipality on such forms as may be required, a sworn statement showing the total business done, amount of sales, gross receipts and gross sales, stock, value of furniture and other equipment, capital invested, number of helpers or employees, amount of space occupied, or other factor described in the schedule, one or several, as the case may require, for the ascertainment of the classification of such person for license taxation purposes and the correct amount of license tax to which he is subject.

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- (b) If the municipality determines that the amount of business license tax reported on or remitted with any business license remittance form is incorrect, if no business license remittance form is filed within the time prescribed, or if the information provided on the form is insufficient to allow the taxing jurisdiction to determine the proper amount of business license tax due, the municipality shall calculate the correct amount of the tax based on the most accurate and complete information reasonably obtainable and enter a preliminary assessment for the correct amount of business license tax, including any applicable penalty and interest.
- (c) The municipality shall promptly mail a copy of any preliminary assessment to the taxpayer's last known address by either first class U.S. mail or certified U.S. mail with return receipt requested, or, in the sole discretion of the municipality, deliver the preliminary assessment to the taxpayer by personal delivery.
- (d) If the amount of business license tax remitted by the taxpayer is undisputed by the municipality, or if the taxpayer consents to the amount of any deficiency or preliminary assessment in writing, the municipality shall enter a final assessment for the amount of the tax due, plus any applicable penalty and interest.
- (e)
 - (1) If a taxpayer disagrees with a preliminary assessment as entered by the taxing jurisdiction, the taxpayer shall file a petition for review with the municipal license officer within 30 days from the date of entry of the preliminary assessment setting out the specific objections to the preliminary assessment. If a petition for review is timely filed, the license officer of the municipality shall schedule a conference with the taxpayer for the purpose of allowing the taxpayer or its representatives and the representatives of the municipality to present their respective positions, discuss any omissions or errors, and to attempt to agree upon any changes or modifications to the assessment. The license officer shall issue findings of fact and law within 60 days following the conference, which shall promptly upon issuance be mailed or delivered to the taxpayer, consistent with the procedures set forth in subsection (d) above.
 - (2) If the taxpayer disagrees with the license officer's findings of fact and law, the taxpayer may appeal to the municipal governing body, by filing a notice of appeal with the municipal clerk within 30 days after the findings have been issued. The appeal shall be in writing and shall set forth in reasonable detail the grounds on which the taxpayer disagrees with the license officer's findings of fact and law.
 - (3) If a petition for review: a. is not timely filed, or b. is timely filed, and upon further review the license officer, or the administrative hearings officer or governing body of the municipality, as the case may be, determines that the preliminary assessment is due to be upheld in whole or in part, the taxing jurisdiction shall make the assessment final in the amount of business license tax due as computed by the taxing jurisdiction, with applicable penalty and interest.
 - (4) A copy of the final assessment shall promptly be mailed to the taxpayer's last known address (i) by either first class U.S. mail or certified U.S. mail with return receipt requested in the case of assessments of business license tax of \$500.00 or less, or (ii) by certified U.S. mail with return receipt requested in the case of assessments of business license tax of more than \$500.00. In either case, at the option of the taxing jurisdiction a copy of the final assessment may be delivered to the taxpayer by personal delivery.

(Ord. No. 2007-0807, § 8, 8-7-2007)

Sec. 18-39. Duty to permit inspection and produce records.

Upon demand by the designee of the municipality, it shall be the duty of all licensees to:

- (a) Permit the designee of the municipality to enter the business and to inspect all portions of his place or places of business for the purposes of enabling said municipal designee to gain such information as may be necessary or convenient for determining the proper license classification, and determining the correct amount of license tax;
- (b) To furnish information during reasonable business hours, at the licensee's place of business, in the municipality or the police jurisdiction, all books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sales receipts, inventory and other information from which the correct license tax classification of such person may be ascertained and the correct amount of license tax to which he is subject may be determined, including exhibition of bank deposit books, bank

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statements, copies of sales tax returns to the State of Alabama, copies of Alabama income tax returns and federal income tax returns.

(Ord. No. 2007-0807, § 9, 8-7-2007)

Sec. 18-40. Unlawful to obstruct.

It shall be unlawful for any person, or for any agent, servant or employee of such person, to fail or refuse to perform any duty imposed by this article; nor shall any person, agent, servant or employee of such person obstruct or interfere with the designee of the municipality in carrying out the purposes of this article.

(Ord. No. 2007-0807, § 10, 8-7-2007)

Sec. 18-41. Privacy.

- (a) It shall be unlawful for any person connected with the administration of this article to divulge any information obtained by him/her in the course of inspection and examination of the books, papers, reports and memoranda of the taxpayer made pursuant to the provisions of this article, except to the mayor, the municipal attorney or others authorized by law to receive such information described herein.
- (b) It shall be unlawful for any person to print, publish, or divulge, without the written permission or approval of the taxpayer, the license form of any taxpayer or any part of the license form, or any information secured in arriving at the amount of tax or value reported, for any purpose other than the proper administration of any matter administered by the taxing jurisdiction, or upon order of any court, or as otherwise allowed in this article.
- (c) Nothing herein shall prohibit the disclosure of the fact that a taxpayer has or has not purchased a business license. Statistical information pertaining to taxes may be disclosed to the municipality council upon their written request through the mayor's office. It shall be unlawful for any person to violate the provisions of this section.

(Ord. No. 2007-0807, § 11, 8-7-2007)

Sec. 18-42. Failure to file assessment.

- (a) In any case where a person subject to paying a license tax as provided herein fails to do so, the municipal designee shall be authorized to assess and determine the amount of license taxes due using the best information available either by return filed or by other means.
- (b) The taxpayer shall be notified by registered or certified mail, or by personal service, of the amount of any such assessment, and of his right to appear before the municipal governing body on a day named not less than 20 days from the date of notice and to show cause why such assessment shall not be made final. Such appearance may be made by agent or attorney.
- (c) If no showing is made on or before the date fixed in such notice, or if such showing is not sufficient in the judgement of the municipality, such assessment shall be made final in the amount originally fixed, or in such other amount as is determined by the municipality to be correct. If upon such hearing the municipal designee finds a different amount due than that originally assessed, he/she shall make the assessment final in the correct amount, and in all cases shall notify the taxpayer of the assessment as finally fixed.
- (d) A notice by the United States mail, addressed to the taxpayer's last known place of business, shall be sufficient. Any assessment made by the designee of the municipality shall be *prima facie* correct upon any appeal.

(Ord. No. 2007-0807, § 12, 8-7-2007)

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Sec. 18-43. Lien for non-payment of license tax.

On all property, both real and personal, used in the business, the municipality shall have a lien for such license, which lien shall attach as of the date when the license is due, as allowed by Code of Alabama, Section 11-51-44 (1975).

(Ord. No. 2007-0807, § 13, 8-7-2007)

Sec. 18-44. Criminal penalties.

Any person found guilty of violating any of the provisions of this article shall be fined in an amount not less than \$50.00 and not more than \$500.00, and may also be sentenced to imprisonment for a period of not exceeding six months, in the discretion of the court trying the case, and violations on separate days shall each constitute a separate offense.

(Ord. No. 2007-0807, § 14, 8-7-2007)

Sec. 18-45. Civil penalties.

In addition to the remedies provided by Code of Alabama, Section 11-51-150 (1975) et seq., the continued or recurrent performance of any act or acts within the corporate limits or within its police jurisdiction for which a license may be revoked or suspended under this article is hereby declared to be detrimental to the health, safety, comfort and convenience of the public and is a nuisance. The municipality, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same.

(Ord. No. 2007-0807, § 15, 8-7-2007)

Sec. 18-46. Penalties and interest.

- (a) All licenses not paid within 30 days from the date they fall due shall be increased by 15 percent for the first 30 days they shall be delinquent, or fraction thereof, and shall be measured by an additional 15 percent for a delinquency of 60 or more days, but this provision shall not be deemed to authorize the delay of 30 days in the payment of the license due, which may be enforced at once.
- (b) In the case of persons who began business on or after the first day of the calendar year, the license for such "new business" shall be increased by 15 percent for the first 15 days they shall be delinquent, and shall be measured by an additional 15 percent for a delinquency of 45 days or more.
- (c) All delinquent accounts (both license taxes and penalties) shall also be charged simple interest at the rate of one percent per month.

(Ord. No. 2007-0807, § 16, 8-7-2007)

Sec. 18-47. Prosecutions unaffected.

The adoption of this article shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this article shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture be in any manner affected by the adoption of this article; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this article be affected in any manner by its adoption.

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(Ord. No. 2007-0807, § 17, 8-7-2007)

Sec. 18-48. Procedure for denial of new applications.

- (a) The municipal designee shall have the authority to investigate all applications and may refer any application to the municipal governing body for a determination of whether such license should or should not be issued.
- (b) If the municipal governing body denies the issuance of any license referred to it, the municipal clerk shall promptly notify the applicant of the municipal governing body's decision.
- (c) If said applicant desires to appear before the municipal governing body to show cause why said license should be issued, he shall file a written notice with the municipal clerk, said notice to be filed within two weeks from the date of mailing by the municipal clerk of the notice of the denial of such license by the municipal governing body.
- (d) Upon receipt of said notice the municipal clerk shall promptly schedule a hearing, to be held within 15 days from the date of receipt of such notice, before the municipal governing body and shall give the notice of the date, time and place of said hearing to the applicant.
- (e) The applicant shall be given the opportunity to appear personally, or through his counsel, or both, and the municipal governing body shall proceed to hear any evidence which may be presented both for and against the issuance of said license.
- (f) If the municipal governing body determines from the evidence presented that in order to either provide for the safety, preserve the health, promote the prosperity, or improve the morals, order, comfort and convenience of the inhabitants of the municipality said license should not be granted, it shall enter an order to that effect; otherwise, said license shall be ordered issued upon payment of any required license fees.

(Ord. No. 2007-0807, § 18, 8-7-2007)

Sec. 18-49. Procedure for revocation or suspension of license.

- (a) Any lawful license issued to any person to conduct any business shall be subject to revocation by the municipal governing body for the violation by the licensee, his agent, servant, or employee of any provision of this article or of any ordinance of the municipality, or any statute of the State of Alabama relating to the business for which such license is issued; and shall also be subject to revocation by the municipal governing body if the licensee, his agent, servant, or employee under color of such license violates or aids or abets in violating or knowingly permits or suffers to be violated any penal ordinance of the municipality or any criminal law of the State of Alabama; and shall also be subject to revocation by the municipal governing body if, in connection with the issuance or renewal of any license, the licensee or his agent filed or caused to be filed any application, affidavit, statement, certificate, book, or any other date containing any false, deceptive or other misleading information or omission of material fact.
- (b) The conditions hereinabove set forth as grounds for the revocation of a license shall also constitute grounds for refusing to renew a license.
- (c) The municipal governing body shall set a time for hearing on the matter of revoking or refusing to renew a license; and a notice of such hearing shall be given to the licensee, or the applicant for renewal, as the case may be, at least ten days before the day set for said hearing. At the hearing the municipal governing body shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation or the refusal of renewal, as the case may be.

(Ord. No. 2007-0807, § 19, 8-7-2007)

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Sec. 18-50. Refunds on overpayments.

- (a) Any taxpayer may file a petition for refund with the municipality for any overpayment of business license tax erroneously paid to the municipality. If a final assessment for the tax has been entered by the municipality, a petition for refund of all or a portion of the tax may be filed only if the final assessment has been paid in full prior to or simultaneously with the filing of the petition for refund.
- (b) A petition for refund shall be filed with the municipality within two years from the date of payment of the business license tax, which is the subject of the petition.
- (c) The municipality shall either grant or deny a petition for refund within six months from the date the petition is filed, unless the period is extended by written agreement of the taxpayer and the municipality. The taxpayer shall be notified of the municipality's decision concerning the petition for refund by first class U.S. mail or by certified U.S. mail, return receipt requested, sent to the taxpayer's last known address. If the municipality fails to grant a full refund within the time provided herein, the refund petition shall be deemed to be denied.
- (d) If the petition is granted or the municipality or a court otherwise determines that a refund is due, the overpayment shall be promptly refunded to the taxpayer by the municipality, together with interest to the extent provided for in Section 11-51-92. If the municipality determines that a refund is due, the amount of overpayment plus any interest due thereon may first be credited by the municipality against any outstanding tax liabilities due and owing by the taxpayer to the municipality, and the balance of any overpayment shall be promptly refunded to the taxpayer. If any refund or part thereof is credited to any other tax by the municipality, the taxpayer shall be provided with a written detailed statement showing the amount of overpayment, the amount credited for payment to other taxes, and the resulting amount of the refund.
- (e) A taxpayer may appeal from the denial in whole or in part of a petition for refund by filing a notice of appeal with the clerk of the circuit court of the county in which the municipality denying the petition for refund is located. Said notice of appeal must be filed within two years from the date the petition was denied. The circuit court shall hear the appeal according to its own rules and procedures and shall determine the correct amount of refund due, if any. If an appeal is not filed with the appropriate circuit court within two years of the date the petition was denied, then the appeal shall be dismissed for lack of jurisdiction.

(Ord. No. 2007-0807, § 20, 8-7-2007)

Sec. 18-51. Delivery license.

- (a) In lieu of any other type of license, a taxpayer may at its option purchase for \$125.00 plus the issuance fee, a delivery license for the privilege of delivering its merchandise in the municipality if the taxpayer meets all of the following criteria:
 - (1) Other than deliveries, the taxpayer has no other physical presence within the municipality or its police jurisdiction;
 - (2) The taxpayer conducts no other business in the municipality other than delivering merchandise and performing the requisite set-up and installation of said merchandise;
 - (3) Such delivery and set-up and installation is performed by the taxpayer's employees or agents, concerns the taxpayer's own merchandise in that municipality, and is done by means of delivery vehicles owned, leased, or contracted by the taxpayer;
 - (4) The gross receipts derived from the sale and any requisite set-up or installation of all merchandise so delivered shall not exceed \$75,000.00 during the license year;
 - (5) Any set-up or installation shall relate only to (i) that required by the contract between the taxpayer and the customer or as may be required by state or local law, and (ii) the merchandise so delivered;
 - (6) If at any time during the current license year the taxpayer fails to meet any of the above stated criteria, then within ten days after any of said criteria have been violated or exceeded, the taxpayer shall purchase all

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appropriate business licenses from the municipality for the entire license year and without regard to this section.

- (b) Mere delivery of the taxpayer's merchandise by common carrier shall not allow the municipality to assess a business license tax against the taxpayer, but the gross receipts derived from any sale and delivery accomplished by means of a common carrier shall be counted against the \$75,000.00 limitation described in the preceding section if the taxpayer also during the same license year sells and delivers into the taxing jurisdiction using a delivery vehicle other than a common carrier.
- (c) A common carrier, contract carrier, or similar delivery service making deliveries on behalf of others shall not be entitled to purchase a delivery license.
- (d) The delivery license shall be calculated in arrears, based on the related gross receipts during the preceding license year.
- (e) The purchase of a delivery license shall not, in and of itself, establish nexus between the taxpayer and the municipality for purposes of the taxes levied by or under the authority of Title 40 of the Code of Alabama or other provisions of law, nor does the purchase of a delivery license conclusively determine that nexus does not exist between the taxpayer and the municipality.

(Ord. No. 2007-0807, § 21, 8-7-2007)

Sec. 18-52. License classifications.

CODE	2002 NAICS TITLES / BUSINESS LICENSE CODES	SCHEDULE
111998	Farming and Crop Production - agriculture, crop production, nursery, fruit, growers,	F
112990	Animal Production - dairy, cattle, ranching, sheep, chickens, poultry	F
113110	Forestry - logging, forestry, timber track operations, timber mgt,	D
114119	Fishing and hunting - hunting and trapping, finfish, shellfish, supplies,	E
115114	Agriculture support - cotton gins, farm mgt, post-harvest activities,	F
211111	Oil and gas extraction - natural gas liquid extraction, crude extraction,	C
212299	Mining - (except for oil and gas) all related mining activities,	C
213112	Mining support services - for oil and gas mining activities, oil/gas wells,	C
221122	Utilities - electric power or light company/State Regulated	
221210	Utilities - natural gas company/State Regulated	

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221310	Utilities - water, sewage treatment, steam, and other	G
236220	Contractors - general contractors, Comm. bldg, residential, subdivisions,	E
236221	Contractors - general contractors - itinerant not local	T
237990	Contractors - heavy construction, highway, bridge, street, water, sewer,	D
237991	Contractors - heavy construction - itinerant not local	T
238320	Contractors - specialty trade - plumbing, heating and air conditioning	E
238320	Contractors - specialty trade - painting and wall covering	E
238210	Contractors - specialty trade - electrical contractors	E
238140	Contractors - specialty trade - masonry and stone contractors	E
238310	Contractors - specialty trade - drywall, acoustical and insulation	E
238430	Contractors - specialty trade - tile, marble, terrazzo and mosaic	E
238340	Contractors - specialty trade - carpentry contractors	E
238330	Contractors - specialty trade - floor coverings/all types	E
238160	Contractors - specialty trade - roofing, siding and sheet metal	E
238110	Contractors - specialty trade - concrete contractors	E
238115	Contractors - specialty trade - water well drilling and irrigation	E
238120	Contractors - specialty trade - structural steel erection	E
238150	Contractors - specialty trade - glass and glazing contractors	E
238910	Contractors - specialty trade - excavation and site development	E
238910	Contractors - specialty trade - wrecking and demolition	E
237990	Contractors - specialty trade - building equipment and mechanical install	E

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238130	Contractors - specialty trades contractors- non-general and non-heavy,	D
238221	Contractors - specialty trades contractors - itinerant not local	T
311991	Food mfg - meat, seafood, grain, fruit, dairy, animal, poultry processing,	F
312212	Beverage mfg - all types of soft drinks, bottled water, breweries, ice,	E
312121	Beer - off premise - state regulated through ABC	H
312122	Beer - on premise - state regulated through ABC	H
312131	Wine - state regulated through ABC	
312132	Beer and Wine - wholesale distributor	H
312141	Alcohol - state regulated through ABC	H
313112	Textile mfg - fabric, yarn, carpet, canvas, rope, twine, fabric mills,	E
314129	Other mfg - mill operations not covered in 313, rugs, linen, curtains	E
315999	Apparel mfg - women, men, children, hosiery, lingerie outerwear,accessories,	D
316993	Leather and allied products mfg - shoes, luggage, handbag, relatedproducts, all footwear,	D
321999	Wood mfg - sawmills, wood preservation, veneer, trusses, millwork,	F
322229	Paper mfg - pulp, paper, and converted products, stationary, tubes, cores	E
323110	Printing - screen, quick, digital, books, lithographic, handbills, comm.	D
324199	Petroleum and coal mfg - asphalt, grease, roofing, paving products,	C
325998	Chemical mfg - of fertilizer, wood, pesticide, paint, soap, and resin	C
326291	Plastic and rubber mfg - tires, pipe, hoses, belts, bottles, sheet, wrap, film,	D
327331	Nonmetallic mfg - clay, glass, cement, lime, pottery, ceramic, brick, tile,	C

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331521	Primary metal mfg - iron, steel, aluminum, wire, copper, foundries	C
332999	Metal fabrication - cutlery, structural, ornamental, machine shops,	D
333990	Machinery mfg - office machinery, industrial, engines, farm, HVAC,	C
334419	Computer and electronic mfg - audio, video, circuit boards, peripherals,	C
335211	Appliance mfg - small appliance, lighting, electrical, battery, freezer,	C
336112	Transportation mfg - mfg auto, truck, trailer, motor home, boat, ship, and Motorcycle.	D
337129	Furniture mfg - cabinets, office, household, beds, kitchen,	C
339999	Miscellaneous mfg - Misc. Manufacturing, medical, dental, jewelry, sporting goods, toys, signs, all other.	B
421990	Wholesale trade - durable, vehicle, machinery, equipment, furniture,	E
422720	Wholesale trade - non-durable, wholesale gasoline distributor	F
4224990	Wholesale trade -non-durable, paper, apparel, grocery, beverages, dairy,	E
441310	Motor vehicle parts and accessories - auto, motorcycles, boats, parts and accessories,	C
441110	Motor vehicles - new and/or used automobiles, motorcycles, boats, etc. - dealerships and lots	D
442110	Furniture - furniture, home furnishings, stores, floor coverings, window,	C
443112	Electronic and appliance store - household, radio, television, computers,	B
444130	Building materials and gardening equipment dealers - hardware, paint, home center, wallpaper, nursery,	C
445120	Food and beverage stores - grocery, convenience store, markets,	F
445310	Package Stores - selling beer, wine and liquor plus general mdse	D

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446110	Health and personal care stores - drug, pharmacy, cosmetic, optical, health food	C
447110	Gasoline Retail - selling gasoline with or without convenience stores	E
448130	Clothing and accessories - men, women, children, infant, shoe, jewelry,	B
451110	Sporting goods and hobbies - toy, fish, gun, books, games	B
452990	General merchandise stores - department, warehouse clubs, superstores,	C
453212	Used Merchandise Stores - books, miscellaneous, consignment, flea mkt	F
453220	Miscellaneous retailers - florist, gift, novelty, pet, art, and tobacco	B
454210	Non-store retailers - vending machine operators, direct selling, mail order	D
454391	Non-Store Retailer - peddlers license / local peddler	I
454392	Non-Store Retailer - peddlers license / itinerant peddler	T
481111	Air transportation - airline tickets, shipping, freight, charters service	B
482110	Rail transportation - transportation, ticket offices, state regulated 11-51-124	
483212	Water transportation - coastal, freight forwarders, inland, passenger	B
484110	Truck transportation - local, long-distance, freight, moving, and storage	C
484230	Truck transportation - terminal - state regulated 37-3-33	
485113	Passenger transportation - charter and other vehicle transit services	B
485114	Passenger transportation - bus terminals state regulated 37-3-33	
485320	Passenger transportation - buses, taxi cabs, limousine service, buggy, charters,	J
485321	Passenger transportation - number of buses, taxis, cabs, limousines, or Buggys	J
487990	Sightseeing transportation - scenic and sightseeing, land, air, water, special trans	A

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492110	Couriers - couriers and local messengers, services, local delivery services,	C
493110	Warehousing and storage - distribution, household, refrigerated, special,	F
511110	Publishing industries except internet - newspaper, book, periodical, databases, software	B
512131	Motion pictures - theatres, videos, recording, drive-ins, sound studios,	A
515112	Broadcasting - radio and television stations	B
517310	Telecommunications - telephone local per 11-51-128	K
517320	Telecommunications - telephone long distance per 11-51-128	K
517322	Telecommunications - cellular and other wireless, paging,	K
517315	Telecommunications - resellers of service	K
519190	Information services and data processing - providing, storing, processing, access to information	A
522110	Bank Main Office - not branch location or ATM	U
522111	Bank Branch or ATM - not main office of bank	U
522120	Savings and Loans - not branch location or ATM	U
522121	SandL Branch or ATM - not main office of SandL	U
522298	Pawn Shop - whether title pawn or merchandise	A
522390	Credit services - companies and activities related to credit and mediation,	B
523999	Securities, commodity - brokerage, portfolio, investment, otherfinancial services	A
524126	Insurance Company and/or its agents - casualty, fire, and/or marine premiums 11-51-120/123	

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524128	Insurance Company and/or its agents - health, allied and all other premiums 11-51-120/123	
524210	Agent Office - administration of third parties, pension funds, annuities, etc	B
525990	Funds, trusts, other financial agencies - Funds, plans, and/or programs organized to pool securities or other assets for others, other than the Alabama Municipal Funding Corp,	A
531210	Real estate - offices, agents, brokers, management, appraisers,	B
532310	Rental and leasing - auto, truck, trailer, RV, all tangible property,	C
532230	Rental and leasing - movie and video rental	D
541110	Attorney/Lawyers - individual and/or firm professional license	A
541211	Accountant/CPAs - individual and/or firm professional license	A
541310	Architect - individual and/or firm professional license	A
541111	Physician - individual and/or firm professional license	A
541210	Dentist - individual and/or firm professional license	A
541311	Chiropractor - individual and/or firm professional license	A
541320	Optometrist - individual and/or firm professional license	A
541330	Engineer - individual and/or firm professional license	A
541360	Surveyor - individual and/or firm professional license	A
541511	Computer Programmer - individual and/or professional firm license	A
541921	Photographer - studios, portrait, commercial, services	A
541940	Veterinarian - individual and/or firm professional license	A
541990	Professional Services Not Elsewhere Classified - scientific, technical,	A

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551990	Management companies - offices, enterprises, regional, corporate,	B
561499	Administrative services - answering, employment, office, sec., travel,	C
561710	Exterminating services - exterminating company and its services	E
561730	Landscaping Services -	F
562998	Waste management - companies, trucks, septic tanks, landfill, services,	F
611699	Educational services - technical, computer, sports, services, business,	D
621491	HMO - medical centers and services	B
621498	Outpatient Care Centers - all other types of services	C
621910	Ambulance - ambulance company and/or services	D
622110	Hospitals - surgical, substance abuse, psychiatric, general care, special,	C
623110	Nursing care - residential care facility, day care, assisted living	C
623312	Nursing Home - care for elderly and continuing care facilities	D
624110	Social assistance - shelters, vocational, child care, abuse, emergency,	E
711310	Arts and sports - dance, musical, teams, tracks, promoters, agents,	B
711310	Special Events - promoter or activity - see schedule for rates	L
712110	Museums - museums and historical sites, zoos, botanical gardens, parks,	C
713110	Amusement - arcades, golf clubs, marinas, fitness, bowling centers,	B
721110	Accommodations - hotels, motels and similar facilities	C
721191	Accommodations - bed and breakfast inns and services	D
721214	Accommodations - trailer parks, RV parks, and travel parks	E
721310	Accommodations - rooming houses and boarding houses	E

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722212	Restaurant - full service restaurant facility	D
722211	Restaurant - limited facility or service	D
722410	Caterers - and/or mobile food services	C
722410	Drinking Establishment - club, lounge, bar or other	B
811118	Repairs and maintenance - auto, paint/body, carwash, other vehicular,	C
811219	Repairs and maintenance - all electronic equipment	B
811412	Repairs and maintenance - all appliances, home and garden equipment	D
811710	Exterminating services - exterminating company and its services	E
811720	Janitorial firm - janitorial cleaning services - individual or firm	F
812199	Personal Services - hair, skin, barber, beautician, diet, nail, tanning, funerals	B
812199	Fortune Teller or Clairvoyant - individual reader license	M
910001	Category for number of - vending machines for all types vending	N
910002	Category for number of - pool tables	O
910003	Category for number of - amusement devices and/or games	P
920005	Category for number of - employees as a basis for calculating license	R
930006	Category for number of - square feet used for calculating license amount	S
999111	Unclassified miscellaneous business services not elsewhere classified	C
999222	Unclassified miscellaneous personal services not elsewhere classified	B
923	Administration of human resource programs	
924	Administration of Environmental Quality Programs	
925	Administration of housing, urban, comm.	

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926	Administration of Economic programs	
927	Space, research, and technology	
928	National Security and International Affairs	

(Ord. No. 2007-0807, § 22, 8-7-2007)

Sec. 18-53. Alphabetical code listings.

	ALPHABETICAL LIST	CODE	SCH
A	ACCOUNTANT - FIRM LICENSE	541211	A
	ACCOUNT - INDIVIDUAL LICENSE	541211	A
	ACOUSTICAL CONTRACTOR LOCAL	235420	E
	ACOUSTICAL CONTRACTOR ITINERANT	235991	T
	ADVERTISING FIRM	551110	B
	ADVERTISING MEDIA	511199	B
	AGENT OR AGENCY	525990	R
	AGRICULTURE	111998	F
	AIR CONDITIONING CONTRACTOR LOCAL	235110	E
	AIR CONDITIONING CONTRACTOR ITINERANT	235991	T
	AIRLINE TICKET OFFICE	481111	B
	ALARM and SECURITY SYSTEMS	561439	C
	ALCOHOL - ABC	312141	H

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	ALUMINUM PLANT	331528	C
	AMBULANCE COMPANY	621910	D
	AMBULANCE SERVICE	621910	D
	AMUSEMENT DEVICES - NUMBER OF	910003	P
	AMUSEMENT FIRM OR COMPANY	713990	B
	ANALYST	551110	B
	ANSWERING SERVICE	561439	V
	APPAREL WHOLESALE	422990	E
	APPLIANCE MANUFACTURER	335211	C
	APPLIANCE REPAIR	811412	D
	APPLIANCE STORE	443112	B
	ARCADES	713990	B
	ARCHITECT - FIRM LICENSE	541310	A
	ARCHITECT - INDIVIDUAL LICENSE	541310	A
	ARMORED CAR SERVICES	561439	C
	ART CENTER	711219	B
	ART GALLERY	711219	B
	ART STORE	453998	B
	ART SUPPLIES	453998	B
	ASPHALT MANUFACTURING	324199	C
	ASPHALT PLANT	324199	C

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	ASSISTED CARE FACILITY	623110	C
	ASSISTED LIVING FACILITY	623110	C
	ATTORNEY - FIRM LICENSE	541110	A
	ATTORNEY - INDIVIDUAL LICENSE	541110	A
	AUTOMOBILE ACCESSORIES	441310	C
	AUTOMOBILE NEW CAR DEALER	441311	D
	AUTOMOBILE PAINTING	811118	C
	AUTOMOBILE PARTS	441310	C
	AUTOMOBILE REPAIR	811118	C
	AUTOMOBILE RENTAL	532490	C
	AUTOMOBILE TIRE DEALER	441310	C
	AUTOMOBILE USED CAR DEALER	441311	D
B	BAIL BONDS	812199	B
	BAIT SHOP	114119	E
	BANK - ATM LOCATION	521111	U
	BANK - BRANCH OFFICE	521111	U
	BANK - MAIN OFFICE	521110	U
	BAR	722410	B
	BARBER	812199	B
	BARGE COMPANY	483212	B

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	BARGE SERVICES	483212	B
	BATHROOM TILE MAN	235430	E
	BATTERY PLANT	335211	C
	BEAUTICIAN	812199	B
	BEAUTY PARLOR	812199	B
	BED and BREAKFAST	721191	D
	BED MANUFACTURING	337129	C
	BEER - OFF PREMISE	312121	H
	BEER - ON PREMISE	312122	H
	BEER and WINE WHOLESALER	312132	H
	BEVERAGE WHOLESALER	422990	E
	BILLIARD PARLOR	713990	B
	BILLIARD TABLES - INDIVIDUAL TABLE FEE	910002	O
	BOARDING HOUSE	721310	E
	BOAT DEALER	441310	C
	BOAT MANUFACTURER	336112	D
	BOAT PARTS	441310	C
	BODY SHOP - AUTOMOTIVE	811118	C
	BOOK PRINTING	323112	D
	BOOK STORE - NEW	451120	B
	BOOK STORE - USED BOOKS	453310	F

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	BOOKKEEPING and TAX SERVICE	541990	A
	BOTTLET WATER COMPANY	312100	E
	BOWLING ALLEY	713990	B
	BOWLING CENTER	713990	B
	BREWERY	312100	E
	BRICK PLANT	327331	C
	BRICK MASON	235430	E
	BROADCASTING COMPANY - RADIO	513100	B
	BROADCASTING COMPANY - TELEVISION	513100	B
	BROKERAGE FIRM OR AGENCY	523999	A
	BUGGY RIDES	485320	J
	BUILDING MATERIALS	444130	C
	BUS SERVICE	485113	B
	BUS - INDIVIDUAL EQUIPMENT FEE	910004	Q
	BUS TERMINAL STATE LAW	485114	
	BUSINESS SCHOOL	611699	D
	BUTANE GAS DEALER	221310	G
C	CABINET MANUFACTURER	337129	C
	CABLE COMPANY	513330	K
	CABLE INSTALLERS	235991	T
	CAFÉ	722110	D

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	CAFETERIA	722110	D
	CANVAS COMPANY	313112	E
	CARWASH	811118	C
	CARPENTER - LOCAL	235510	E
	CARPENTER - ITINERANT	235991	T
	CARPENTRY CONTRACTOR - LOCAL	235510	E
	CARPENTRY CONTRACTOR - INTINERANT	235991	T
	CARPET INSTALLATION	235520	E
	CARPET MILL	313112	E
	CARPET SALES	444130	C
	CATERER and CATERING	722410	B
	CATTLE RANCH	112990	F
	CATFISH PONDS	114119	E
	CATFISH SALES	114119	E
	CEMENT PLANT	327331	C
	CEMENT BLOCK PLANT	327331	C
	CEMETERY	812199	B
	CHEMICAL PLANT	325998	C
	CERAMIC MANUFACTURING	327331	C
	CHARTER SERVICE AIRPLANE	481111	B
	CHARTER SERVICE BUS	481111	B

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	CHARTER SERVICE COMPANIES	481111	B
	CHARTER SERVICE SIGHTSEEING	481111	B
	CHICKEN FARM	112990	F
	CHILDREN CLOTHES MANUFACTURER	325999	D
	CHIROPRACTOR - FIRM LICENSE	621310	A
	CHIROPRACTOR - INDIVIDUAL LICENSE	621310	A
	CIRCUIT BOARD MANUFACTURER	334419	C
	CLAIRVOYANT	812199	M
	CLEANING COMPANY	561720	F
	CLEANING SERVICE	561720	F
	CLOTHING STORE - CHILDREN	448190	B
	CLOTHING STORE - INFANT	448190	B
	CLOTHING STORE - MEN	448190	B
	CLOTHING STORE - SHOES	448190	B
	CLOTHING STORE - WOMEN	448190	B
	CLUB	722410	B
	COAL MANUFACTURER	324199	C
	COLD STORAGE FACILITY	493110	F
	COMMERCIAL PHOTOGRAPHER	541921	A
	COMMODITY BROKER	523999	A
	COMPUTER MANUFACTURER	334419	C

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	COMPUTER PERIPHERAL MANUFACTURING	334419	C
	COMPUTER PROGRAMMER - FIRM LICENSE	541511	A
	COMPUTER PROGRAMMER - INDIVIDUAL LICENSE	541511	A
	COMPUTER REPAIR SERVICES	811219	B
	COMPUTER SCHOOL	611699	D
	COMPUTER STORE	443112	B
	CONCRETE CONTRACTOR - LOCAL	235710	E
	CONCRETE CONTRACTOR - ITINERANT	235991	T
	CONSIGNMENT STORE	453310	F
	CONSTRUCTION EQUIPMENT - RENTING/LEASING	532490	C
	CONSULTANT OR CONSULTANTS	999111	C
	CONTRACTOR - GENERAL - LOCAL	233320	E
	CONTRACTOR - GENERAL -ITINERANT	233321	T
	CONTRACTOR - HEAVY - LOCAL	234990	E
	CONTRACTOR - HEAVY - ITINERANT	234991	T
	CONTRACTOR - ACOUSTICAL - LOCAL	235420	E
	CONTRACTOR - ACOUSTICAL - ITINERANT	235991	T
	CONTRACTOR - AIR CONDITIONING - LOCAL	235110	E
	CONTRACTOR - AIR CONDITIONING - ITINERANT	235991	T
	CONTRACTOR - CARPENTER - LOCAL	235510	E
	CONTRACTOR - CARPENTER - ITINERANT	235991	T

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	CONTRACTOR - CARPENTRY - LOCAL	235510	E
	CONTRACTOR - CARPENTRY - ITINERANT	235991	T
	CONTRACTOR - CONCRETE - LOCAL	235710	E
	CONTRACTOR - CONCRETE - INTINERANT	235991	T
	CONTRACTOR - DEMOLITION - LOCAL	235940	E
	CONTRACTOR - DEMOLITION - ITINERANT	235991	T
	CONTRACTOR - DRYWALL - LOCAL	235420	E
	CONTRACTOR - DRYWALL - ITINERANT	235991	T
	CONTRACTOR - ELECTRICAL - LOCAL	235310	E
	CONTRACTOR - ELECTRICAL - ITINERANT	235991	T
	CONTRACTOR - EXCAVATION - LOCAL	235930	E
	CONTRACTOR - EXCAVATION - ITINERANT	235991	T
	CONTRACTOR - FLOORS - LOCAL	235520	E
	CONTRACTOR - FLOORS - ITINERANT	235991	T
	CONTRACTOR - GLASS - LOCAL	235920	E
	CONTRACTOR - GLASS - ITINERANT	235991	T
	CONTRACTOR - INSULATION - LOCAL	235420	E
	CONTRACTOR - INSULATION - ITINERANT	235991	T
	CONTRACTOR - IRRIGATION - LOCAL	235810	E
	CONTRACTOR - IRRIGATION - ITINERANT	235991	T
	CONTRACTOR - MASONRY - LOCAL	235410	E

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	CONTRACTOR - MASONRY - ITINERANT	235991	T
	CONTRACTOR - PAVING - LOCAL	235990	E
	CONTRACTOR - PAVING - ITINERANT	235991	T
	CONTRACTOR - ROOFING - LOCAL	235610	E
	CONTRACTOR - ROOFING - ITINERANT	235991	T
	CONTRACTOR - SHEETMETAL - LOCAL	235610	E
	CONTRACTOR - SHEETMETAL - ITINERANT	235991	T
	CONTRACTOR - SHEETROCK - LOCAL	235420	E
	CONTRACTOR - SHEETROCK - ITINERANT	235991	T
	CONTRACTOR - SIDING - LOCAL	235610	E
	CONTRACTOR - SIDING - ITINERANT	235991	T
	CONTRACTOR - SITE DEVELOPMENT - LOCAL	235930	E
	CONTRACTOR - SITE DEVELOPMENT - ITINERANT	235991	T
	CONTRACTOR - STEEL ERECTION - LOCAL	235910	E
	CONTRACTOR - STEEL ERECTION - ITINERANT	235991	T
	CONTRACTOR - STONE - LOCAL	235410	E
	CONTRACTOR - STONE - ITINERANT	235991	T
	CONTRACTOR - WELL DRILLING - LOCAL	235810	E
	CONTRACTOR - WELL DRILLING - ITINERANT	235991	T
	CONTRACTOR - WRECKING - LOCAL	235940	E
	CONTRACTOR - WRECKING - ITINERANT	235991	T

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	CONVALESCENT CENTER	623312	D
	CONVENIENCE STORE	445120	F
	COPPER MANUFACTURING	331528	C
	COTTON GIN	115114	F
	COUNSELING CENTER OR SERVICES	624229	E
	CREDIT AGENCY OR COMPANY	522390	B
	CROP PRODUCTION	111998	F
	COURIER SERVICE	492210	C
	COURIER SERVICE and MESSENGER SERVICE	492210	C
	COURIER SERVICE FOR LOCAL DELIVERY	492210	C
	CURTAIN MANUFACTURER	314129	E
D	DAIRY	112990	F
	DAIRY WHOLESALER	422990	E
	DANCE CENTER	711219	B
	DANCE HALL	711219	B
	DANCE SCHOOL	711219	B
	DAY CARE FACILITY	623110	C
	DELIVERY LICENSE	999111	V
	DEMOLITION CONTRACTOR - LOCAL	235940	E
	DEMOLITION CONTRACTOR - ITINERANT	235991	T

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	DENTIST - FIRM LICENSE	621200	A
	DENTIST - INDIVIDUAL LICENSE	621200	A
	DEPARTMENT STORE	452110	C
	DEPOT OR TERMINAL STATE LAW	484230	
	DETECTIVE OR INVESTIGATOR	561439	C
	DIET CENTER	812199	B
	DIET PROGRAM	812199	B
	DINER	722211	D
	DIRECT SALES	454390	D
	DISTRIBUTION CENTER	493110	F
	DOCTOR - FIRM LICENSE	621111	A
	DOCTOR - INDIVIDUAL LICENSE	621111	A
	DRILLING SUPPLIES	213112	C
	DRINKING ESTABLISHMENT	721191	D
	DRIVE IN THEATRE	512131	A
	DRIVING SCHOOL	611699	D
	DRUG STORE	446199	C
	DRYCLEANERS	812199	B
	DRYWALL CONTRACTOR - LOCAL	235420	E
	DRYWALL CONTRACTOR - ITINERANT	235991	T

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

E	EDUCATIONAL SERVICES	611699	D
	ELDERLY CARE FACILITY	623312	D
	ELECTRIC COMPANY UTILITIES	221122	G
	ELECTRICIAN	235310	E
	ELECTRICAL CONTRACTOR - LOCAL	235310	E
	ELECTRICAL CONTRACTOR - ITINERANT	235991	T
	ELECTRICAL PRODUCTS MANUFACTURER	335211	C
	ELECTRONICS MANUFACTURER	334419	C
	ELECTRONICS STORE	443112	B
	EMPLOYMENT OFFICE	561439	C
	EMPLOYMENT SERVICE	561439	C
	ENGINE MANUFACTURER	333990	C
	ENGINEER - FIRM LICENSE	541330	A
	ENGINEER - INDIVIDUAL LICENSE	541330	A
	EQUIPMENT WHOLESALER	421990	E
	EXCAVATION CONTRACTOR - LOCAL	235930	E
	EXCAVATION CONTRACTOR - ITINERANT	235991	T
	EXTERMINATING COMPANY	561710	E
F	FABRIC MILL OR PLANT	313112	E
	FARM EQUIPMENT MANUFACTURER	333990	C

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	FEED STORE	111998	F
	FERTILIZER PLANT	325998	C
	FILM MANUFACTURING PLANT	326291	D
	FINANCIAL AGENT OR AGENCIES	525990	A
	FISH CAMP	114119	E
	FISHING SUPPLIES	114119	E
	FITNESS CENTERS	713990	B
	FLEA MARKET	453310	F
	FLOOR COVERING STORE	442290	C
	FLOORING CONTRACTOR - LOCAL	235520	E
	FLOORING CONTRACTOR - ITINERANT	235991	T
	FLORIST	453998	B
	FOOD CART	722320	C
	FOOTWEAR MANUFACTURER	316993	D
	FORESTRY	113110	D
	FORTUNE TELLER	812990	M
	FOUNDRY	331528	C
	FOURWHEELER REPAIR	811118	C
	FRAMER/HOUSE	235510	E
	FREIGHT OFFICE	481111	B
	FUNERAL PARLORS	812199	B

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	FRUIT GROWER	111998	F
	FURNITURE MANUFACTURER	337129	C
	FURNITURE STORE	442290	C
	FURNITURE WHOLESALER	421990	E
G	GAS COMPANY UTILITIES	221210	G
	GAS DEALER FOR BUTANE	221310	G
	GAS WELL SUPPLIES	212112	C
	GASOLINE RETAIL LICENSE CODE	447110	E
	GASOLINE WHOLESALE DISTRIBUTOR	422720	F
	GENERAL CONTRACTOR - LOCAL	233320	E
	GENERAL CONTRACTOR - ITINERANT	233321	T
	GENERAL HOSPITAL	622110	S
	GENERAL MERCHANDISE SALES	452110	C
	GIFT SHOP	453998	B
	GIFT STORE	453998	B
	GLASS CONTRACTOR - LOCAL	235920	E
	GLASS CONTRACTOR - ITINERANT	235991	T
	CLASS MANUFACTURER	327331	C
	GOING OUT OF BUSINESS LICENSE	999111	F
	GOLF CLUB	713990	B

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	GOLF COURSE	713990	B
	GROCERY STORE	445120	F
	GROCERY WHOLESALER	422990	E
	GUARD SERVICES	561439	C
	GUN SALES	451120	B
	GYMNASIUM	713990	B
H	HAIR CUT	812199	B
	HAIR STYLIST	812199	B
	HANDBAG MANUFACTURER	316993	D
	HANDBILL PRINTING	323112	D
	HARDWARE STORE	444130	C
	HEADSTONES and MONUMENTS	421990	E
	HEALTH and ALLIED SERVICES	621498	C
	HEALTH and OUTPATIENT SERVICE	621498	C
	HEALTH CLUB	713990	B
	HEALTH FOOD STORE	452110	C
	HEARING AID SALES	812199	B
	HEATING and AIR CONTRACTOR	235110	E
	HEAVY CONSTRUCTION - LOCAL	234990	E
	HEAVY CONSTRUCTION - ITINERANT	234991	T

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	HMO LOCATIONS	621491	B
	HOBBY SHOP	451120	B
	HOBBY STORE	451120	B
	HOME FURNISHINGS	442290	C
	HOME SECURITY SYSTEMS	561439	C
	HOSIERY MANUFACTURER	315999	D
	HOSPITAL	622110	S
	HOTEL	721110	C
	HOUSE CLEANING - EXTERNAL SERVICES	561720	F
	HOUSE CLEANING - MAID SERVICES	561720	F
	HOUSE FRAMER	235510	E
	HOUSE MOVER	235990	E
	HOUSE PAINTER	235210	E
	HOUSEHOLD FURNITURE MFG	337129	C
	HOUSEHOLD STORAGE FACILITY	493110	F
	HUNTING CAMP	114119	E
	HUNTING SUPPLIES	114119	E
	HVAC CONTRACTOR - LOCAL	235110	E
	HVAC CONTRACTOR - ITINERANT	235991	T
	HVAC EQUIPMENT MANUFACTURER	333990	C

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

I	INDUSTRIAL MACHINE MANUFACTURER	333990	C
	INN - AS IN HOTEL OR MOTEL	721191	D
	INSULATION CONTRACTOR - LOCAL	235420	E
	INSULATION CONTRACTOR - ITINERANT	235991	T
	INSURANCE ADJUSTERS	561439	C
	INSURANCE AGENT OFFICE LOCATION	524292	R
	INSURANCE FIRE COVERAGE STATE LAW	524126	
	INSURANCE ALL OTHER COVERAGE STATE LAW	524128	
	INTERIOR DECORATOR	541990	A
	INVESTIGATOR OR DETECTIVE	561439	C
	INVESTMENT AGENT OR AGENTS	525990	A
	INVESTMENT BROKERAGE	523999	A
	IRON MILL OR MANUFACTURING	331528	C
	IRRIGATION CONTRACTOR - LOCAL	235810	E
	IRRIGATION CONTRACTOR - ITINERANT	235991	T
J	JANITORIAL FIRM	561720	F
	JANITORIAL SERVICE	561720	F
	JANITORIAL SUPPLY COMPANY	561720	F
	JEWELRY STORE	448190	B
	JUNK SALES	453310	F

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	JUNK STORE	453310	F
K	KITCHEN FURNITURE MANUFACTURER	337129	C
L	LANDSCAPE SERVICE	561720	F
	LAWN and YARD MOWING	561720	F
	LAWN MOWER REPAIR	811412	D
	LAUNDRY - COIN OPERATED	812199	B
	LAUNDRY - LINEN SERVICE	812199	B
	LAWYER - FIRM LICENSE	541110	A
	LAWYER - INDIVIDUAL LICENSE	541110	A
	LEATHER GOODS MANUFACTURER	316993	D
	LIQUOR	312141	H
	LIGHTING PRODUCTS MANUFACTURER	335211	C
	LIME MANUFACTURER	327331	C
	LIMOUSINE EQUIPMENT FEE	910004	J
	LIMOUSINE SERVICE	485320	C
	LINEN MANUFACTURER	314129	E
	LITHOGRAPHIC PRINTING	323112	D
	LOCAL COURIER SERVICE	492210	C
	LOCAL DELIVERY	492210	C
	LOCAL MOVING and STORAGE	484122	C

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	LOCKSMITHS	561439	C
	LODGING	113110	D
	LONG DISTANCE TRANSPORTATION	484122	C
	LOUNGE	722410	B
	LUGGAGE MANUFACTURER	316993	D
	LUMBER MANAGEMENT and SALES	551110	B
	LUNCHROOM	722211	D
M	MACHINE SHOP	332999	D
	MACHINERY MANUFACTURER	333990	C
	MACHINERY WHOLESALER	421990	E
	MAID SERVICE and CLEANING	561720	F
	MAIL ORDER SALES	454390	D
	MANAGEMENT COMPANY	551110	R
	MANAGEMENT OFFICES	551110	R
	MANAGEMENT SERVICES	551110	R
	MANICURE and PEDICURE	812199	B
	MANUFACTURER NOT ELSEWHERE CLASSIFIED	339999	B
	MARINAS	713990	B
	MASONRY CONTRACTOR - LOCAL	235410	E
	MASONRY CONTRACTOR - INNERNANT	235991	T

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	MASSAGE PARLOR	812199	B
	MASSAGE THERAPIST	812199	B
	MEAT PACKING PLANT	311991	F
	MEAT PROCESSING PLANT	311991	F
	MEDICAL CENTERS	621491	B
	MEDICAL MANUFACTURING	337129	C
	MEDICAL SERVICES - OUTPATIENT	621491	B
	MENS CLOTHING MANUFACTURER	315999	D
	METAL FABRICATION SHOP	332999	D
	METAL MANUFACTURING PLANT	331528	C
	MILLOWRK MANUFACTURER	321999	F
	MINIATURE GOLD	713990	B
	MISC MANUFACTURING PLANTS	339999	D
	MISC TEXTILE MANUFACTURER	314129	E
	MOBILE FOOD CART	722320	C
	MOBILE HOME DEALERS	453998	B
	MOBILE HOME MANUFACTURERS	336112	D
	MOBILE HOME SERVICES	235990	D
	MONEY LENDERS	812199	B
	MONUMENTS and HEADSTONES	421990	E
	MORTGAGE COMPANY	524292	B

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	MORTGAGE LENDER	524292	B
	MORTGAGE TITLE COMPANY	524292	B
	MOTEL	721110	C
	MOTOR HOME MANUFACTURER	336112	D
	MOTORCYCLE PARTS	441310	C
	MOVIE RENTAL	532230	D
	MOVIE THEATRE	512131	A
	MOVING COMPANY	484122	C
	MOVING and STORAGE	484122	C
	MUSEUMS	712190	C
	MUSIC CENTER	711219	B
N	NAILS	812199	B
	NATURAL GAS	211111	C
	NEW CAR DEALER	441311	D
	NEW TRUCK DEALER	441311	D
	NEWS STAND	452110	C
	NEWSPAPER PUBLISHER	511199	B
	NIGHT CLUB	722410	B
	NOVELTY SALES	453998	B
	NOVELTY STORE	453998	B

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	NURSERY and DAY CARE	623110	C
	NURSERY and GARDEN	111998	F
	NURSING HOME	623312	D
O	OFFICE FURNITURE MANUFACTURER	337129	C
	OFFICE LOCATION ONLY LICENSE	910005	R
	OIL and GREASE	324199	C
	OIL WELL SUPPLIES	212112	B
	OIL WELLS	211111	B
	OPTICIAN RETAIL CENTER	446199	C
	OPTOMETRIST - FIRM LICENSE	621320	A
	OPTOMETRIST - INDIVIDUAL LICENSE	621320	A
	ORNAMENTAL IRON SHOP	332999	D
	OUTPATIENT CARE CENTERS - ALL TYPES	621498	C
P	PACKAGE STORE	445310	D
	PAINT MANUFACTURER	325998	C
	PAINTER	235210	E
	PAINTING CONTRACTOR - LOCAL	235210	E
	PAINTING CONTRACTOR - ITINERANT	235991	T
	PALM READER	812990	M
	PAPER MILL	322229	E

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	PAPER COVERED PRODUCTS MFG	322229	E
	PAPER PRODUCTS WHOLESALER	422990	B
	PARKING LOT	812199	C
	PARTS STORE	441310	C
	PARTY CATERER	722320	C
	PAVING CONTRACTOR - LOCAL	235990	E
	PAVING CONTRACTOR - ITINERANT	235991	T
	PAVING PRODUCTS MANUFACTURER	324199	C
	PAWN SHOP	522298	A
	PEDDLERS LICENSE - LOCAL	454391	I
	PEDDLERS LICENSE - ITINERANT	454392	T
	PERSONAL SERVICES	812199	B
	PERSONAL STORAGE FACILITIES	493110	F
	PEST CONTROL COMPANY	561710	E
	PESTICIDE PLANT	325998	C
	PET GROOMING	446199	C
	PET STORE	453998	B
	PHOTOGRAPHER SERVICES	541921	A
	PHOTOGRAPHER STUDIO	541921	A
	PHYSICIAN - FIRM LICENSE	621111	A
	PHYSICIAN - INDIVIDUAL LICENSE	621111	A

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	PHYSICIAN SUPPLIES	541990	A
	PIANO TUNER	541990	A
	PICTURE SHOW	512131	A
	PISTOLS and FIREARMS	451120	B
	PLASTIC PLANT	326291	D
	PLUMBING CONTRACTOR - LOCAL	235110	E
	PLUMBING CONTRACTOR ITINERANT	235991	T
	POOL HALL	713990	B
	POOL HALL - INDIVIDUAL TABLE FEE	910002	O
	POOL SERVICES	561720	F
	PORTRAIT PHOTOGRAPHER	541921	A
	POTTERY	327331	C
	POULTRY	112990	F
	POWER COMPANY UTILITIES	221122	G
	PREFABRICATED MOBILE HOMES	336112	D
	PRESSURE WASHING - INDIVIDUAL OR FIRM	561720	F
	PRINTING	323112	D
	PRINTING COMPANY	511199	B
	PRODUCE and FRUIT DEALERS - LOCAL	454391	I
	PRODUCE and FRUIT DEALERS - ITINERANT	454392	T
	PROFESSIONAL SERVICES N.E.C.	541990	A

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	PSYCHIATRIC HOSPITAL	622110	C
	PUBLIC RELATIONS	541990	A
	PUBLISHING COMPANY	511199	B
	PULP MILL	322229	E
	PUTT PUTT GOLF	713990	B
Q	QUICK PRINTING	323112	D
R	RV PARK	721214	E
	RV RENTAL	532490	C
	RADIATOR REPAIR	811118	C
	RADIO STATION	513100	B
	RAILROADS STATE LAW	482110	
	RAISING CHICKENS	112990	F
	RANCHING	112990	F
	REAL ESTATE AGENT	531390	B
	REAL ESTATE APPRAISERS	531390	B
	REAL ESTATE BROKER	531390	B
	REAL ESTATE OFFICE	531390	B
	RECORDING STUDIO	512131	A
	RECOVERY OR REHABILITATION CENTER	621498	C
	RECREATIONAL VEHICLE RENTAL	532490	C

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	REFRIGERATION SERVICES COMPANY - LOCAL	235990	E
	REFRIGERATION SERVICES COMPANY - ITINERANT	235991	T
	REHABILITATION OR RECOVERY CENTER	621490	C
	RENT OR LEASE AUTOMOBILE	532490	C
	RENT OR LEASE RV'S	532490	C
	RENT OR LEASE TANGIBLE PROPERTY	532490	C
	RENT OR LEASE TRAILERS	532490	C
	RENT OR LEASE TRUCKS	532490	C
	REPAIR SERVICES NOT ELSEWHERE CLASSIFIED	811412	D
	RESIN PLANT	325998	C
	REST HOME	623312	D
	RESTAURANT	722110	D
	ROOFER	235610	E
	ROOFING CONTRACTOR - LOCAL	235610	E
	ROOFING CONTRACTOR - ITINERANT	235991	T
	ROOFING PRODUCTS MANUFACTURER	324199	C
	ROOMING HOUSE	721310	E
	RUBBER BELTS, HOSES, PIPES	326291	D
	RUBBER PRODUCTS MANUFACTURER	326291	D
	RUG MANUFACTURER	314129	E

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

:b§\b;	SANDBLASTING SERVICE	235990	E
	SATELITE DISH DEALERS	514190	A
	SAVINGS and LOAN ATM OR BRANCH	521111	U
	SAVINGS and LOAN BRANCH	521111	U
	SAVINGS and LOAN MAIN OFFICE	521110	U
	SAW SHARPENING	811412	D
	SAWMILL	321999	F
	SCHOOLS NOT ELSEWHERE CLASSIFIED	611699	D
	SCREEN PRINTING	323112	D
	SECURITIES BROKER	523999	A
	SECURITY and ALARM COMPANY	561439	C
	SECRETARIAL FIRM	561439	C
	SECRETARIAL SERVICE	561439	C
	SEED STORE	111998	F
	SEPTIC TANK SERVICES	562998	F
	SEWER UTILITIES	221310	G
	SHEEP FARM	112990	F
	SHEETMETAL CONTRACTOR - LOCAL	235610	E
	SHEETMETAL CONTRACTOR -ITINERANT	235991	T
	SHEETROCK CONTRACTOR - LOCAL	235420	E
	SHEETROCK CONTRACTOR - ITINERANT	235991	T

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	SHEETROCK MAN	235420	E
	SHIP BUILDER	336112	D
	SHOE MANUFACTURER	316993	D
	SHOE REPAIR	811412	D
	SHOE STORE	448190	B
	SHIPPING OFFICE	481111	B
	SHRINK WRAP MANUFACTURER	326291	D
	SIDING COMPANY	235610	E
	SIDING CONTRACTOR - LOCAL	235610	E
	SIDING CONTRACTOR - ITINERANT	235991	T
	SIGHTSEEING SERVICE BY AIR	487990	A
	SIGHTSEEING SERVICE BY LAND	487990	A
	SIGHTSEEING SERVICE BY SPECIAL TRANS	487990	A
	SIGHTSEEING SERVICE BY WATER	487990	A
	SIGN PAINTER	235990	D
	SIGN PAINTING	235990	D
	SITE DEVELOPMENT CONTRACTOR - LOCAL	235930	E
	SITE DEVELOPMENT CONTRACTOR - ITINERANT	235991	T
	SMALL APPLIANCE MANUFACTURER	335211	C
	SMALL APPLIANCE REPAIR	811412	D
	SNACK BAR	722211	D

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	SOAP MANUFACTURER	325998	C
	SOCIAL ASSISTANCE CENTERS - ALL TYPES	624229	E
	SOFT DRINK COMPANY	312100	E
	SOFT DRINK DISTRIBUTOR	312100	E
	SOFTWARE DEVELOPER	511199	B
	SOFTWARE SALES	511199	B
	SOLICITORS PERMIT	454392	T
	SOUND STUDIO	512131	A
	SPECIAL CARE HOSPITAL	622110	C
	SPECIAL EVENTS AND/OR ACTIVITIES	711310	L
	SPORTS AGENTS	711219	B
	SPORTS CENTERS	711219	B
	SPORT PROMOTERS	711219	B
	SPORTS TEAMS	711219	B
	SPORTS TRAINING SCHOOL	611699	D
	SPORTING GOOD STORE	451120	B
	STATIONARY and PRINTING	323112	D
	STEEL ERECTION CONTRACTOR - LOCAL	235910	E
	STEEL ERECTION CONTRACTOR - ITINERANT	235991	T
	STONE CONTRACTOR - LOCAL	235410	E
	STONE CONTRACTOR - ITINERANT	235991	T

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	STORAGE FACILITY - COLD	493110	F
	STORAGE FACILITY - COMMERCIAL	493110	F
	STORAGE FACILITY - DISTRIBUTION CENTER	493110	F
	STORAGE FACILITY - REFRIGERATED	493110	F
	STORAGE FACILITY - PERSONAL STORAGE	493110	F
	SUBSTANCE ABUSE CENTER	622110	C
	SUPER CENTER RETAILER	452110	C
	SUPER STORE RETAILER	452110	C
	SURGEON - FIRM LICENSE	621111	A
	SURGEON - INDIVIDUAL LICENSE	621111	A
	SURGICAL CENTERS	622110	C
	SURVEYOR - FIRM LICENSE	541360	A
	SURVEYOR - INDIVIDUAL LICENSE	541360	A
T	TANNING BEDS	812199	B
	TANNING SALON	812199	B
	TATTOO PARLOR	812199	B
	TAX and BOOKKEEPING SERVICE	541990	A
	TAXI CAB COMPANY	485320	C
	TAXI CABS	910004	J
	TELEPHONE LOCAL	513310	K

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

	TELEPHONE LONG DISTANCE	513320	K
	TELEPHONE CELLULAR, WIRELESS, PAGING	513322	K
	TELEPHONE RESELLERS OF SERVICE	513330	K
	TELEVISION REPAIR	811219	B
	TELEVISION STATION	513100	B
	TEMPORARY HELP/EMPLOYMENT	561439	C
	TERMITE and PEST CONTROL	561710	E
	TEXTILE PLANT OR MILL	313112	E
	THEATRE OR THEATRES	512131	A
	TILE MANUFACTURER	327331	C
	TIMBER MANAGEMENT	113110	D
	TIMBER SALES	113110	D
	TIMBER TRACK OPERATIONS	113110	D
	TIRE MANUFACTURING	326291	D
	TITLE COMPANY	561439	C
	TITLE PAWN LOCATION	522298	A
	TOURIST PARK	721214	E
	TOY STORE	451120	B
	TRAILER MANUFACTURER	336112	D
	TRAILER PARK	721214	E
	TRAILER RENTAL	532490	C

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	TRAINING FACILITIES	611699	D
	TRAINING SCHOOLS	611699	D
	TRASH COLLECTION	562998	F
	TRASH COLLECTION EQUIPMENT FEE	910004	Q
	TRAVIL AGENT	5611439	C
	TRAVEL COMPANY	561439	C
	TRAVEL SERVICE	561439	C
	TRAVEL PARK	721214	E
	TRE PRUNING	999111	C
	TREE SERVICE	999111	C
	TRUCK MAINTENANCE	811118	C
	TRUCK MANUFACTURER	336112	D
	TRUCK RENTAL	532490	C
	TRUCK REPAIR	811118	C
	TRUCKING TERMINAL OR DEPOT STATE LAW	484230	
	TRUSS MANUFACTURING	321999	F
U	UNDERTAKER	812199	B
	USE OF STREETS LICENSE	999111	V
	USED CAR LOT	441311	D
	USED MERCHANDISE SALES	453310	F

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	USED TRUCK SALES	441311	D
	UTILITIES - ELECTRIC COMPANY	221122	G
	UTILITIES - GAS COMPANY	221210	G
V	VEHICLE WHOLESALER	421990	E
	VENDING MACHINES - NUMBER OF MACHINES	910001	N
	VENDING MACHINES SALES	454390	D
	VETERINARIAN - FIRM LICENSE	541940	A
	VETERINARIAN - INDIVIDUAL LICENSE	541490	A
	VCR REPAIR	811219	B
	VIDEO EQUIPMENT MANUFACTURER	334419	C
	VIDEO REPAIR	811219	B
	VIDEO RENTAL	532230	D
	VIDEO STORE	532230	D
W	WALL PAPER CONTRACTOR	235210	E
	WAREHOUSE and WAREHOUSING	493110	S
	WASTE MANAGEENT SERVICES	562998	F
	WASTE MANAGEMENT SERVICE EQUIPMENT FEE	910004	Q
	WATCHMAN SERVICE	999111	C
	WATER TRANSPORTATION COMPANY	483212	B
	WEIGHT LOSS CENTER	812199	B

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	WELL DRILLING CONTRACTOR - LOCAL	235810	E
	WELL DRILLING CONTRACTOR - ITINERANT	235991	T
	WHOLESALE GASOLINE DISTRIBUTOR	422720	F
	WHOLESALE TRADE - DURABLE GOODS	421990	E
	WHOLESALE TRADE - NON-DURABLE GOODS	422990	E
	WINE	312131	H
	WINE and BEER	312132	H
	WINERY	312100	E
	WIRE EXTRUDER OR MANUFACTURER	331528	C
	WOMENS CLOTHES MANUFACTURER	315999	D
	WOMEN'S ACCESSORIES MANUFACTURER	315999	D
	WOOD MAUFACTURING PLANT	321999	F
	WOOD PRESERVING	321999	F
	WRECKER COMPANY	999222	B
	WRECKER COMPANY EQUIPEMENT FEE	999111	Q
	WRECKING CONTRACTOR - LOCAL	235940	E
	WRECKING CONTRACTOR - ITINERANT	235991	T

(Ord. No. 2007-0807, § 22, 8-7-2007)

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Sec. 18-54. License fee schedules.

Schedule "A" if gross receipts are:				
More Than	but	Less Than		
\$0.00		99,999	125	
100,000.00		199,999.00	300 + 2.41 per M in excess of	100,000.00
200,000.00		299,999.00	541 + 2.05 per M in excess of	200,000.00
300,000.00		399,999.00	746 + 1.94 per M in excess of	300,000.00
400,000.00		499,999.00	940 + 1.89 per M in excess of	400,000.00
500,000.00		599,999.00	1,129 + 1.84 per M in excess of	500,000.00
600,000.00		699,999.00	1,313 + 1.80 per M in excess of	600,000.00
700,000.00		799,999.00	1,492 + 1.75 per M in excess of	700,000.00
800,000.00		899,999.00	1,668 + 1.70 per M in excess of	800,000.00
900,000.00		999,999.00	1,838 + 1.66 per M in excess of	900,000.00
1,000,000.00		1,099,999.00	2,004 + 1.61 per M in excess of	1,000,000.00
1,100,000.00		1,199,999.00	2,165 + 1.56 per M in excess of	1,100,000.00
1,200,000.00		1,299,999.00	2,321 + 1.52 per M in excess of	1,200,000.00
1,300,000.00		1,399,999.00	2,473 + 1.47 per M in excess of	1,300,000.00
1,400,000.00		1,499,999.00	2,620 + 1.42 per M in excess of	1,400,000.00
1,500,000.00		1,999,999.00	2,762 + 1.40 per M in excess of	1,500,000.00
2,000,000.00		2,499,999.00	3,462 + 1.38 per M in excess of	2,000,000.00
2,500,000.00		2,999,999.00	4,152 + 1.35 per M in excess of	2,500,000.00

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3,000,000.00		3,499,999.00	4,827 + 1.31 per M in excess of	3,000,000.00
3,500,000.00		3,999,999.00	5,482 + 1.26 per M in excess of	3,500,000.00
4,000,000.00		4,999,999.00	6,112 + 1.21 per M in excess of	4,000,000.00
5,000,000.00		5,999,999.00	7,322 + 1.17 per M in excess of	5,000,000.00
6,000,000.00		7,999,999.00	8,492 + 1.12 per M in excess of	6,000,000.00
8,000,000.00		10,999,999.00	10,732 + 1.07 per M in excess of	8,000,000.00
11,000,000.00		13,999,999.00	13,942.00 + 1.03 per M in excess of	11,000,000.00
14,000,000.00		57,999,999.00	17,032.00 + .98 per M in excess of	14,000,000.00
58,000,000.00		91,999,999.00	60,152.00 + .89 per M in excess of	58,000,000.00
92,000,000.00		Over 92MM	90,412.00 + .70 per M in excess of	92,000,000.00

Schedule "B" if gross receipts are:				
More Than	but	Less Than		
\$0.00		99,999	125	
100,000.00		199,999.00	259 +2.05 per M in excess of	100,000.00
200,000.00		299,999.00	464 +1.76 per M in excess of	200,000.00
300,000.00		399,999.00	640 +1.66 per M in excess of	300,000.00
400,000.00		499,999.00	806 +1.62 per M in excess of	400,000.00
500,000.00		599,999.00	968 +1.58 per M in excess of	500,000.00
600,000.00		699,999.00	1,126 +1.54 per M in excess of	600,000.00

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700,000.00	799,999.00	1,280 +1.50 per M in excess of	700,000.00
800,000.00	899,999.00	1,430 +1.46 per M in excess of	800,000.00
900,000.00	999,999.00	1,576 +1.42 per M in excess of	900,000.00
1,000,000.00	1,099,999.00	1,718 +1.38 per M in excess of	1,000,000.00
1,100,000.00	1,199,999.00	1,856 +1.34 per M in excess of	1,100,000.00
1,200,000.00	1,299,999.00	1,990 +1.30 per M in excess of	1,200,000.00
1,300,000.00	1,399,999.00	2,120 +1.26 per M in excess of	1,300,000.00
1,400,000.00	1,499,999.00	2,246 +1.22 per M in excess of	1,400,000.00
1,500,000.00	1,999,999.00	2,368 +1.20 per M in excess of	1,500,000.00
2,000,000.00	2,499,999.00	2,968 +1.18 per M in excess of	2,000,000.00
2,500,000.00	2,999,999.00	3,358 +1.16 per M in excess of	2,500,000.00
3,000,000.00	3,499,999.00	4,138 +1.12 per M in excess of	3,000,000.00
3,500,000.00	3,999,999.00	4,698 +1.08 per M in excess of	3,500,000.00
4,000,000.00	4,999,999.00	5,238 +1.04 per M in excess of	4,000,000.00
5,000,000.00	5,999,999.00	6,278 +1.00 per M in excess of	5,000,000.00
6,000,000.00	7,999,999.00	7,278 + .96 per M in excess of	6,000,000.00
8,000,000.00	10,999,999.00	9,198 + .92 per M in excess of	8,000,000.00
11,000,000.00	13,999,999.00	11,958 + .88 per M in excess of	11,000,000.00
14,000,000.00	57,999,999.00	14,598 + .84 per M in excess of	14,000,000.00
58,000,000.00	91,999,999.00	51,398 + .76 per M in excess of	58,000,000.00
92,000,000.00	Over 92MM	77,398 + .60 per M in excess of	92,000,000.00

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Schedule "C" if gross receipts are:				
More Than	but	Less Than		
\$0.00		99,999	125	
100,000.00		199,999.00	211 +1.72 per M in excess of	100,000.00
200,000.00		299,999.00	383 +1.47 per M in excess of	200,000.00
300,000.00		399,999.00	530 +1.38 per M in excess of	300,000.00
400,000.00		499,999.00	668 +1.35 per M in excess of	400,000.00
500,000.00		599,999.00	803 +1.32 per M in excess of	500,000.00
600,000.00		699,999.00	935 +1.28 per M in excess of	600,000.00
700,000.00		799,999.00	1,063 +1.25 per M in excess of	700,000.00
800,000.00		899,999.00	1,188 +1.22 per M in excess of	800,000.00
900,000.00		999,999.00	1,310 +1.18 per M in excess of	900,000.00
1,000,000.00		1,099,999.00	1,428 +1.15 per M in excess of	1,000,000.00
1,100,000.00		1,199,999.00	1,543 +1.12 per M in excess of	1,100,000.00
1,200,000.00		1,299,999.00	1,655 +1.08 per M in excess of	1,200,000.00
1,300,000.00		1,399,999.00	1,763 +1.05 per M in excess of	1,300,000.00
1,400,000.00		1,499,999.00	1,868 +1.02 per M in excess of	1,400,000.00
1,500,000.00		1,999,999.00	1,970 +1.00 per M in excess of	1,500,000.00
2,000,000.00		2,499,999.00	2,470 + .98 per M in excess of	2,000,000.00

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2,500,000.00		2,999,999.00	2,960 + .97 per M in excess of	2,500,000.00
3,000,000.00		3,499,999.00	3,445 + .93 per M in excess of	3,000,000.00
3,500,000.00		3,999,999.00	3,910 + .90 per M in excess of	3,500,000.00
4,000,000.00		4,999,999.00	4,360 + .87 per M in excess of	4,000,000.00
5,000,000.00		5,999,999.00	5,230 + .83 per M in excess of	5,000,000.00
6,000,000.00		7,999,999.00	6,060 + .80 per M in excess of	6,000,000.00
8,000,000.00		10,999,999.00	7,660 + .77 per M in excess of	8,000,000.00
11,000,000.00		13,999,999.00	9,970 + .73 per M in excess of	11,000,000.00
14,000,000.00		57,999,999.00	12,160 + .70 per M in excess of	14,000,000
58,000,000.00		91,999,999.00	42,960 + .63 per M in excess of	58,000,000
92,000,000.00		Over 92MM	64,380 + .50 per M in excess of	92,000,000.00

Schedule "D" if gross receipts are:

More Than	but	Less Than		
\$0.00		99,999	135	
100,000.00		199,999.00	170 + 1.33 per M in excess of	100,000.00
200,000.00		299,999.00	303 +1.17 per M in excess of	200,000.00
300,000.00		399,999.00	420 +1.11 per M in excess of	300,000.00
400,000.00		499,999.00	531 +1.08 per M in excess of	400,000.00
500,000.00		599,999.00	639 +1.05 per M in excess of	500,000.00

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600,000.00	699,999.00	744 +1.03 per M in excess of	600,000.00
700,000.00	799,999.00	847 +1.00 per M in excess of	700,000.00
800,000.00	899,999.00	947 + .97 per M in excess of	800,000.00
900,000.00	999,999.00	1,044 + .95 per M in excess of	900,000.00
1,000,000.00	1,099,999.00	1,139 + .92 per M in excess of	1,000,000.00
1,100,000.00	1,199,999.00	1,231 + .89 per M in excess of	1,100,000.00
1,200,000.00	1,299,999.00	1,320 + .87 per M in excess of	1,200,000.00
1,300,000.00	1,399,999.00	1,407 + .84 per M in excess of	1,300,000.00
1,400,000.00	1,499,999.00	1,491 + .81 per M in excess of	1,400,000.00
1,500,000.00	1,999,999.00	1,572 + .80 per M in excess of	1,500,000.00
2,000,000.00	2,499,999.00	1,972 + .79 per M in excess of	2,000,000.00
2,500,000.00	2,999,999.00	2,367 + .77 per M in excess of	2,500,000.00
3,000,000.00	3,499,999.00	2,752 + .75 per M in excess of	3,000,000.00
3,500,000.00	3,999,999.00	3,127 + .72 per M in excess of	3,500,000.00
4,000,000.00	4,999,999.00	3,487 + .69 per M in excess of	4,000,000.00
5,000,000.00	5,999,999.00	4,177 + .67 per M in excess of	5,000,000.00
6,000,000.00	7,999,999.00	4,847 + .64 per M in excess of	6,000,000.00
8,000,000.00	10,999,999.00	6,127 + .61 per M in excess of	8,000,000.00
11,000,000.00	13,999,999.00	7,957 + .59 per M in excess of	11,000,000.00
14,000,000.00	57,999,999.00	9,727 + .56 per M in excess of	14,000,000.00
58,000,000.00	91,999,999.00	34,367 + .51 per M in excess of	58,000,000.00

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

92,000,000.00		Over 92MM	51,707 + .40 per M in excess of	92,000,000.00
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Schedule "E" if gross receipts are:				
More Than	but	Less Than		
\$0.00		99,999	135	
100,000.00		199,999.00	170 + 1.33 per M in excess of	100,000.00
200,000.00		299,999.00	303 + 1.17 per M in excess of	200,000.00
300,000.00		399,999.00	420 + 1.11 per M in excess of	300,000.00
400,000.00		499,999.00	531 + 1.08 per M in excess of	400,000.00
500,000.00		599,999.00	639 + 1.05 per M in excess of	500,000.00
600,000.00		699,999.00	744 + 1.03 per M in excess of	600,000.00
700,000.00		799,999.00	847 + 1.00 per M in excess of	700,000.00
800,000.00		899,999.00	947 + .97 per M in excess of	800,000.00
900,000.00		999,999.00	1,044 + .95 per M in excess of	900,000.00
1,000,000.00		1,099,999.00	1,139 + .92 per M in excess of	1,000,000.00
1,100,000.00		1,199,999.00	1,231 + .89 per M in excess of	1,100,000.00
1,200,000.00		1,299,999.00	1,320 + .87 per M in excess of	1,200,000.00
1,300,000.00		1,399,999.00	1,407 + .84 per M in excess of	1,300,000.00
1,400,000.00		1,499,999.00	1,491 + .81 per M in excess of	1,400,000.00
1,500,000.00		1,999,999.00	1,572 + .80 per M in excess of	1,500,000.00

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2,000,000.00		2,499,999.00	1,972 + .79 per M in excess of	2,000,000.00
2,500,000.00		2,999,999.00	2,367 + .77 per M in excess of	2,500,000.00
3,000,000.00		3,499,999.00	2,752 + .75 per M in excess of	3,000,000.00
3,500,000.00		3,999,999.00	3,127 + .72 per M in excess of	3,500,000.00
4,000,000.00		4,999,999.00	3,487 + .69 per M in excess of	4,000,000.00
5,000,000.00		5,999,999.00	4,177 + .67 per M in excess of	5,000,000.00
6,000,000.00		7,999,999.00	4,847 + .64 per M in excess of	6,000,000.00
8,000,000.00		10,999,999.00	6,127 + .61 per M in excess of	8,000,000.00
11,000,000.00		13,999,999.00	7,957 + .59 per M in excess of	11,000,000.00
14,000,000.00		57,999,999.00	9,727 + .56 per M in excess of	14,000,000.00
58,000,000.00		91,999,999.00	34,367 + .51 per M in excess of	58,000,000.00
92,000,000.00		Over 92MM	51,707 + .40 per M in excess of	92,000,000.00

Schedule "F" if gross receipts are:

More Than	but	Less Than		
\$0.00		99,999	135	
100,000.00		199,999.00	170 + 1.33 per M in excess of	100,000.00
200,000.00		299,999.00	303 + 1.17 per M in excess of	200,000.00
300,000.00		399,999.00	420 + 1.11 per M in excess of	300,000.00
400,000.00		499,999.00	531 + 1.08 per M in excess of	400,000.00

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500,000.00	599,999.00	639 + 1.05 per M in excess of	500,000.00
600,000.00	699,999.00	744 + 1.03 per M in excess of	600,000.00
700,000.00	799,999.00	847 + 1.00 per M in excess of	700,000.00
800,000.00	899,999.00	947 + .97 per M in excess of	800,000.00
900,000.00	999,999.00	1,044 + .95 per M in excess of	900,000.00
1,000,000.00	1,099,999.00	1,139 + .92 per M in excess of	1,000,000.00
1,100,000.00	1,199,999.00	1,231 + .89 per M in excess of	1,100,000.00
1,200,000.00	1,299,999.00	1,320 + .87 per M in excess of	1,200,000.00
1,300,000.00	1,399,999.00	1,407 + .84 per M in excess of	1,300,000.00
1,400,000.00	1,499,999.00	1,491 + .81 per M in excess of	1,400,000.00
1,500,000.00	1,999,999.00	1,572 + .80 per M in excess of	1,500,000.00
2,000,000.00	2,499,999.00	1,972 + .79 per M in excess of	2,000,000.00
2,500,000.00	2,999,999.00	2,367 + .77 per M in excess of	2,500,000.00
3,000,000.00	3,499,999.00	2,752 + .75 per M in excess of	3,000,000.00
3,500,000.00	3,999,999.00	3,127 + .72 per M in excess of	3,500,000.00
4,000,000.00	4,999,999.00	3,487 + .69 per M in excess of	4,000,000.00
5,000,000.00	5,999,999.00	4,177 + .67 per M in excess of	5,000,000.00
6,000,000.00	7,999,999.00	4,847 + .64 per M in excess of	6,000,000.00
8,000,000.00	10,999,999.00	6,127 + .61 per M in excess of	8,000,000.00
11,000,000.00	13,999,999.00	7,957 + .59 per M in excess of	11,000,000.00
14,000,000.00	57,999,999	9,727 + .56 per M in excess of	14,000,000.00

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58,000,000.00		91,999,999.00	34,367 + .51 per M in excess of	58,000,000.00
92,000,000.00		Over 92MM	51,707 + .40 per M in excess of	92,000,000.00

Schedule "G" Electric Company and Gas Company

Amount of license is state regulated. See Section 11-51-129 of the Code of Alabama 1975. For selling or distributing electrical current or natural gas, an amount equal to three percent of the gross receipts of the business transacted in the municipality for the previous year for the sale or distribution of electrical current or natural gas from any point in or into the municipality.

Schedule "H" Beer, Wine and Liquor

State of Alabama Code	Classification	Amount	Licensing Notes
040 (Beer On/Off Premise)	312121	\$75.00	
050 (Beer Off Premise Only)	312122	50.00	
060 (Table Wine On/Off Premise)	312131	75.00	
070 (Table Wine Off Premise Only)	312131	75.00	
010 (Lounge Retail Liquor Class I)	312121 312141 312131	75.00 350.00 75.00	All three codes are part of the package plus the business license code.
011 (Package Store Liquor Class II)	312122 312141 312131	75.00 350.00 75.00	All three codes are part of the package plus the business license code.
020 (Restaurant Retail Liquor)	312121 312141 312131	75.00 350.00 75.00	All three codes are part of the package plus the business license code.
032 (Club Liquor Class II)	312121 312141 313131	75.00 350.00 75.00	All three codes are part of the package plus the business license code.

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110 (Wholesale Table Wine and Beer)	312132	375.00	Distributors License
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Schedule "I" Peddlers

- (1) Daily rate issued for single day sales activity\$10.00
- (2) Weekly rate issued for week long sales activity25.00
- (3) Monthly rate issued for month long sales activity50.00
- (4) Yearly Rate issued for annual sales activity100.00

Schedule "J" Taxi Cabs and Limousines

In addition to the license thereto, there shall be a decal affixed to each taxi cab or limousine and the cost of said decals shall be according to the following table:

- (1) One taxi cab or limousine \$50.00 per decal
- (2) All taxi cabs or limousines over 1 25.00 per decal

Schedule "K" Telephones and Telecommunications

Each city or town must apply Code of Alabama 11-51-128 for telephones and establish other rates and/or schedules for various other telecommunications businesses.

Schedule "L" Special Events Licenses

Each city or town has to insert their own schedule for handling special events and all those activities that fall under the category of special events, functions or activities.

Schedule "M" Fortune Tellers

Annual license rate is \$1,000.00 and rate is reduced by \$25.00 each year until such time as the annual rate reaches \$500.00 and that becomes the minimum rate thereafter.

Schedule "N" Vending Machines

In addition to the license thereto, there shall be a decal affixed to each machine and the cost of said decals shall be according to the following table:

1—5 machines vending any type merchandise or product	\$20.00 per decal
5—10 machines vending any type merchandise or product	10.00 per decal
All over 10 machines vending any type merchandise or product	5.00 per decal

Schedule "O" Billiard and/or Pool Tables

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In addition to the license thereto, there shall be a decal affixed to each machine and the cost of said decals shall be according to the following table:

For 1—2 billiard or pool tables	\$50.00 per decal
All billiard or pool tables over 2	25.00 per decal

Schedule "P" Amusement Devices

In addition to the license thereto, there shall be a decal affixed to each machine and the cost of said decals shall be according to the following table:

For the first 10 machines	\$25.00 per decal
All machines over 10	10.00 per decal

Schedule "Q" Buses, Trucks, and Other Equipment

In addition to the license thereto, there shall be a decal affixed to each piece of equipment and the cost of said decals shall be according to the following table:

From 1—2 buses, trucks or other equipment	\$50.00 per decal
From 2—5 buses, trucks or other equipment	25.00 per decal
Over 5 buses, trucks or other equipment	10.00 per decal

Schedule "R" Number of Employees

R-1	Where personnel are from 1 to 2 people	100.00
R-2	Where personnel are from 3 to 5 people	250.00
R-3	Where personnel are from 6 to 10 people	400.00
R-4	Where personnel are from 11 to 20 people	550.00

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R-5	Where personnel are from 21 to 50 people	700.00
R-6	Where personnel are from 51 to 75 people	850.00
R-7	Where personnel is from 76 to 100 people	1,000.00
R-8	Personnel over 100 to be 1,000.00 + 50.00 per person over	100.00

Schedule "S" Square Feet

S-1	Zero to 5,000 Square Feet	100.00
S-2	5,000 to 10,000 Square Feet	200.00
S-3	10,000 to 20,000 Square Feet	300.00
S-4	20,000 to 30,000 Square Feet	400.00
S-5	30,000 to 40,000 Square Feet	500.00
S-6	40,000 to 50,000 Square Feet	600.00
S-7	50,000 to 60,000 Square Feet	700.00
S-8	60,000 to 70,000 Square Feet	800.00
S-9	70,000 to 80,000 Square Feet	900.00
S-10	80,000 to 90,000 Square Feet	1,000.00
S-11	90,000 to 100,000 Square Feet	1,200.00
S-16	100,000 up—1,200.00 plus \$.01 per square foot over	100,000.00

Schedule "T" Itinerants

Itinerant businesses operating within the jurisdiction but located outside the jurisdiction, shall pay the itinerant rate for a business license and that rate shall be \$150.00, if over 100,000 gross receipts see Table E.

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Schedule "U" Banks, Savings and Loans

Bank ATM Location	\$10.00
Bank Branch Location	10.00
Bank Main Office Facility	125.00
Savings and Loan ATM Location	10.00
Savings and Loan Branch Location	10.00
Savings and Loan Mail Office Facility	125.00

Schedule "V" Delivery License

The rate for the delivery license is established in section 18-51 and is \$100.00.

(Ord. No. 2007-0807, § 23, 8-7-2007)

Sec. 18-55. Exchange of information.

- (a) The license officer may exchange tax returns, information, records, and other documents secured by the municipality, with other municipalities adopting similar ordinances for the exchange of taxpayer information, or with county or state authorities. The license officer may charge a reasonable fee for providing such information or documents. Any tax returns, information, records, or other documents so exchanged shall remain subject to the confidentiality provisions, restrictions, and criminal penalties for unauthorized disclosure as provided under state or municipal law.
- (b) Any such exchange shall be for one or more of the following purposes:
 - (1) Collecting taxes due.
 - (2) Ascertaining the amount of taxes due from any person.
 - (3) Determining whether a person is liable for, or whether there is probable cause for believing a person might be liable for, the payment of any tax to a state, county, or municipal agency.
- (c) Nothing herein shall prohibit the use of tax returns or tax information by the municipality in the proper administration of any matter administered by the license officer. The license officer may also divulge to a purchaser, prospective purchaser as defined pursuant to the regulations of the Alabama department of revenue, or successor of a business or stock of goods the outstanding sales, use, or rental tax liability of the seller for which the purchaser, prospective purchaser as defined pursuant to the regulations of the Alabama Department of Revenue, or successor may be liable pursuant to the Code of Alabama Section 40-23-25, 40-23-82, or 40-12-224.

(Ord. No. 2007-0807, § 24, 8-7-2007)

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Sec. 18-56. License fees in police jurisdiction.

Any person, firm, association, or corporation engaged in any business outside the municipality but within the police jurisdiction hereof shall pay one-half of the amount of the license imposed for like business within the municipality.

(Ord. No. 2007-0807, § 25, 8-7-2007)

Sec. 18-57. Effective date.

This article shall become effective on and after January 1, 2008.

(Ord. No. 2007-0807, § 26, 8-7-2007)

Secs. 18-58—18-90. Reserved.

FOOTNOTE(S):

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Editor's note—Ord. No. 2007-0807, §§ 1—25, adopted Aug. 7, 2007, amended art. II in its entirety to read as herein set out. Formerly, art. II pertained to similar subject matter and derived from Ord. No. 2006-1106, § 1, adopted Nov. 6, 2006. See the Code Comparative Table for a detailed analysis of amendment.[\(Back\)](#)

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ARTICLE III. AMUSEMENTS [\[2\]](#)

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[Sec. 18-92. Scope.](#)

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[Sec. 18-106. Penalties.](#)

[Sec. 18-107. Caveat.](#)

[Secs. 18-108—18-140. Reserved.](#)

Sec. 18-91. Amusement centers.

- (a) This schedule shall apply to each establishment in which the predominant business is the gathering together of amusement devices or machines at one location for use by the general public. Amusement devices include, but are not limited to, pool tables, video machines, pinball machines, and any vending machines designed and utilized for amusement purposes.
- (b) Provided, further, that any establishment, and the devices and machines located therein, which the predominant business is an amusement center, is exempt from licensing pursuant to section 3.3E [sic].
- (c) Each person, firm or corporation engaged in operating an amusement center shall pay a license as set forth in the schedule in section 18-36(14)e.

(Ord. No. 97-1802, § 3.7, 2-18-1997)

Sec. 18-92. Scope.

This article shall be applicable to the corporate limits of the Town of Riverside, Alabama.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-93. Definitions.

As used in this article, words shall be defined as follows:

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Amusement center, game room, arcade, and internet cafes (hereinafter referred to as "amusement center") means:

- (1) Any place of business where the gross receipts from mechanical amusement devices, as hereinafter defined, constitutes 25 percent or more of the gross receipts of the business; or
- (2) Any place of business which advertises as an amusement center, game room, arcade, internet cafe, or similar type business where mechanical amusement devices, or computers are available to the public for use; or
- (3) Any place of business which has less than 10,000 square feet of floor space available to the general public for use and has more than one mechanical amusement device or computer available to the public for use or operation.

Mechanical amusement device (hereinafter referred to as a "MAD") means an instrument, machine, computer, or contrivance which may be operated or set in motion upon the insertion of a coin, bill, slug, token, plat, disc, money or any other insertion device, or connection to the internet, which may be operated by the public for use as a game, entertainment, or amusement, or any kind or description whatsoever and which may reward a player with non-cash merchandise, prizes, toys, gifts, certificates or novelties of any value whatsoever.

Specifically excluded from the purview of this article are devices which are referred to as crane game machines or devices.

Person means any individual, owner, co-partnership, firm, association, company, corporation, limited liability company, or combination of individuals of whatever form or character.

Town clerk/treasurer means the Clerk of the Town, Department of License and Revenue, Riverside, Alabama.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-94. Exceptions.

The provisions of this article shall not be applicable to:

- (1) Any person having set up in his private residence one or more MAD's when employed for his own private use or for the use of his family.
- (2) Clubs where MAD's are used exclusively by club members and for which no charge for playing is made and prizes or awards are forbidden.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-95. License required.

- (a) No amusement center or internet cafe shall be established, maintained or conducted in the Town of Riverside, Alabama, by any owner or operator without first obtaining a license to operate such place in the Town of Riverside.
- (b) The town clerk/treasurer shall issue a sticker or decal for each MAD and/or computer located at an amusement center annually at the time of the issuance of the license for the amusement center.
- (c) Each MAD or computer located at any amusement center must have the sticker or decal obtained from the town clerk/treasurer affixed to the MAD in a clearly visible location.
- (d) Failure to display the current license for the amusement center or to have a current decal or sticker affixed to each MAD or computer may result in closure of the amusement center and/or confiscation of the MAD or computer and/or 50 percent penalty of the cost of the license or sticker or decal. It shall be the responsibility of the licensee to maintain said decals and/or stickers and insure the affixation to each MAD or computer. The absence of said decals and/or stickers shall be *prima facie* evidence of failure to comply with the licensing requirements of this article.

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(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-96. Restrictions on location of amusement centers and arcades.

- (a) No amusement center license, as hereinafter set forth, shall be issued by the town clerk/treasurer to any such proposed operation which shall be located less than 1,000 feet from the property line of any property on which there is located an elementary, junior high school, high school, or vocational high school or place of worship/assembly.
- (b) The town clerk/treasurer shall not issue an amusement center license until the Town of Riverside Planning Commission has made a determination in compliance with the requirements of the Town of Riverside's zoning ordinance that the use is compatible with the permitted district use and is consistent with the provisions of the zoning ordinance of the Town of Riverside, Alabama, as amended from time to time.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-97. Application for license, fee, term.

- (a) Applications for an amusement center license and MAD sticker and/or decal shall be made to the Town of Riverside on a form provided by the clerk's office, and shall be in accordance with the provisions of this section. The application for license, sticker or decal shall be verified and state, among other things:
 - (1) The number and type of machines or devices intended to be operated;
 - (2) The proposed locations for such machines, or devices;
 - (3) The proposed business address and full name of the business;
 - (4) The owner, description, model and serial number of each MAD or computer; and
 - (5) The full name, present address and date of birth of each and every owner of such business.
- (b) The application for an amusement center license shall be accompanied by An annual license fee of \$2,500.00.
- (c) The license fee for each MAD or computer shall be \$2,000.00 per year.
- (d) The application for an amusement center shall also be accompanied by a drawing showing the floor plan of the proposed business, all exits, the proposed location of each MAD or computer, and its floor space requirement as required under the building code of the Town of Riverside.
- (e) An application for a MAD license shall be accompanied by a drawing showing the proposed location of each MAD or computer.
- (f) No license shall be issued until such time as the fire department has determined that the proposed location of each MAD or computer will not interfere with egress from the building in case of fire, and that all fire regulations and life safety codes have been satisfied.
- (g) No such license shall be issued until such time as the building inspector Has determined that all electrical, pneumatic and hydraulic connections to each MAD or computer comply with the town code, and that all building and zoning regulations have been satisfied.
- (h) No license shall be issued until such time as the police department has verified the accuracy of the information set forth in the application. No license shall be issued for any MAD or computer if the police department finds that said MAD or computer is a "gambling device" as defined by the statutes and courts of the State of Alabama. Should said application be incomplete or contain material inaccuracies, same shall be grounds for denial of the license. In addition, the police department shall investigate as to the possible criminal record of the applicant or the officers and directors, if the applicant is a corporation. Should it be determined that any of said parties have, within two years prior to the date of application, been convicted of any misdemeanor involving moral turpitude or involving the operation of an amusement center, or of any felony, said conviction shall be grounds for denial of a license.

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- (i) If, after the issuance of any license, the licensee desires to operate additional MAD's or computers to relocate those already in place, the applicant shall submit an amended application, in a form similar to the original application, showing the addition, changes or modifications desired. Any drawings or other information filed with the original license application and not affected by the additions, changes or modifications requested may be incorporated by reference in the amended application.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-98. Basis for denial.

The town clerk/treasurer shall deny an application for the following reasons:

- (1) Misstatements or misleading statements of material facts in the application shall be a basis for denial.
- (2) The proposed operation would not comply with one or more applicable town ordinances or state statutes.
- (3) Failure to receive location approval of the Town of Riverside's Planning Commission or failure to receive approval of the fire department, building department or police department as required by the provisions of this article.
- (4) Failure to pay the required application fee. If the town clerk does not issue a license, the reasons for his/her not doing so shall be given in writing and shall accompany the notice of non-issuance.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-99. Term.

The term of any license granted shall begin January 1st of the license year and shall terminate at midnight on December 31st of that year. In the event that a license is obtained after the 1st of January, the cost of the license shall not be prorated and shall terminate on December 31st regardless of the date of issuance of the license.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-100. Notice.

Each applicant shall be notified by registered mail or by hand delivery of the issuance or non-issuance of an original license by the town clerk at any address listed in the application for license.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-101. Appeal.

An applicant whose application has been denied for any reason, other than failure to receive location approval by the planning commission, shall have the right to appeal the decision of the town clerk to the town council for a hearing. Any such notice of appeal shall be filed with the Town Clerk of the Town of Riverside, Alabama, within five days of the date of the decision of the town clerk/treasurer and the town council shall hear said appeal within 30 days of the date of said notice of appeal. The decision of the town council shall be final and conclusive.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

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Sec. 18-102. Display of license.

The license issued herein by the town clerk/treasurer shall be prominently displayed within the premises of the amusement center or internet cafe.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-103. Renewal procedure.

- (a) Within 30 days of the expiration of the license, a licensee may apply to the town clerk for renewal thereof, on such applications as shall be provided by the clerk.
- (b) Renewal applications shall contain the name, address and license number of the licensee's operation, and further, licensee shall indicate any changes from the information furnished to the town clerk at the time of the original application.
- (c) An application for renewal of an amusement center license shall be accompanied by a renewal application fee of \$2,500.00 no part of which shall be refundable.
- (d) An application for renewal of a MAD and/or computer license shall be accompanied by a renewal application fee of \$2,000.00 no part of which shall be refundable.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-104. Suspension or revocation—Procedure.

When the town clerk finds one or more of the following have occurred:

- (1) The making of a misstatement or misleading statement of material fact in the application, not discovered until after the issuance of such license; or
- (2) A violation of any statutes or ordinances pertaining to consumption or possession of alcoholic beverages by a minor, or any statutes or ordinances pertaining to a possession of controlled substances or narcotics, has occurred on the premises of an amusement center and/or internet cafe; or
- (3) The operation of the amusement center, internet cafe or any MAD located in the amusement center does not comply with one or more applicable ordinances or statutes.

It shall be the duty of the town clerk to notify the licensee of the determination and advise the licensee at least ten days prior to the date of the hearing that at a fixed time and place specified in the notice, he/she will apply to the Town Council of Riverside for a suspension, or revocation of the license. At the time and place so specified in the notice, the licensee may appear before the town council in person and by counsel, one or both, and show cause, if any there be, why said license should not be suspended or revoked. Any determination made by the town council shall be final and conclusive.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-105. Miscellaneous regulations—Conduct prohibited.

- (a) No person under the age of 15 years shall be permitted on the premises of any amusement center without parental supervision.
- (b) No consumption of alcoholic beverages or non-intoxicating beer shall be permitted on the premises of an amusement center or internet cafe.
- (c) No alcoholic beverages or non-intoxicating beer shall be permitted on the premises of an amusement center or internet cafe.

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- (d) No firearms shall be permitted on the premises of an amusement center and or internet cafe.
- (e) No narcotics or controlled substances under the laws of the United States or the State of Alabama shall be permitted on the premises of an amusement center or internet cafe.
- (f) At least one supervisor of at least 21 years of age, employed by the operator, shall be on duty at all times and be present on the premises of an amusement center or internet cafe.
- (g) An amusement center or internet cafe may not operate between the hours of 12:00 a.m. and 6:00 a.m.
- (h) No person can reward a player of a coin-operated amusement machine with non-cash merchandise, prizes, toys, gifts, certificates or novelties that have a wholesale value of more than \$5.00.
- (i) No person or player can redeem non-cash merchandise, prizes, gifts, toys, gift certificates or novelties for cash.
- (j) No issuer of a gift certificate that has been awarded to a player at an amusement center, arcade or internet cafe can give cash or part cash and merchandise for the gift certificate the name of the amusement center or internet cafe $\frac{1}{2}$ signed by the licensee.
- (k) A licensee who elects to give a gift certificate as an award must stamp on the gift certificate the name of the amusement center or internet cafe signed by the licensee.
- (l) A person cannot give but one award per game to a player of a MAD or computer game, and the wholesale prize cannot exceed \$5.00 dollars.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-106. Penalties.

Any person who shall be convicted of a violation of any provision of this article may be punished by a fine not exceeding \$500.00 or by serving a sentence of not more than 180 days in the St. Clair County Jail, or by both such fine and sentence.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

Sec. 18-107. Caveat.

The fact that a license for an amusement center, internet cafe, or for a MAD has been issued by the Town Clerk of the Town of Riverside shall not be evidence at any judicial proceeding that the Town of Riverside has taken the position that the operation of the amusement center or internet cafe is permitted under the laws of the State of Alabama or that any MAD is a legal machine or device. Further, by accepting the license, the licensee understands and agrees that the Town of Riverside shall not be estopped from arguing in a court of law that the licensed amusement center or internet cafe is an illegal gambling operation or that a particular licensed amusement center or internet cafe is an illegal gambling operation or that a particular licensed MAD is a "gambling device" as defined by the statutes of the State of Alabama. Licensee, by accepting any license issued pursuant to this article, understands and acknowledges that the various courts of this state have issued different and varying opinions as to the legality of certain MAD's and the issuance determines that a licensed amusement center or internet cafe is an illegal gambling operation or that a particular licensed MAD is a "gambling device" the licensee agrees by acceptance of the license that neither the licensee of the amusement center, internet cafe or the owner of licensee of the MAD shall be entitled to a refund of the license issued by the town clerk.

The Town of Riverside is opposed to illegal gambling operations within its corporate limits and will prosecute to the fullest extent of the law any violation of the gambling laws of the State of Alabama or the municipal ordinances of this town.

(Ord. No. 2006-0815, Art. II, 8-15-2006)

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Secs. 18-108—18-140. Reserved.

FOOTNOTE(S):

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Editor's note—Ord. No. 2006-0815, Art. I, adopted Aug. 15, 2006, repealed §§ 18-92—18-107 in their entirety. Formerly, said sections pertained to similar subject matter and derived from Ord. No. 2002-0521, adopted May 21, 2002. Further, Art. II of said ordinance, set out provisions codified herein as §§ 18-92—18-107.[\(Back\)](#)

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ARTICLE IV. GAS SALES AND DISTRIBUTIONS

[Sec. 18-141. Definitions.](#)

[Sec. 18-142. License tax imposed.](#)

[Sec. 18-143. Exemption on purchases from other distributors or sellers.](#)

[Sec. 18-144. Written statement of sales required.](#)

[Sec. 18-145. Permit and license tax where no place of business in the town.](#)

[Sec. 18-146. Failure to file or making false statement continuing offense.](#)

[Sec. 18-147. Payments; when due and penalties for failure to make.](#)

[Sec. 18-148. Duty to furnish information.](#)

[Sec. 18-149. Meters required.](#)

[Sec. 18-150. Penalties for violation.](#)

[Sec. 18-151. Provisions not affected.](#)

Sec. 18-141. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Distributor and seller mean every person who shall engage in selling or delivering gasoline or motor fuel, or both, within the corporate limits of the town or its police jurisdiction.

Gasoline means naphtha and all other liquid fuels commonly used in internal combustion engines; but shall not include those products known commercially as "kerosene oil", "fuel oil" or "crude oil" commonly used for heating, lighting or industrial purposes.

Motor fuel means and includes diesel fuel, tractor fuel, gas oil, distillate or liquefied gas when sold for use in the operation of any motor vehicle upon the public highways in the state.

(Ord. No. 86-0121, § 1, 2-4-1986)

Sec. 18-142. License tax imposed.

Every distributor or seller shall pay a license tax to the town, and a license tax is hereby fixed and levied, which tax shall be an amount equal to \$0.02 for each gallon of gasoline or motor fuel sold or delivered within the corporate limits of the town by such distributor or seller and an amount equal to \$0.01 for each gallon of gasoline or motor fuel sold or delivered by such distributor or seller outside the corporate limits of the town, but within its police jurisdiction.

(Ord. No. 86-0121, § 2, 2-4-1986)

Sec. 18-143. Exemption on purchases from other distributors or sellers.

Any person engaged, as such seller or distributor, in selling or distributing gasoline or motor fuel purchased from other sellers or distributors who have paid the license tax herein imposed with respect to the sale or delivery of such gasoline or motor fuel, shall not be required to pay any license tax with respect to the sale or delivery of such gasoline or motor fuel so purchased; provided, however, in order to obtain the exemption in this section, such seller or distributor must on or before the 20th day of each and every month file with the town clerk a sworn, written statement

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showing each and every purchase by such person of gasoline or motor fuel during the calendar month next preceding, as well as the name of the person from whom, the amount and the date purchased.

(Ord. No. 86-0121, § 3, 2-4-1986)

Sec. 18-144. Written statement of sales required.

Each distributor and seller, except such as are exempt from license tax under the provisions of section 18-143, shall, on or before the 20th day of each month, file with the town clerk a sworn, written statement, which shall be a full, true, accurate and correct statement of the following:

- (1) The amount and quantity of all gasoline and of all motor fuel sold or delivered by such distributor or seller within the corporate limits of the town;
- (2) The amount and quantity of all gasoline and of all motor fuel sold or delivered by such distributor or seller outside the corporate limits but within the police jurisdiction of the town; and
- (3) The amount and quantity of all gasoline and of all motor fuel sold and delivered to any other distributor within the corporate limits of the town, or within the police jurisdiction thereof, as the case may be.

(Ord. No. 86-0121, § 4, 2-4-1986)

Sec. 18-145. Permit and license tax where no place of business in the town.

It shall be unlawful for any seller or distributor having no place of business within the corporate limits of the town, or within the police jurisdiction thereof, to make any sales or deliveries of gasoline therein, without first having obtained a permit from the town clerk to do so; and such seller or distributor shall be liable for and pay the same license tax as that fixed and levied in section 18-142; and any seller or distributor who shall violate any provisions of this section shall be punished as hereinafter provided.

(Ord. No. 86-0121, § 5, 2-4-1986)

Sec. 18-146. Failure to file or making false statement continuing offense.

It shall be unlawful for any seller or distributor to fail or omit to make or file any statement herein required within the time specified or to make any false statement, and such offense shall be a continuing offense against the town. Each day during which said business or occupation is engaged in during such default shall constitute a separate offense.

(Ord. No. 86-0121, § 6, 2-4-1986)

Sec. 18-147. Payments; when due and penalties for failure to make.

The license tax herein fixed shall be due by each person against whom the same is herein levied on the first day of each calendar month. The license tax herein fixed shall be paid by each person against whom the same is herein levied on or before the 20th day of each month, being the time fixed for filing the statement based on the sales and deliveries made during the preceding month; and any person failing or omitting to pay said license tax within the said time shall be guilty of an offense against the town, and such offense shall be a continuing offense, and each day during which said business or occupation is engaged during such default shall constitute a separate offense and in addition such license tax shall be increased by the addition thereto of a penalty of 20 percent thereon.

(Ord. No. 86-0121, § 7, 2-4-1986)

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Sec. 18-148. Duty to furnish information.

Upon demand of the town clerk or duly authorized deputy or representative, all such information as may be required for determination of the correct amount of license tax to which any person is subject shall be furnished to the town, and to that end it shall be the duty of such person, upon such demand, to submit to the town clerk, or authorized deputy, auditor or representative, for inspection and examination all books of account, invoices, papers, reports and memoranda containing entries showing the amount of purchases, sales, receipts, inventory and other information from which the correct amount of license tax to which he is subject may be determined, including exhibition of bank deposit books and bank statements, and it shall be unlawful for any person to fail or refuse to submit such records for such examination and inspection upon such demand.

(Ord. No. 86-0121, § 8, 2-4-1986)

Sec. 18-149. Meters required.

It shall be the duty of every person selling or distributing gasoline or motor fuel within the corporate limits of the town, and within the police jurisdiction thereof, to have a meter in good working order on each and every pump from which gasoline or motor fuel is dispensed and to keep an accurate record of the readings of said meter.

(Ord. No. 86-0121, § 9, 2-4-1986)

Sec. 18-150. Penalties for violation.

Whoever shall violate any provision of this article shall, for each offense, and for each and every day that such offense continues, be subject to a fine of not less than \$10.00 nor more than \$200.00 and to such further penalties as are provided by law.

(Ord. No. 86-0121, § 10, 2-4-1986)

Sec. 18-151. Provisions not affected.

This article shall not be construed to repeal any of the provisions of article II now in force or that may hereafter be adopted; and the amount of license taxes herein provided for shall be additional to and cumulative of all amounts required to be paid under article II.

(Ord. No. 86-0121, § 11, 2-4-1986)

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Chapters 19 - 21 RESERVED

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 22 COURT 11

[Sec. 22-1. Establishment of municipal court.](#)

[Sec. 22-2. Jurisdiction.](#)

[Sec. 22-3. Time and place.](#)

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[Sec. 22-10. Magistrates.](#)

[Sec. 22-11. Acting municipal judge.](#)

[Sec. 22-12. Duties of municipal judge.](#)

[Sec. 22-13. Court costs.](#)

Sec. 22-1. Establishment of municipal court.

There is established effective December 27, 1977, a municipal court for the town pursuant to Code of Ala. 1975, § 12-14-1 et seq.

(Ord. No. 10477A, § 1, 10-4-1977)

Sec. 22-2. Jurisdiction.

The municipal court of the town shall have jurisdiction of all prosecutions for the breach of ordinances of the town within its corporate limits and police jurisdiction. This jurisdiction shall also extend to all prosecutions for violations of state misdemeanors committed within the corporate limits and police jurisdiction of the town where such offenses have been made offenses against the town.

(Ord. No. 10477A, § 2, 10-4-1977)

Sec. 22-3. Time and place.

The municipal court shall hold court at such time and place as the town council may determine with the advice of the municipal judge.

(Ord. No. 10477A, § 3, 10-4-1977)

Sec. 22-4. Provisions for judge.

(a) The municipal court shall consist of one municipal judge to be appointed by a vote of a majority of the members elected or appointed to the town council. The judge shall be appointed for a term of two years. The municipal

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judge shall be eligible for reappointment upon the expiration of his term. He shall hold office until his successor is appointed and qualified.

- (b) The municipal judge must be licensed to practice law in the state and must be a qualified elector of the state. No judge shall be otherwise employed in any capacity by the town during his term of office.
- (c) The office of the municipal judge shall be vacant if he dies, resigns, or is removed and vacancies shall be filled by the town council in the same manner as original appointments are made. Any person so appointed shall be eligible to serve two years from the date of appointment.
- (d) The municipal judge shall, before assuming office, take and sign the oath provided by the Constitution and a copy thereof shall be filed in the office of the secretary of state, the administrative director of courts and the clerk of the town.
- (e) The municipal judge shall be subject to all grounds of disqualification from hearing specific cases applicable to circuit court judges.

(Ord. No. 10477A, § 4, 10-4-1977)

Sec. 22-5. Compensation of judge.

The annual salary of the municipal judge of the town is hereby fixed at \$500.00 [and] shall be payable in 12 equal monthly installments. This salary shall not be diminished during the judge's term of office. Any general increase in the compensation of all or substantially all town employees shall be applied proportionately to the salary of the municipal judge.

(Ord. No. 10477A, § 5, 10-4-1977)

Sec. 22-6. Powers of the court.

- (a) The municipal judge shall have the power to admit to bail any person charged with the violation of any town ordinance by requiring an appearance bond, with good security, to be approved by the municipal judge or his designee in an amount not to exceed \$1,000.00 and may, in his discretion, admit to bail such persons on a personal recognizance bond conditioned on the appearance of such persons before him on a day named therein to answer the charge preferred against them.
- (b) The municipal judge shall have the authority to punish any person convicted of violating any town ordinance with a fine of not more than \$500.00 and/or a sentence of imprisonment or hard labor for a period not exceeding six months; provided, however, that no fine or sentence of imprisonment shall exceed the maximum fine or sentence provided by the town ordinance violated nor shall the fine or sentence exceed the maximum fine and sentence provided for violation of a substantially similar offense under state law. The penalty imposed on a corporation shall consist of the fine only, plus costs of court.
- (c) The municipal judge, in his judgment, may provide that if a fine and costs are not paid within the time prescribed, the defendant, unless indigent, shall work out the amount of the judgment under the direction of the town authority allowing not less than \$10.00 for each day's service.
- (d) Upon each conviction in municipal court for a violation of any ordinance there shall be taxed against the defendant as court costs the sum of \$12.00, and there shall also be taxed as costs, the additional costs and fees imposed by statute, and the latter such costs and fees shall be remitted pursuant to the said statute. All costs taxed for the town, as hereinabove provided, shall be paid into the town treasury.
- (e) Upon conviction, the court may, upon a showing of inability to make immediate payment of fines and costs, accept the defendant's bond with or without surety and with waiver of exemptions as to personality payable within 90 days, upon nonpayment of which execution may issue as upon judgments in state courts.
- (f) The municipal judge shall have the authority to continue the case from time to time to permit the fine and costs to be paid, remit fines, costs and fees, impose intermittent sentences, establish work release programs, require

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attendance of educational, corrective or rehabilitative programs, suspend driving privileges for such times and under such conditions as provided by law and order hearings to determine the competency of the defendant to stand trial; provided further that the judge may enter an order authorizing the defendant to drive under the conditions set forth in the order.

- (g) All cases in municipal court shall be tried by a municipal judge without a jury.
- (h) The municipal judge may suspend execution of sentence and place a defendant on probation for varying periods of time, not to exceed two years, under the procedures and conditions set out in Code of Ala. 1975, § 12-14-31.
- (i) The municipal judge may administer oaths, compel the attendance of witnesses and compel the productions of books and papers, punish by fine not exceeding \$50.00 and/or imprisonment not exceeding five days any person found and adjudged to be in contempt of court, and shall have power coextensive with the jurisdiction of the district court to issue writs and other process, and to approve and declare bonds forfeited. The municipal judge shall designate any other town officers who shall be authorized to approve appearance and appeal bonds.
- (j) The municipal court shall take judicial notice of the ordinances of the town.
- (k) The sheriff of the county and all law enforcement officers of the town shall obey the municipal judge having legal authority in faithfully executing the warrants and processes committed to them for service according to their mandates.

(Ord. No. 10477A, § 6, 10-4-1977)

Sec. 22-7. Powers of the mayor.

The mayor may remit fines and such costs as payable to the town and commute sentences imposed by municipal judges of the court to which an appeal was taken for violations of ordinances, and may grant pardons, after conviction, for violation of such ordinances, and he shall report his action to the council or other governing body at the first regular meeting thereof in the succeeding month with his reasons therefor in writing.

(Ord. No. 10477A, § 7, 10-4-1977)

Sec. 22-8. Appeals.

- (a) All appeals from judgments of the municipal court shall be to the circuit court of the circuit in which the violation occurred for trial de novo.
- (b) The town may appeal within 60 days without bond, from a judgment of the municipal court holding a town ordinance invalid.
- (c) A defendant may appeal in any case within 14 days from the entry of judgment by filing notice of appeal and giving bond with or without surety approved by the court or the clerk in an amount not more than \$1,000.00 and costs, as fixed by the court, conditioned upon defendant's appearance before the circuit court. The municipal court may waive appearance bond upon satisfactory showing the defendant is indigent or otherwise unable to provide a surety bond. If an appeal bond is waived, a defendant sentenced to imprisonment shall not be released from custody, but may obtain release at any time by filing a bond approved by the municipal court. If the defendant is not released, the prosecutor shall notify the circuit clerk and the case shall be set for trial at the earliest practicable time.
- (d) When an appeal has been taken, the town shall file the notice and other documents in the court to which the appeal is taken within 15 days, failing which the town shall be deemed to have abandoned the prosecution, the defendant shall stand discharged and the bond shall be automatically terminated.
- (e) Upon trial or plea of guilty in the circuit court on appeal, the court may impose any penalty or sentence which the municipal court might have imposed.

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- (f) Upon failure of an appellant to appear in circuit court when the case is called for trial, unless good cause for such default is shown, the court shall dismiss the appeal and enter judgment of default on the appeal bond, and may also issue a warrant for arrest of the appellant. A copy of the order shall be delivered by the circuit clerk to the clerk of the municipal court. The circuit court may on motion of defendant made within 30 days of the order of dismissal, set aside the dismissal and other orders and reinstate the appeal on such terms as the court may prescribe for good cause shown by the defendant.
- (g) Upon receipt of notice of dismissal of an appeal, the municipal court may issue a warrant for arrest of the defendant, who may also be arrested without a warrant as an escape. Upon arrest the defendant shall be delivered to the town authorities and punished in accordance with the judgment of the municipal court.
- (h) If a judgment is entered against a defendant upon appeal, the circuit court shall remand the defendant to the town authorities for punishment in accordance with the judgment of the circuit court, unless, when the judgment is for fine and costs only, the judgment is paid or a judgment is conferred therefor in favor of the town with sureties or as otherwise provided for convictions under state law.
- (i) Upon receipt of payment of fines and costs upon appeals, the clerk of the circuit court shall within 30 days pay 90 percent of such fines and forfeitures, and ten percent of the costs, to the treasurer of the town. The circuit clerk shall be liable on his bond for such fines and costs plus a penalty of five percent per month for default in such payments.
- (j) From the judgment of the circuit court, the town, in a case holding invalid an ordinance, or the defendant in any case, may appeal to the court of criminal appeals in like manner as in cases of appeals for convictions of violation of the criminal laws of the state. If the appeal is taken by the town, it shall not be required to give surety for the cost of the appeal. When taken by the defendant, he may give bail with sufficient sureties, conditioned that he will appear and abide by the judgment of the appellate court, and failing to give bail, he must be committed to the municipal jail; but he may give such bail at any time pending the appeal. When an appeal is taken by the defendant and bail is given pending the appeal, and the judgment conviction is affirmed or the appeal is dismissed, the defendant is bound by the undertaking of bail to surrender himself to the town authorities within 15 days from the date of such affirmance or dismissal, and if he shall fail to do so, the clerk of the circuit court from which the appeal is taken, upon motion of the town, must endorse the bail bond forfeited and a writ or writs of arrest must be issued by the clerk to the sheriff. Upon arrest the defendant shall be delivered to the municipal authorities and the sentence must without delay be carried out as if no appeal has been taken. If bail is forfeited as herein provided, a conditional judgment must be rendered by the court in favor of the town and the same proceedings had thereon for the municipality as is authorized by law to be had in the name of the state in state cases.

(Ord. No. 10477A, § 8, 10-4-1977)

Sec. 22-9. Warrants.

The municipal judge is authorized to issue arrest and search warrants upon affidavit for ordinance violations returnable to the municipal court and for violations of state law returnable to any state court.

(Ord. No. 10477A, § 9, 10-4-1977)

Sec. 22-10. Magistrates.

The municipal judge shall take steps to have a magistrate appointed for the town pursuant to the Alabama Rules of Judicial Administration, Rule 18. The powers of the magistrate shall be limited to:

- (1) Issuance of arrest warrants;
- (2) Granting of bail in minor misdemeanor prosecutions;
- (3) Receiving of pleas of guilty in minor misdemeanors where a schedule of fines has been prescribed by law or rule;

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- (4) Accountability to the municipal court for all uniform traffic tickets and complaints, monies received and records of offenses; and
- (5) Such other authority as may be granted by law.

(Ord. No. 10477A, § 10, 10-4-1977)

Sec. 22-11. Acting municipal judge.

In the absence from the town, death, disability, or disqualification of a municipal judge, for any reason, the mayor of the municipality shall have the authority to designate a person, licensed to practice law in the state and a qualified elector of the state, not otherwise employed in any capacity by the municipality, to serve as acting municipal judge with all power and authority of a duly appointed municipal judge. No such acting judge may serve for more than 30 successive days or a total of 60 days in any calendar year; provided that when the duly appointed municipal judge is disqualified pursuant to the Constitution, the time of service limitations for acting judges shall not apply during such disqualification.

(Ord. No. 10477A, § 11, 10-4-1977)

Sec. 22-12. Duties of municipal judge.

- (a) The municipal judge shall report on the proceedings of the municipal court as required by law or rule.
- (b) The municipal judge shall be required to make a report to the council on the operation of the municipal court every month.

(Ord. No. 10477A, §§ 12, 13, 10-4-1977)

Sec. 22-13. Court costs.

- (a) The additional municipal court cost shall be increased to \$37.50, and shall be added to each municipal court case in the town municipal court.
- (b) The proceeds from this court cost shall be deposited into the Riverside Municipal Court Corrections Fund requiring the joint signatures of the mayor and city treasurer.
- (c) The funds contained in the corrections fund shall be expended as needed for the operation and maintenance of the town municipal court, or any other town correctional facility established after the date of the ordinance from which this section is derived.

(Ord. No. 98-1215, § 1, 12-15-1998; Ord. No. 2005-0802-2, §§ 1—3, 8-2-2005)

Editor's note— Ord. No. 2005-0802-2, adopted Aug. 2, 2005, increased the additional municipal court cost from \$30.00 to \$37.50 effective Oct. 1, 2005.

FOOTNOTE(S):

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State Law reference— Municipal courts generally, Code of Ala. 1975, § 12-14-1 et seq.[\(Back\)](#)

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Chapters 23 - 25 RESERVED

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 26 FIRE PREVENTION AND PROTECTION

[Sec. 26-1. Volunteer fire department.](#)

[Sec. 26-2. Department personnel.](#)

[Sec. 26-3. Chief.](#)

[Sec. 26-4. Powers and duties of chief.](#)

[Sec. 26-5. Selection of officers.](#)

[Sec. 26-6. Control and care of apparatus.](#)

[Sec. 26-7. Application for membership.](#)

[Sec. 26-8. Department funding.](#)

[Sec. 26-9. Fire fees.](#)

[Sec. 26-10. Open burning.](#)

Sec. 26-1. Volunteer fire department.

- (a) Established. Pursuant to Code of Ala. 1975, §§ 11-43-140—11-43-144, the establishment of a department known as Riverside Volunteer Fire Department is acknowledged.
- (b) Purpose. The Riverside Volunteer Fire Department (hereafter referred to as the department) shall have as its purpose the duty of preventing and extinguishing fires and the protection of life and property within the town (and police jurisdiction) as well as the enforcement of such laws and regulations pertaining to inspections, code violations and all other areas relating to fire prevention and safety.
- (c) Governance. The department shall be governed by the provision of this chapter only.

(Ord. No. 94-1909A, §§ 1, 3, 4, 9-19-1994)

Sec. 26-2. Department personnel.

The department shall be headed by a chief, a captain, a lieutenant, and a secretary/treasurer and as many drivers and firefighters who are residents of the town (and its police jurisdiction) as may be appointed by the chief. At no time shall the department consist of a number less than what is deemed safe for the well-being and protection of persons and property within the town (and its police jurisdiction) as so deemed by the town council.

(Ord. No. 94-1909A, § 5(A), 9-19-1994)

Sec. 26-3. Chief.

- (a) The chief shall be a salaried employee of the town. Said employment shall be full-time or part-time at the recommendation of the mayor and majority vote of the town council.
- (b) This position will be filled by the recommendation of the mayor to the council and upon majority vote of the council.
- (c) The position will not exceed four years (concurrent with that of the mayor and council).
- (d) The tenure of office will depend upon the chief's good conduct and efficiency. The chief shall be removed, with or without just cause, after a public hearing before the town council.
- (e) The chief shall be technically qualified for this position by training and experience and shall have the ability to command members and hold their respect and confidence.

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(Ord. No. 94-1909A, § 5(B), 9-19-1994)

Sec. 26-4. Powers and duties of chief.

- (a) The chief is charged with the recruitment of volunteers to adequately meet the demands of subsection 26-1(b).
- (b) The chief shall have the general supervision of the department. The chief shall be responsible for the safety of the members of the department.
- (c) It shall be the duty of the chief to preside at all meetings of the department, to call special meetings, to preserve order and to enforce rigid observance of this chapter.
- (d) It shall be the duty of the chief (or the designated representative) to be present at all fires, and to have complete command and entire responsibility of all firefighting operations.
- (e) The chief will provide weekly reports to the mayor showing the department activities for that week as it relates to fires within the department's jurisdiction.
- (f) The chief will submit a written report to the council prior to the council's first meeting in January, relating to the conditions of the apparatus and equipment used by the department, the number of members of the department and its relationship to the total number of active members. The chief shall also report upon the drill and training program of the department.
- (g) The chief shall enforce all fire prevention ordinances of this town and laws and regulations pertaining to fire prevention.

(Ord. No. 94-1909A, § 6, 9-19-1994)

Sec. 26-5. Selection of officers.

The selection of all officers noted in section 26-2 shall be at the discretion of the chief.

(Ord. No. 94-1909A, § 7, 9-19-1994)

Sec. 26-6. Control and care of apparatus.

- (a) The chief shall have control of all apparatus used by the department, and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the chief.
- (b) No apparatus shall be used for any purpose except for firefighting that is within the town limits, or in training therefor, except in cases where there exists an established policy of mutual assistance when called by an adjacent city, town or county request for assistance.

(Ord. No. 94-1909A, § 8, 9-19-1994)

Sec. 26-7. Application for membership.

Any person desiring to become a member of the department may file with the department an application in such form as the town council may require. Each applicant with questionable health problems may be required, at the discretion of the chief, to obtain a certificate of physical fitness from such physician as the chief may designate. Membership is that of a volunteer and is not subject to a vote of the membership.

(Ord. No. 94-1909A, § 9, 9-19-1994)

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Sec. 26-8. Department funding.

- (a) Fire fund account. The council shall appropriate funds to provide for the operation of the department, and for the purchase of firefighting apparatus and equipment to be used by the department, as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire. Such funds will be appropriated from the fire fund account and kept separate from the general fund account. This account is subject to audit.
- (b) Internal account. The department is allowed to establish its own internal account derived from funds through personal solicitation, various fund raising activities, etc., with the proviso that these funds when solicited and obtained are done so with full knowledge that they are not for the town's fire fund account, and that any and all purchases made with revenues from this account are not subject to the town's tax exempt status. Accounting for the department's controlled funds is the department's responsibility.

(Ord. No. 94-1909A, § 10, 9-19-1994)

Sec. 26-9. Fire fees.

- (a) The city council established mandatory fire fees within the police jurisdiction area on December 19, 1994, and to be billed on a monthly basis to each residence and business within this area.
- (b) The city council authorizes the fire fees to be increased to \$9.00 per month, commencing on October 1, 2013, and an annual increase of \$1.00 commencing on October 1, 2014.
- (c) All accounts considered as past due shall be subject to a late fee of ten percent of the total past due.
- (d) Any account over 60 days in default will be subject to being charged for full costs incurred by the city for any and all expenses involved in responding to a fire at the address of the account.

(Ord. No. 94-1912, §§ 1, 2, 4, 5, 12-19-1994; Ord. No. 2013-0903, §§ 1—4, 9-3-2013)

Sec. 26-10. Open burning.

- (a) The town authorizes, on the property from which the material originates, subject to the conditions set forth below, only the open burning of untreated wood, tree trimmings, brush or plant growth generated by clearing or maintenance of land, or from demolition or other practices conducted for any of the following purposes:
 - (1) Erection of any structure.
 - (2) Construction of any highway, railroad, pipeline or power and communication lines.
 - (3) Maintenance of rights-of-way.
 - (4) Development or modifications of a recreational area or park.
 - (5) Plant husbandry practices.
- (b) The location of the burning must be a least 500 feet from the nearest occupied dwelling other than a dwelling located on the property on which the burning is conducted.
- (c) The burning must be controlled to avoid creating a traffic hazard on any public road, street or highway as a result of the contaminants emitted.
- (d) Only the wood and plant growth materials specifically authorized by subsection (a) of this section may be burned. Under no circumstances shall heavy oils, asphaltic materials, items containing natural or synthetic rubber, plastics or refuse be burned.
- (e) Initial burning may be commenced only between the hours of 8:00 a.m. and 7:00 p.m. No combustible material is to be added to the fire between 7:00 p.m. and 8:00 a.m. the following day.

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- (f) Burning shall be conducted only when there is good ventilation and when the prevailing wind direction is away from any built-up area in the vicinity. No burning shall be conducted in areas under a current air stagnation advisory issued by the National Weather Service or during a draught emergency declared by the governor.
- (g) Any fire shall be attended at all times.
- (h) Failure to comply with this section shall result in a fine of not less than \$50.00 nor more than \$500.00. Each burning violation conducted on the same property shall be considered as separate violations of this chapter.

(Ord. No. 95-1704B, §§ 1—7, 9, 4-17-1995)

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Chapters 27 - 29 RESERVED

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 30 FLOODS [11](#)

ARTICLE I. - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

ARTICLE II. - GENERAL PROVISIONS

ARTICLE III. - ADMINISTRATION

ARTICLE IV. - PROVISIONS FOR FLOOD HAZARD REDUCTION

ARTICLE V. - VARIANCES

ARTICLE VI. - DEFINITIONS

FOOTNOTE(S):

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Editor's note—Ord. No. 2012-0605-2, adopted June 5, 2012, amended the Code by repealing former chapter 30, §§ 30-1—30-12, 30-41—30-45, and 30-81—30-86. Former chapter 30 derived from Ord. No. 98-0707, adopted July 7, 1998, and pertained to similar content.[\(Back\)](#)

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

[Sec. 30-1. Statutory authorization.](#)

[Sec. 30-2. Findings of fact.](#)

[Sec. 30-3. Statement of purpose.](#)

[Sec. 30-4. Objectives.](#)

[Secs. 30-5—30-20. Reserved.](#)

Sec. 30-1. Statutory authorization.

The Legislature of the State of Alabama has in §§ 11-49-1—11-49-24, 11-45-1—11-45-11, 11-52-1—11-52-84, 1-24, and 41-9-166 of the Code of Ala. 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-2. Findings of fact.

- (a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

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(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-4. Objectives.

The objectives of this chapter are:

- (1) To protect human life and health;
- (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
- (4) To minimize expenditure of public money for costly flood control projects;
- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) To minimize prolonged business interruptions, and;
- (7) To insure that potential home buyers are notified that property is in a flood area.

(Ord. No. 2012-0605-2, 6-5-2012)

Secs. 30-5—30-20. Reserved.

ARTICLE II. GENERAL PROVISIONS

[Sec. 30-21. Lands to which this chapter applies.](#)

[Sec. 30-22. Basis for area of special flood hazard.](#)

[Sec. 30-23. Establishment of development permit.](#)

[Sec. 30-24. Compliance.](#)

[Sec. 30-25. Abrogation and greater restrictions.](#)

[Sec. 30-26. Interpretation.](#)

[Sec. 30-27. Warning and disclaimer of liability.](#)

[Sec. 30-28. Penalties for violation.](#)

[Secs. 30-29—30-40. Reserved.](#)

Sec. 30-21. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-22. Basis for area of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), dated August 19, 1986 with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this chapter. For those land areas acquired by a municipality through annexation, the current effective FIS and data for St. Clair County are hereby adopted by reference. Areas of special

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flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-23. Establishment of development permit.

A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-24. Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-25. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-26. Interpretation.

In the interpretation and application of this chapter all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-27. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 2012-0605-2, 6-5-2012)

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Sec. 30-28. Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case: Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful actions as is necessary to prevent or remedy any violation.

(Ord. No. 2012-0605-2, 6-5-2012)

Secs. 30-29—30-40. Reserved.

ARTICLE III. ADMINISTRATION

[Sec. 30-41. Designation of chapter administrator.](#)

[Sec. 30-42. Permit procedures.](#)

[Sec. 30-43. Duties and responsibilities of the administrator.](#)

[Secs. 30-44—30-50. Reserved.](#)

Sec. 30-41. Designation of chapter administrator.

The building inspector is hereby appointed to administer and implement the provisions of this chapter.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-42. Permit procedures.

Application for a development permit shall be made to the building inspector on forms furnished by the community prior to any development activities, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

- (1) Application stage.
 - a. Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
 - b. Elevation in relation to mean sea level to which any non-residential structure will be flood proofed;
 - c. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of subsections 30-52(2) and 30-55(2);
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;
- (2) Construction stage. For all new construction and substantial improvements, the permit holder shall provide to the building inspector an as-built certification of the regulatory floor elevation or flood-proofing level using appropriate FEMA elevation or flood-proofing certificate immediately after the lowest floor or flood proofing is completed. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

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Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The building inspector shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-43. Duties and responsibilities of the administrator.

Duties of the building inspector shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this chapter have been satisfied; and, assure that sites are reasonably safe from flooding.
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (3) When base flood elevation data or floodway data have not been provided in accordance with section 30-22, then the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer the provisions of article IV.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with subsection 30-42(2).
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with subsection 30-52(2) or 30-55(2).
- (6) When flood proofing is utilized for a structure, the building inspector shall obtain certification of design criteria from a registered professional engineer or architect in accordance with subsections 30-42(1)c. and 30-52(2) or 30-55(2).
- (7) Notify adjacent communities and the Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the Alabama Department of Economic and Community Affairs/Office of Water Resources/NFIP state coordinator's office.
- (8) For any altered or relocated watercourse, submit engineering data/analysis within six months to the FEMA and state to ensure accuracy of community flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.
- (10) All records pertaining to the provisions of this chapter shall be maintained in the office of the building inspector and shall be open for public inspection.

(Ord. No. 2012-0605-2, 6-5-2012)

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Secs. 30-44—30-50. Reserved.

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

[Sec. 30-51. General standards.](#)

[Sec. 30-52. Specific standards.](#)

[Sec. 30-53. Floodways.](#)

[Sec. 30-54. Building standards for streams without established base flood elevations \(approximate A-zones\).](#)

[Sec. 30-55. Standards for areas of shallow flooding \(AO zones\).](#)

[Secs. 30-56—30-60. Reserved.](#)

Sec. 30-51. General standards.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse and lateral movement of the structure.
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- (3) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
- (4) Elevated buildings. All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood waters.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot above grade; and
 3. Openings may be equipped with screens, louvers, valves and other coverings and devices provided they permit the automatic flow of floodwater in both directions.
 - b. So as not to violate the "lowest floor" criteria of this chapter, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

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- (9) Onsite waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this chapter, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-52. Specific standards.

In all areas of special flood hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required:

- (1) New construction and substantial improvements. Where base flood elevation data are available, new construction and substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection 30-51(4), "Elevated Buildings."
- (2) Non-residential construction. New construction and substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in subsection 30-46(6).
- (3) Standards for manufactured homes and recreational vehicles. Where base flood elevation data are available:
 - a. All manufactured homes placed and substantially improved on: (i) individual lots or parcels, (ii) in new or substantially improved manufactured home parks or subdivisions, (iii) in expansions to existing manufactured home parks or subdivisions, or (iv) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement elevated no lower than one foot above the base flood elevation.
 - b. Manufactured homes placed and substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 1. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
 2. Where no base flood elevation exists, the manufactured home chassis and supporting equipment is supported by reinforced piers or other foundation elements of at least equivalent strength and is elevated to a maximum of 60 inches (five feet) above grade.
 - c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Refer: section 30-51)
 - d. All recreational vehicles placed on sites must either:
 1. Be on the site for fewer than 180 consecutive days, fully licensed and ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or
 2. The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements of subsection 30-52(3)a.—c., above.

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- (4) Standards for subdivisions.
 - a. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
 - d. Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than 50 lots or five acres, whichever is the lesser.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-53. Floodways.

Floodway. Located within areas of special flood hazard established in subsection 30-22 are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (1) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point.
- (2) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- (3) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of CFR § 65.12, and receives the approval of the administrator.
- (4) Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (5) Only if subsections (2), (3) or (4), above are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of article IV.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-54. Building standards for streams without established base flood elevations (approximate A-zones).

Located within the areas of special flood hazard established in section 30-22, where streams exist but no base flood data have been provided (approximate A-zones), the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with section 30-22, then the building inspector shall obtain, review, and reasonably utilize any scientific or historic base

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flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of article IV. Only if data are not available from these sources, then the following provisions ((2) and (4)) shall apply:

- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 25 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) All development in zone A must meet the requirements of section 30-51 and subsections 30-52(1)—(4).
- (4) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Also, in the absence of a base flood elevation, a manufactured home must also meet the elevation requirements of subsection 30-52(3)(b)(2) in that the structure must be elevated to a maximum of 60 inches (five feet). Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection 30-51(4) "Elevated Buildings."

The building inspector shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(Ord. No. 2012-0605-2, 6-5-2012)

Sec. 30-55. Standards for areas of shallow flooding (AO zones).

Areas of special flood hazard established in section 30-22, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the flood insurance rate map (FIRM) above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection 30-41(4), "Elevated Buildings."
- (2) New construction and the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level or two feet (if no map elevation is listed), above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in subsections 30-42(1)c. and (2).
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. No. 2012-0605-2, 6-5-2012)

Secs. 30-56—30-60. Reserved.

ARTICLE V. VARIANCES

Sec. 30-61. Variance procedures.

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Sec. 30-62—30-70. Reserved.

Sec. 30-61. Variance procedures.

- (a) The building and zoning committee as established by the city council shall hear and decide requests for appeals or variance from the requirements of this chapter.
- (b) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the building inspector in the enforcement or administration of this chapter.
- (c) Any person aggrieved by the decision of the building and zoning committee may appeal such decision to the St. Clair County Circuit Court, as provided in Code of Ala. 1975.
- (d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- (e) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (g) In reviewing such requests, the building and zoning committee shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this chapter.
- (h) Conditions for variances:
 - (1) A variance shall be issued only when there is:
 - a. A finding of good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship; and,
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (2) The provisions of this chapter are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - (4) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.
- (i) Upon consideration of the factors listed above and the purposes of this chapter, the building and zoning committee may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(Ord. No. 2012-0605-2, 6-5-2012)

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Sec. 30-62—30-70. Reserved.

ARTICLE VI. DEFINITIONS

Sec. 30-71. Definitions.

Sec. 30-71. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "new construction."

Appeal means a request for a review of the building inspector's interpretation of any provision of this chapter.

Area of shallow flooding means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in section 30-22.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement means that portion of a building having its floor sub grade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or materials.

Elevated building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, pilings, posts, columns, piers, or shear walls.

Existing construction Any structure for which the "start of construction" commenced before August 19, 1986. [i.e., the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)].

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before August 19, 1986. [i.e., the effective date of the first floodplain management regulations adopted by a community].

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHB) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been designated as zone A.

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Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study or flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

Floodplain means any land area susceptible to being inundated by water from any source.

Floodway or regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facility that are necessary for the loading and unloading of cargo or passengers, and shipbuilding, and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure means any structure that is;

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the secretary of the interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the secretary of the interior, or
 - b. Directly by the secretary of the interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

Manufactured home means a building, transportable in one or more section, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or other datum.

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure (see definition) for which the "start of construction" commenced after August 19, 1986 and includes any subsequent improvements to the structure. [i.e., the effective date of the first floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)] and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 19, 1986 (i.e., the effective date of the first floodplain management regulations adopted by a community).

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Remedy a violation means to bring the structure or other development into compliance with state or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Section 1316 states no new flood insurance shall be provided for any property which the administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body, to be in violation of state or local laws, regulations or ordinances which are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Start of construction means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. NOTE: accessory structures are not exempt from any ordinance requirements. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damages sustained by a structure on two separate

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occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred. (Optional)

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed. The market value of the building should be:

- (1) The appraised value of the structure prior to the start of the initial repair or improvement; or
- (2) In the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual amount of repair work performed.

Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter.

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Code of Federal Regulations (CFR) § 44, § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) and corresponding parts of this chapter is provided.

(Ord. No. 2012-0605-2, 6-5-2012)

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapters 31 - 33 RESERVED

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 34 LAW ENFORCEMENT

[Sec. 34-1. Reserve force established.](#)

[Sec. 34-2. Qualifications.](#)

[Sec. 34-3. Appointment.](#)

[Sec. 34-4. Supervision.](#)

[Sec. 34-5. Equipment.](#)

[Sec. 34-6. Duties; power of arrest.](#)

[Sec. 34-7. Active duty.](#)

[Sec. 34-8. Weapons.](#)

[Sec. 34-9. Compensation.](#)

[Sec. 34-10. Violations.](#)

[Sec. 34-11. Penalty.](#)

Sec. 34-1. Reserve force established.

As provided by Code of Ala. 1975, § 11-43-210, a police reserve force, hereinafter called the reserve, is established within the police department of the town.

(Ord. No. 95-1704A, § 1, 4-17-1995)

Sec. 34-2. Qualifications.

The reserve shall consist of not more than four members. Any person desiring appointment to the reserve must submit a written application to the chief of police of the town, certifying that he is at least 21 years of age, of good moral character and reputation, and has never been convicted of a felony or of a misdemeanor involving force, violence, or moral turpitude. Applicants must consent in writing to a fingerprint and background search.

(Ord. No. 95-1704A, § 2, 4-17-1995)

Sec. 34-3. Appointment.

Appointments to the reserve shall be made by the chief of police with the approval of the mayor. Members of the reserve serve at the pleasure of the chief of police and may be removed with or without cause and without hearing, by the chief of police with the approval of the mayor.

(Ord. No. 95-1704A, § 3, 4-17-1995)

Sec. 34-4. Supervision.

The reserve shall function under the immediate direction of the chief of police, who shall provide for its organization and training. The chief of police is authorized and directed to establish such rules and regulations as may be necessary for the efficient operation of the reserve.

(Ord. No. 95-1704A, § 4, 4-17-1995)

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Sec. 34-5. Equipment.

Each member of the reserve shall be issued an identification card signed by the chief of police and the mayor. Members of the reserve shall carry this identification card with them at all times. Whenever a member of the reserve shall be called to active duty, he shall be issued a badge and a complete set of uniforms, which shall be worn at all times while on active duty. All assigned badges, uniforms and equipment remain the property of the town, and shall be surrendered at the time of resignation or dismissal.

(Ord. No. 95-1704A, § 5, 4-17-1995)

Sec. 34-6. Duties; power of arrest.

- (a) Duties. The duties of reserve officers are confined to the following:
 - (1) Patrol operation performed for the purpose of detection, prevention and suppression of crime or enforcement of the traffic or highway laws of the state, provided the reserve law enforcement officer acts at all times under the direct supervision and control of a certified law enforcement officer.
 - (2) Traffic direction and control may be performed without direct supervision; provided, however, that supervisory control is exercised by a certified law enforcement officer whose total span of control would be considered within reasonable limits.
 - (3) Reserve officers may render crowd control assistance at public gatherings or municipal functions as directed by the town, provided supervisory control will be exercised by a certified law enforcement officer whose total span of control would be considered within reasonable limits.
- (b) Definition. For purposes of this section, the term "certified law enforcement officer" shall mean a municipal police officer who has completed the training requirements of the Alabama peace officers' standards and training commission as set out in Code of Ala. 1975, § 36-21-40 et seq.
- (c) Arrest powers. No member of the reserve shall have any authority to exercise any power of arrest.

(Ord. No. 95-1704A, §§ 6,7, 4-17-1995)

Sec. 34-7. Active duty.

Members of the reserve shall be called to active duty by the chief of police with the consent of the mayor.

(Ord. No. 95-1704A, § 8, 4-17-1995)

Sec. 34-8. Weapons.

No member of the reserve shall carry a weapon while on active duty unless the reserve officer has received certified training as directed and approved by the chief of police.

(Ord. No. 95-1704A, § 9, 4-17-1995)

Sec. 34-9. Compensation.

No member of the reserve shall receive compensation for time required by reserve rules and regulations while not on active duty. Every member of the reserve shall be paid at the rate of \$5.00 per active duty assignment. Members of the reserve may be compensated for any reasonable expenses incurred in the performance of official duties while on active duty on approval of an expense voucher by the chief of police. All vouchers for compensation for expenses shall be sworn to by the member of the reserve seeking reimbursement before it shall be considered for payment.

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(Ord. No. 95-1704A, § 10, 4-17-1995)

Sec. 34-10. Violations.

- (a) It shall be a misdemeanor for any person not a member of the reserve to wear, carry or display a reserve identification card, badge or uniform, or in any way to represent himself to be connected with the reserve.
- (b) It shall be a misdemeanor for any member of the reserve to loan, sell, lease, or otherwise permit any person not a member of the reserve to wear, carry or display a reserve identification card, badge or uniform.
- (c) It shall be a misdemeanor for any member of the reserve to assist any person not a member of the reserve to represent himself as connected with the reserve.

(Ord. No. 95-1704A, § 11, 4-17-1995)

Sec. 34-11. Penalty.

- (a) Any person found guilty of violating the provisions of section 34-10 shall, upon conviction, be fined in an amount not exceeding \$500.00, or sentenced to imprisonment for not exceeding six months, either or both, at the discretion of the court trying the case.
- (b) Additionally, any member of the reserve charged with violating subsections 34-10(b) and (c) shall be suspended from the reserve pending a determination of guilt. Suspended reserve members must surrender their identification card, badge and uniform to the chief of police. Reserve members who are convicted of violating subsections 34-10(b) and (c) shall immediately be removed from the reserve force. A person convicted of violating subsections 34-10(b) and (c) is not eligible for reappointment to the reserve.

(Ord. No. 95-1704A, § 12, 4-17-1995)

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapters 35 - 37 RESERVED

Chapter 38 NUISANCES

[Sec. 38-1. Noise.](#)

[Sec. 38-2. Definitions.](#)

[Sec. 38-3. Nuisance unlawful.](#)

[Sec. 38-4. Duties of owner.](#)

[Sec. 38-5. Maintenance practices of town.](#)

[Sec. 38-6. Allowing property to become overgrown prohibited; exceptions.](#)

[Sec. 38-7. Nuisance described.](#)

[Sec. 38-8. Notice to abate.](#)

[Sec. 38-9. Request for hearing.](#)

[Sec. 38-10. Failure to comply.](#)

[Sec. 38-11. Assessment of costs.](#)

[Sec. 38-12. Authority.](#)

Sec. 38-1. Noise.

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessarily or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the town.

(Ord. No. 96-1217, 12-17-1996)

Sec. 38-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle.

(1) Any motor vehicle which:

- a. Is in a wrecked, dismantled, partially dismantled, discarded or otherwise inoperable condition; or
- b. Does not have affixed thereto an unexpired license plate, and has been parked, stored or left, whether attended or not, upon any public or private property in the town for a period of time in excess of seven business days.

The term "abandoned vehicle" includes any that is in a wrecked, dismantled, partially dismantled, discarded or otherwise in inoperable condition.

(2) The term does not include any motor vehicle:

- a. Enclosed within a building on private property;
- b. Held in connection with a business enterprise, lawfully licensed by the town on property zoned for a junkyard, vehicle repair facility or vehicle storage yard;
- c. In operable condition specifically adapted or designed for operation on drag strips or raceways; or
- d. Retained primarily as an antique collector's item and registered under state law as an antique vehicle.

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Building nuisance means any nuisance condition involving a residential or nonresidential structure, including remains from demolition, remains from a fire, parts of buildings and parts of uninhabitable structures.

Enforcing official means any official of the town building department or any other town employee designated by the mayor as the person to exercise the authority and perform the duties delegated by this chapter to the enforcing official. For a grass and weed nuisance, the enforcing official may also be any organization (including its employees) or individual with which the town may contract to provide such service.

Grass or weed nuisance means any abundance of overgrown grass or weeds within the town which is injurious to the general public health, safety and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes and other vermin, insects and pests; or attaining such heights and dryness so as to constitute serious fire threat or hazard; or bearing wingy or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation to the throat, lungs and eyes of the public; or hiding debris, such as broken glass or metal, which could inflict injury on any person going on the property; or being unsightly; or any growth of grass or weeds, other than ornamental plant growth, which exceeds 12 inches of height.

Improved subdivision means a division of a tract of land or acreage into tracts or parcels, and the improvement thereof by construction of streets, waterlines and, where applicable, sewer lines to serve the subdivided property.

Natural condition means uncultivated and unseeded land, still in a state of nature. But any growth on land, once it has been cleared or plowed, is not a natural condition, even though it has not been planted or cultivated by anyone.

Nuisance means anything that unlawfully causes hurt, inconvenience or damage; that class of wrongs that arises from the unreasonable, unwarranted 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 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; 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.

Owner of property includes a legal title holder, or lessee, or occupant of property, or agent of a legal title holder or lessee, in charge, possession or control of such property. For a building nuisance only, the term includes any mortgage holder of record.

(Ord. No. 2003-0415, § 1, 4-15-2003)

Sec. 38-3. Nuisance unlawful.

It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property under such person's ownership or control. Property under a person's ownership and control includes those areas referred to in section 38-4. A person with a duty to abate any nuisance is liable for separate and distinct offenses for each day the nuisance is allowed to remain after it has become such a person's duty by notice of the enforcing official or designee to abate it.

(Ord. No. 2003-0415, § 2, 4-15-2003)

Sec. 38-4. Duties of owner.

It shall be the duty of the owner of any real property located within the town to maintain any grass or weeds growing upon such property in such a manner as not to constitute a nuisance. The duties and obligations of the owner extend to and include any real property situated within a dedicated right-of-way or easement burdening the property, except to the extent that it may be impracticable to do so because of public facilities located thereon. Such rights-of-way and easements must be maintained by the owner in a manner consistent with the maintenance of the owner's remaining property and within the requirements in this chapter, except to the extent that it may be impracticable to do so because of public facilities located thereon.

(Ord. No. 2003-0415, § 3, 4-15-2003)

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Sec. 38-5. Maintenance practices of town.

The dedication and existence of a right-of-way for a public road or of an easement for drainage or for public utilities represents the grant of only a limited interest in property and does not change the actual ownership of the property upon which the right-of-way or easement is located. The public authority maintains rights-of-way and easements only to the extent necessary to maintain the public facility and to maintain safety. The owner of the burdened property continues to control the property, except to the extent that such control interferes with the public use. The public authority does not cut grass, weeds and other growth upon rights-of-way or easements, except to the extent necessary for operations and safety purposes. All other maintenance is the responsibility of the owner of the property upon which the right-of-way or easement is located.

(Ord. No. 2003-0415, § 4, 4-15-2003)

Sec. 38-6. Allowing property to become overgrown prohibited; exceptions.

- (a) Generally. It shall be unlawful and a nuisance, in violation of this chapter, for the owner of any real property situated within the corporate limits of the town to allow such real property to become overgrown with tall grass, or with any weed or plant such as jimson, burdock, ragweed, cocklebur or other weed of like kind, or any weed or plant bearing wingy or downy seeds, or any weed or plant that is otherwise noxious, dangerous, harmful or poisonous. The term "overgrown" means a height of 12 inches or more.
- (b) Exceptions. Excepted from such grass and weed nuisance requirements are:
 - (1) Any property which is in its natural condition.
 - (2) Any property which is located outside any improved subdivision and is located more than 100 feet from any boundary of any lot or parcel of real estate upon which any dwelling is located, and more than 100 feet from any commercial enterprise. For good cause, the enforcing official may reduce the area subject to this article to a lesser distance.
 - (3) Cultivated row crops and garden plants in their respective growing seasons. But this exception applies only to growing crops and garden plants, and shall not be construed to permit any crops or gardens to become overgrown with grass and weeds in violation of the remaining terms of this section.
 - (4) Ornamental shrubbery and groundcover; provided that such uses are part of a landscaping theme and not associated with a general deterioration of the property.

(Ord. No. 2003-0415, § 5, 4-15-2003)

Sec. 38-7. Nuisance described.

An accumulation or storage of debris, refuse, rubbish, brush, used building materials, parts of buildings, remains from building demolition, parts of untenantable or uninhabitable structures, used machinery, used tires, used vehicles, parts of vehicles, abandoned vehicles or any other materials which may provide a breeding place for mosquitoes, harmful insects, rodents or snakes, or is so unsightly as to be offensive to the surrounding area are nuisances in violation of this section.

(Ord. No. 2003-0415, § 6, 4-15-2003)

Sec. 38-8. Notice to abate.

- (a) Notice to abate. Whenever in the opinion of the enforcing official a nuisance exists, the official shall order the owner of the property on which the nuisance is located to abate the condition.

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- (b) Method of giving notice; compliance required or request for hearing; contents for building nuisance. The enforcing official shall give the owner written notice in person or by first-class mail. The notice shall require the owner to comply with this article within the time stated in the notice or to request an administrative hearing before a person designated by the mayor to determine whether there has been a violation. The notice shall apprise the owner of the facts of the alleged nuisance and shall name the particular date, time and place for such hearing if requested. For a building nuisance, the notice shall contain the names of all owners and lien holders of the property, a legal description of the property and the nature of the proceeding.
- (c) To whom sent; change of ownership; recording. The notice shall be sent to that person shown by the records of the county tax collector to have been the last person assessed for payment of ad valorem tax on the property where the nuisance is situated. It shall be the responsibility of that person to promptly advise the enforcing official of any change of ownership or interest in the property. It shall be unlawful to knowingly fail to notify the enforcing official of any such change of ownership or interest. The enforcing official shall cause a copy of each building nuisance notice to be recorded in the office of the probate judge/town magistrate.
- (d) Posting of notice. The notice shall also be posted in a conspicuous place on the property within three feet of an entrance to the building or structure. If there is no entrance or no structure, notice may be posted at any location on the property.
- (e) Time for completion of abatement. The notice shall require the owner to complete abatement of the nuisance within the following periods, provided the enforcing official may stipulate additional time, but in no case more than a total of 150 days:
 - (1) Fourteen days from the date of notice if it is a grass and weed nuisance.
 - (2) One hundred twenty days from the date of notice if it is a building nuisance.
 - (3) Thirty days from the date of notice if it is any other type of nuisance including, but not limited to, burned structures and abandoned vehicles.
- (f) Vacation of premises. The notice may also require the immediate vacation of a building or structure 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 Town of Riverside," or words of similar import, and shall be signed and dated. The sign shall remain until the required repairs and improvements have been made or the structure has been demolished and removed. The 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.
- (g) Repeated, habitual offenses. If an owner has been notified within the preceding 12 months that the growth of grass or weeds violates this section, the enforcing official is authorized to give written notice to the owner to appear in court at a time and place to be fixed in the notice and then and there show cause why the growth of grass or weeds should not be declared a nuisance. The enforcing official is authorized to proceed to cut and remove the grass and weeds to the extent of the violation.

(Ord. No. 2003-0415, § 14-26, 4-15-2003)

State Law reference— Authority to abate nuisances, Code of Ala. 1975, §§ 6-5-122 et seq., 11-47-117, 11-47-118; abatement by county health officer, Code of Ala. 1975, § 22-10-2.

Sec. 38-9. Request for hearing.

A hearing before the designee of the mayor must be requested within five days of the date of the notice by the enforcing official. The enforcing official shall notify the owner by personal service or by first-class mail of the determination of the hearing official. If the hearing official determines that a nuisance exists, the owner must comply with the initial order to abate issued by the enforcing official.

(Ord. No. 2003-0415, § 7, 4-15-2003)

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Sec. 38-10. Failure to comply.

- (a) Prosecution of violations; issuance of summons and complaints. If the owner fails, neglects or refuses to comply with the notice to abate the nuisance, the enforcing official may prosecute such person for a violation of the provisions of this chapter. The enforcing official may issue a summons and complaint to the owner of the property, requiring the owner to appear in municipal court to answer charges for the violation of this chapter. The summons and complaint shall name the party charged, the address of the property where the alleged violation is located, and the nature of the offense or violation. It shall also apprise the owner of the date, time and place at which to appear for court. The summons and complaint, returnable to the municipal court, shall be served on the owner by any enforcing official, who shall forthwith appear and make oath as to the alleged offense before a judge or magistrate of the municipal court. This provision for the issuance of a summons or complaint to municipal court shall not prevent any enforcing official from appearing before a municipal court judge or magistrate and making oath as to the facts and applying for warrant with respect to any alleged offense, in lieu of issuing a summons and complaint.
- (b) Penalties. All violations of the provisions of this chapter shall be punishable by:
 - (1) A fine in the minimum sum of \$250.00 up to a maximum of \$500.00;
 - (2) Imprisonment in the municipal jail for a term not to exceed six months;
 - (3) Both such fine and imprisonment; and
 - (4) An order to abate the nuisance.
- (c) Institution of procedure. The enforcing official may institute the enforcement procedure set forth in subsection (a) of this section and those set out below. The institution of one procedure does not preclude the subsequent or simultaneous institution of the other procedure, provided the criminal procedure is not used to collect any outstanding civil assessments against the subject property.
- (d) Cutting of grass or weeds. If the owner fails, neglects or refuses to comply with the notice to abate a grass or weeds nuisance, the enforcing official shall cause the cutting of the offending grass or weeds.
- (e) Hearing. If the owner fails, neglects or refuses to comply with the notice to abate any other type of nuisance, there shall be a public hearing before the town council. Notice of the hearing shall be given to the owner at least five days in advance by personal service or by first-class mail.
- (f) Findings of hearing; actions. After the public hearing, the town 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, or may find that no nuisance exists. If the owner appears at the public hearing, no further notice of the order of the town council shall be mailed to such person's last known address and shall be published once in a newspaper of general circulation in the town.
- (g) Decision to be carried out. Upon the expiration of seven days from the date of the resolution, the enforcing official shall proceed to carry out the decision of the council.

(Ord. No. 2003-0415, § 8, 4-15-2003)

Sec. 38-11. Assessment of costs.

- (a) Computation of expenses. Upon completion of the abatement work performed by the town (including work by contractors employed by the town), the enforcing official shall compute the actual expense (including, but not limited to, total wages paid, value of the use of equipment, advertising expenses, postage, materials purchased) which was incurred by the town as a result of such work. An itemized statement of such expenses shall be given by first-class mail to the last known address of the owner of the property. This notice shall be sent at least five days in advance of the time fixed by the town council to consider the assessment of the costs against the property.
- (b) Cost to constitute a lien. At the time fixed for receiving and considering the statement, the council shall hear the same, together with any objections which may be raised by the owner whose property is liable to be assessed for the work and thereupon make such modifications in the statement as they deem necessary, after which a

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resolution may assess the cost. The cost stated in the resolution shall constitute a special assessment against the land and shall constitute a lien on such property. After adoption of the resolution, a copy shall be turned over to the town clerk-treasurer who is charged with the collection of assessments. The town clerk-treasurer shall charge the assessments against the respective lots and parcels of land for municipal purposes. Thereafter such amounts shall be collected at the same time and in the same manner as ordinary municipal assessments are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal assessments.

- (c) Filing of copies. The town clerk-treasurer shall cause a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the probate judge/town magistrate.
- (d) Collection in the manner of taxes. If legislation is enacted to allow assessment as taxes and collection by the county revenue commissioner, the town clerk-treasurer shall forward appropriate documents to obtain collection in that manner.
- (e) Satisfaction of liens. Upon payment of the itemized accounts arising under this chapter, any liens or assessments filed hereunder may be marked "satisfied" and "paid in full" by the town clerk-treasurer or by the town attorney.

(Ord. No. 2003-0415, § 9, 4-15-2003)

Sec. 38-12. Authority.

This section shall be construed to contain all power granted to municipalities under Code of Ala. 1975, §§ 11-40-10, 11-47-117, 11-47-131, 11-47-140, and 11-48-1 et seq., providing for controlling nuisances, sanitation and good public health and safety conditions, and for assessment of public improvement liens.

(Ord. No. 2003-0415, § 10, 4-15-2003)

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Chapters 39 - 41 RESERVED

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Chapter 42 OFFENSES AND MISCELLANEOUS PROVISIONS

[Sec. 42-1. Adoption of state law.](#)

[Sec. 42-2. Offenses against the town.](#)

[Sec. 42-3. Violations and penalties.](#)

Sec. 42-1. Adoption of state law.

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

(Ord. No. 99-1207, § 1, 12-7-1999)

Sec. 42-2. Offenses against the town.

- (a) Any person or corporation committing an offense within the corporate limits of the town, or within the police jurisdiction thereof, which is declared by a law or laws of the state now existing or hereafter enacted to be a violation, shall be guilty of an offense against the town.
- (b) Any person or corporation committing within the corporate limits of the town, or within the police jurisdiction thereof, an offense as defined by Code of Ala. 1975, § 13A-1-2, which offense is not declared by a law or laws of the state now existing or hereafter enacted to be a felony, misdemeanor or violation, shall be guilty of an offense against the town.

(Ord. No. 99-1207, §§ 2, 3, 12-7-1999)

Sec. 42-3. Violations and penalties.

- (a) Any person found to be in violation of subsection 42-2(a) or (b) shall, upon conviction, be punished by a fine of not less than \$1.00 nor more than \$500.00 and/or may be imprisoned or sentenced to hard labor for the town for a period not exceeding six months, at the discretion of the court trying the case. Any corporation found to be in violation of subsection 42-2(a) or (b) shall, upon conviction, be punished by a fine of not less than \$1.00 nor more than \$500.00, at the discretion of the court trying the case.
- (b) Any person found to be in violation of this chapter for the commission of an offense as defined in Code of Ala. 1975, § 32-5A-191, shall, upon conviction, be punished in accordance with the provisions of Code of Ala. 1975, § 32-5A-191, provided, however, that no fine shall exceed \$10,100.00, and/or may be imprisoned or sentenced to hard labor for not more than one year.

(Ord. No. 99-1207, §§ 4, 5, 12-7-1999)

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Chapters 43 - 45 RESERVED

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 46 PARKS AND RECREATION

Sec. 46-1. Idle speed in certain areas.

Sec. 46-2. Walking track, ballpark and park pavilion.

Sec. 46-1. Idle speed in certain areas.

- (a) In certain areas of Logan Martin Lake lying within the town limits, which are posted, boats shall operate at idle speed only to provide for safety of lives and property in these areas.
- (b) Any person found to be in violation of subsection (a) of this section shall, upon conviction, be punished by a fine of not more or less than \$100.00 and/or may be sentenced to hard labor for the town for a period not to exceed ten days, at the discretion of the court trying the case.

(Ord. No. 81-0721, §§ 1, 2, 7-21-1981)

Sec. 46-2. Walking track, ballpark and park pavilion.

- (a) These rules and regulations shall also set forth guidelines for the reservations of the ballpark and park/pavilion areas.
- (b) It shall be unlawful for any person, or persons, to operate any automobile, motorcycle, motor scooter, or other motor-driven vehicles or any bicycle, unicycle, or other wheeled vehicle of any type, except an approved city vehicle, baby carriage, wheelchair, stroller, or similar item upon any jogging or walking path or tract within the town limits.
- (c) The ballpark area is property leased and maintained by the town. Its sole purpose is to provide a recreational area for the citizens of the town.
- (d) This area is subject to being reserved for regular scheduled ball games, practice games, individual team practice as well as spontaneous group activities. Priority will be based on the above order of listing, but will be subject to first come basis subject to the reservations made. Priority in field use allocation shall be first granted to persons living within the town limits and then to others outside this area. Teams having both town resident players and others outside the area shall be considered as town players when priorities are considered.
- (e) Reservations for the ballpark or park/pavilion area shall be made in person with the town clerk during normal business hours. Reservations can be made up to 30 days in advance. The field will be available in 1½-hour increments, regardless of a game or practice. In the event the field is not reserved for the next 1½-hour increment, then it shall be on a first come basis.
- (f) Those who utilize these facilities are responsible to maintain it in a clean, presentable, usable manner. Paper, cans, bottles, cups, food waste, etc., must be disposed of properly by those utilizing these facilities.

(Ord. of 4-15-1997)

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Chapters 47 - 49 RESERVED

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 50 PLANNING

[Sec. 50-1. Planning commission created.](#)

[Sec. 50-2. Master plan.](#)

[Sec. 50-3. Authorization.](#)

Sec. 50-1. Planning commission created.

Pursuant Code of Ala. 1975, § 11-52-1 et seq., there is created a planning commission for the town, to consist of nine members, to be appointed for the terms and in the manner set forth in Code of Ala. 1975, § 11-52-1 et seq.

(Ord. No. 99-0817, § 1, 8-17-1999)

Sec. 50-2. Master plan.

The planning commission is authorized and empowered to make and adopt a master plan for the physical development of the town, including any areas outside its boundaries which, in the commission's judgment, bear relation to the planning of such town. Such plan, with the accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of said territory including among other things the general location, character and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public property, and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property utilities, or terminals as well as a zoning plan for the control of the height, area, bulk, location and use of the buildings and premises. As the work of making the whole master plan progresses, said commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the town, or one or more of the aforesaid or other functional matters to be included in the said plan. The said commission is authorized and empowered to exercise all powers and do all things authorized to such commission by Code of Ala. 1975, § 11-52-1 et seq. as it may deem necessary for its work. The commission is also authorized and empowered to exercise all powers and to do all things authorized to such commission by Code of Ala. 1975, § 11-52-1 et seq., and to exercise such control as is authorized under Code of Ala. 1975, § 11-52-1 et seq. with reference to subdivision of unimproved property within five miles of the corporate limits of the town.

(Ord. No. 99-0817, § 2, 8-17-1999)

Sec. 50-3. Authorization.

The mayor and town council are authorized to make all appointments and exercise all authority as authorized by Code of Ala. 1975, § 11-52-1 et seq.

(Ord. No. 99-0817, § 3, 8-17-1999)

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapters 51 - 53 RESERVED

Chapter 54 ROADS AND RIGHTS-OF-WAY

[Sec. 54-1. Signs on public rights-of-way.](#)

[Sec. 54-2. Roadblock solicitation.](#)

Sec. 54-1. Signs on public rights-of-way.

- (a) Definition. For the purpose of this section, the term "public street" shall mean and refer to the entire platted or dedicated right-of-way, legally dedicated or legally constituted federal and state highway, country road, and any public street or alley within the corporate limits and or police jurisdiction of the town.
- (b) Sign restrictions. Except as permitted in this section, it shall be unlawful for any person to install, erect or construct any signboard, billboard or any such similar signs in, over or adjacent to any public street within the corporate limits and for the police jurisdiction of the town. Further, it shall be unlawful for a person to post or paste or otherwise to attach any signboard, advertisement or other paper, plastic or metal material upon a pole erected by any telegraph, telephone, electric light, cable television, or power utility or to any tree growing on any public street, or to any fixed object on any city owned property within the corporate limits and/or police jurisdiction of the town.
- (c) Permitted signs. It shall be lawful for any person to install, erect or construct a sign of a permanent nature provided said sign shall be designed and constructed to withstand a wind pressure of not less than 40 pounds per square foot or area; shall be constructed to receive dead loads as required in the building code or other ordinances; and shall advertise a bona fide business located adjacent to the sign. Portable signs shall also be permitted if same are illuminated, advertise a bona fide business being conducted adjacent to the sign and are not placed in such a manner as to obstruct free and clear vision.
- (d) Nuisance signs. Any signs found on any public street in violation of this section are deemed to constitute a nuisance and same shall be removed by a town employee.
- (e) Penalty. Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed \$100.00. Each day such sign or billboard is permitted or allowed to remain in such place of violation of this section shall constitute a separate and distinct offense upon the part of the person, firm or corporation who so erected, placed, attached or installed such sign and each offense shall be punishable by a fine in the sum not to exceed \$100.00.

(Ord. No. 97-0902, 9-2-1997)

Sec. 54-2. Roadblock solicitation.

- (a) Roadblock unlawful; sponsorship. It shall be unlawful for any individual, groups of individuals, clubs, fraternal organizations or any type charitable organization to conduct a roadblock fund raising activity along a roadway or highway within the town limits and its police jurisdiction unless said individual, group of individuals, club, fraternal organization, or charitable organization is sponsored by either the town police department or the volunteer fire department.
- (b) Request for sponsorship. Request for sponsorship may be made in writing or in person as soon as possible prior to the planned activity.
- (c) Decision of officers. The decision to sponsor any roadblock fund raising activity shall be made by either the chief of police, or the chief of the volunteer fire department.
- (d) Grant or denial. The decision to grant or deny sponsorship shall be made solely on the availability of off-duty personnel and equipment to supervise the activity from a safety standpoint.
- (e) Fine. Failure to obtain sponsorship shall be considered a misdemeanor and shall be subject to a fine of not less than \$100.00 nor more than \$300.00.

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(Ord. No. 96-2005, §§ 1—5, 5-20-1996)

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Chapter 55 RESERVED

SIGN ORDINANCE

SAVED AS SEPERATE FILE

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CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 57 RESERVED

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 58 SOLID WASTE

ARTICLE I. - IN GENERAL

ARTICLE II. - LITTERING

ARTICLE I. IN GENERAL

[Sec. 58-1. Garbage service to single-family residences.](#)

[Secs. 58-2—58-30. Reserved.](#)

Sec. 58-1. Garbage service to single-family residences.

- (a) In order to provide for the removal and disposal of trash and garbage from single-family residences of the town served by the town water system, there shall be a charge as set by the town council and said charges shall be paid as a portion of the monthly water bill.
- (b) All ordinances and regulations now in effect pertaining to the rendition of bills, the date of delinquency, shutoff and reconnection charges are hereby adopted as a part of this section.

(Ord. No. 89-0919, §§ 1, 2, 9-19-1989)

Secs. 58-2—58-30. Reserved.

ARTICLE II. LITTERING

[Sec. 58-31. Definitions.](#)

[Sec. 58-32. Littering streets.](#)

[Sec. 58-33. Spilling vehicle loads.](#)

[Sec. 58-34. Deposit of hazardous debris or trash on public streets.](#)

[Sec. 58-35. Cutting of weeds and removal of accumulations of trash and litter.](#)

[Sec. 58-36. Placement of trash, rubbish, etc., for collection.](#)

[Sec. 58-37. Debris not to be left on public streets.](#)

[Sec. 58-38. Littering drainage ditches and easements.](#)

[Sec. 58-39. Debris from construction, demolition, alteration or repair.](#)

[Sec. 58-40. Defective garbage or trash cans.](#)

[Sec. 58-41. Businesses not to place waste in town receptacles.](#)

[Sec. 58-42. Cleanliness and orderliness at container site; duty of private property occupant.](#)

[Sec. 58-43. Unlawful opening, searching, etc., of garbage and trash cans.](#)

[Sec. 58-44. On-premises receptacles.](#)

[Sec. 58-45. Posting advertisements, notices, etc., on streets, sidewalks, trees, fences.](#)

[Sec. 58-46. Nonexclusivity of article; penalties for violation; enforcement procedures.](#)

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Sec. 58-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Citation means a notice specifying a violation of the provisions of this article which directs the violator to appear in the municipal court to answer to the charge of, where appropriate, to pay the fine or fines as provided in this Code.

Corrective notices means a written notice informing the recipient thereof of a violation of the provisions of this article and specifying a period of time in which to correct said violation.

Garbage can and/or rubbish can mean a watertight receptacle or container of substantial construction made of reinforced or ribbed plastic, or of galvanized iron or rustproof metal, of not less than 28-gauge thickness having a holding capacity of not less than ten or not more than 30 gallons and equipped with a tightfitting lid or cover and with one or more handles by which the same may be conveniently lifted or moved; provided, however, that the holding capacity may be more than 30 gallons when the container has been constructed and approved by the town as suitable for pickup and dumping by hydraulic lift or hoist.

Litter means garbage, refuse, waste, including but not limited to any paper, cartons, cans, metal, glass, plastics, wrappings, boxes, or cardboard, whether or not it is of value and, further, whether or not the same is putrescible or not putrescible. The term shall also include any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock, or other device which might be removed from the inside, washer, dryer or any other appliance.

Plastic bag and plastic container mean a plastic bag or holder of sufficient thickness or strength to be lifted and loaded without tearing or leaking and capable of being securely tied or closed shut.

Premises means any building or real property.

Refuse means all solid wastes, including garbage, rubbish, ashes, dead animals, abandoned automobiles and industrial waste.

Rubbish means any solid wastes consisting of both combustible and noncombustible wastes, such as paper, paper cups, wrappings, cigarette packages, cardboard, tin cans, glass, crockery and similar materials.

Trash can means a watertight receptacle or container of substantial construction made of reinforced or ribbed plastic, and of galvanized iron or rustproof metal, of not less than 28-gauge thickness having a holding capacity of not less than ten or more than 30 gallons and equipped with a tightfitting lid or cover and with one or more handles by which the same can be lifted or moved.

(Ord. No. 90-0918A, § 1, 11-20-1990)

Sec. 58-32. Littering streets.

- (a) Generally. It shall be unlawful for any person to throw, dump or discharge any gravel, cement, paper, wood, garbage, cans, trash, debris, refuse, or litter of any kind upon the public streets, sidewalks or other public or private premises or ways within the town.
- (b) From motor vehicles.
 - (1) It shall be unlawful for any person or persons to dump, deposit, or discharge, or to cause or permit the dumping, depositing, or discharging of, any gravel, cement, paper, wood, garbage, cans, trash, debris, refuse, or litter of any kind from a motor vehicle upon the public streets or other public ways of the town.
 - (2) The dumping, depositing, or discharging of litter of any kind hereinabove prohibited from a motor vehicle upon the public streets or other ways of the town in violation of this section shall raise a *prima facie* presumption that the driver or operator of said motor vehicle committed, authorized, or permitted the violation herein prohibited.

(Ord. No. 90-0918A, §§ 2, 3, 11-20-1990)

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Sec. 58-33. Spilling vehicle loads.

- (a) It shall be unlawful for any person, firm or corporation to drive, operate or permit to be operated any vehicle upon the public streets or other public ways of the town when such vehicle is so constructed, maintained or loaded that gravel, cement, liquid asphalt, petroleum products, tar, trash, paper, debris, or litter of any kind is permitted to blow, spill or waste from such vehicle upon the public streets or public ways.
- (b) It shall be unlawful for any person, firm or corporation to haul garbage, paper or litter, as defined hereinabove, unless the truck or vehicle is covered, secured or sealed to the extent that there will be no loss or spillage during the haulage to cause littering of the streets or highways or causing nuisance or hazard to the public health.
- (c) Neither subsection (a) or (b) of this section shall apply to the deposit of sand or other substances on the streets of the town for the purpose of increasing traction, street repair or maintenance of utilities or to the use of water or other substances in cleaning or maintaining public streets or public ways, when such acts are performed by the town or a contractor conducting such actions pursuant to a valid contract with the town.
- (d) Any person, firm or corporation operating or permitting to be operated a vehicle in violation of subsection (a) of this section shall immediately cause the public streets or ways to be cleared of such objects and shall bear the cost thereof.

(Ord. No. 90-0918A, § 4, 11-20-1990)

Sec. 58-34. Deposit of hazardous debris or trash on public streets.

It shall be unlawful for any person to throw, deposit or leave in or upon any street or other public way in the town tacks, nails, tin cans, old iron, brush, boxes, machinery, automobile parts, truck parts, brick, glass, glassware, glass bottles, bottles, jars, broken glass, broken glassware, cartons, crates, limbs, glass or debris of any kind or character whatsoever. However, the above shall not apply to the placing or temporary storage of trash or leaves along the public streets or other public ways for collection by the town or other authorized persons in a manner approved for such storage and collection as provided in this chapter.

(Ord. No. 90-0918A, § 5, 11-20-1990)

Sec. 58-35. Cutting of weeds and removal of accumulations of trash and litter.

- (a) Required. It shall be unlawful for any person owning, residing or having charge or control of any premises or vacant lot within the town to allow any accumulation of litter or trash (except for collection purposes on regularly scheduled collection days and in a manner authorized) on said premises or vacant lot or to allow weeds, grass or vegetation to grow to a height exceeding 12 inches.
- (b) Notice.
 - (1) Whenever weeds, grass or vegetation shall grow on any premises or vacant lot within the town to a height of 12 inches or more, or whenever there is any accumulation of trash, debris or litter on any such premises or vacant lot (except for the collection purposes on regularly scheduled collection days and in a manner as authorized), the building inspector, litter control officer or any other person so authorized 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 down or that such trash or debris must be removed within ten 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.
 - (2) If the owner of the land is not a resident of the town 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 thereon on the property.
- (c) Failure to comply.

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- (1) Any person who owns or has charge or control of any premises or vacant lot in the town, and who, after having received notice as provided for above to cut the weeds, grass or vegetation or to remove trash, debris or litter therefrom, fails to do so within ten days after such notice shall be guilty of a misdemeanor.
- (2) If after the expiration of such ten days the accumulation of trash, debris or litter is not removed or the weeds, grass or vegetation are not controlled or cut, the town may do such work at the expense of the owner or other person having charge or control thereof and make a charge therefor which shall constitute a lien on the lot or parcel of land to be collected as other debts are collected or liens enforced.

(Ord. No. 90-0918A, § 6, 11-20-1990)

Sec. 58-36. Placement of trash, rubbish, etc., for collection.

- (a) It shall be unlawful for the occupant of any store, shop or building or any other person to place any trash, litter or other waste material on the premises outside of such building except where it is in a suitable receptacle or plastic bag or container at a readily convenient place or easily accessible to the trash collector. It shall be the duty of the occupant of any such store, shop, roominghouse or building to keep the alley adjacent thereto and the lot on which the same is located clean and free of all trash, litter and waste materials except that which is placed in proper receptacles on the premises. It shall be the duty of the occupant of any such store, shop, rooming house or building to store all such garbage, waste and trash so that it cannot become scattered by wind, dogs or otherwise.
- (b) It shall be unlawful for the occupant of any store, house, shop, room, building or other premises or for any other person to place, whether or not in a receptacle, any trash, litter, empty boxes or parts thereof or other waste material or to cause or permit the same to be placed on any street or sidewalk within the town except for collection where no back alley is available.

(Ord. No. 90-0918A, § 7, 11-20-1990)

Sec. 58-37. Debris not to be left on public streets.

- (a) It shall be the duty of every person who is engaged in the business of cutting, trimming or pruning trees for hire within the town and every such person engaging in the business of landscaping within the town, whether the same be done on a contract basis, hourly basis or otherwise, to remove the limbs, trunks, clippings, dirt, trash, litter or other debris from the premises where such work or activity is being conducted.
- (b) It shall be unlawful:
 - (1) For any person engaging in the business of cutting, trimming or pruning trees in the town for hire to leave cuttings or trimmings therefrom on any part of the public streets or other public ways.
 - (2) For any person engaging in the business of landscaping for hire in the town to leave excess dirt, gravel, roots, debris or litter resulting from such landscaping on any part of the public streets or other public ways.
- (c) For the purpose of this section, the terms "public streets" and "public ways" shall include all of the area of a street or other public way right of way from property line to property line.

(Ord. No. 90-0918A, § 8, 11-20-1990)

Sec. 58-38. Littering drainage ditches and easements.

It shall be unlawful for any person to throw, dump or discharge any wood, garbage, cans, trash, tires, debris or litter of any kind in any drainage ditch or drainage easement within the town.

(Ord. No. 90-0918A, § 9, 11-20-1990)

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Sec. 58-39. Debris from construction, demolition, alteration or repair.

- (a) Every person engaging in the business of or being hired for the purpose of constructing, demolishing, remodeling, repairing, roofing or altering any building or other structure within the town shall:
 - (1) Upon completion of the job or construction project, remove any debris, concrete, lumber, roofing material or other waste material resulting from such activity to a lawful disposal area; and
 - (2) Provide on-site receptacles for litter as defined hereinabove and ensure that litter is properly placed in such containers to prevent scattering of such litter by wind or rain if such litter is not otherwise properly disposed of on a daily basis.
- (b) It shall be unlawful for any person to deposit such waste material or litter on the public streets or public areas of the town and leave the same for pickup and removal by the town.

(Ord. No. 90-0918A, § 10, 11-20-1990)

Sec. 58-40. Defective garbage or trash cans.

Any garbage, waste or trash being stored in containers that do not meet the town garbage container requirements as defined in this article will not be served by the town garbage department. Such containers shall be condemned by the town after notice to the owner and opportunity to be heard pursuant to the procedures to be adopted by the town council and, if not removed, shall be picked up and destroyed by the garbage department.

(Ord. No. 90-0918A, § 11, 11-20-1990)

Sec. 58-41. Businesses not to place waste in town receptacles.

It shall be unlawful for any person operating any place of business within the town or for any employee, servant or agent of such person to place or deposit garbage, trash, paper, rubbish, litter or other waste material in any trash basket or waste receptacle maintained by the town upon a public street or sidewalk when such garbage, trash, paper, rubbish, litter or other waste material accumulated in or came from such place of business.

(Ord. No. 90-0918A, § 12, 11-20-1990)

Sec. 58-42. Cleanliness and orderliness at container site; duty of private property occupant.

- (a) It shall be the duty of the owner of any premises, rental unit, multiple units, flats or apartments and/or the local agent in charge thereof to furnish and maintain proper garbage facilities in accordance with the requirements of this article. It shall be unlawful for any person in charge or control of any premises to allow or permit an accumulation of garbage, trash or litter in the vicinity of any garbage or trash container serving such premises. Any failure on the part of any such owner or agent to perform said duties or to provide and maintain such garbage facilities shall constitute a misdemeanor and be a violation of this article.
- (b) The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, this section shall not prohibit the storage of litter in private receptacles for collection.

(Ord. No. 90-0918A, § 13, 11-20-1990)

Sec. 58-43. Unlawful opening, searching, etc., of garbage and trash cans.

It shall be unlawful for any person to open any garbage or trash can or other container in which garbage or trash has been deposited for collection or to search in any such can or other container in which garbage or trash has been

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deposited for collection or to search in any such can or other container for garbage or trash or to remove from any such can or other container any garbage, trash or other things. This section shall not apply to the owner of such can or other container or such persons, employee or to any person employed by the town for the purpose of collecting garbage or trash.

(Ord. No. 90-0918A, § 14, 11-20-1990)

Sec. 58-44. On-premises receptacles.

Any person engaged in the operation of a business in the town where food is served in paper containers or where drinks are sold in paper cups, shall maintain on the premises receptacles for the paper containers and paper cups used by the customers of said business operation. The operator of any such business shall take all reasonable precautions to prevent the scattering of litter upon its premises and to prevent the blowing and scattering of litter upon adjacent premises and shall at all times maintain the premises free of litter.

(Ord. No. 90-0918A, § 15, 11-20-1990)

Sec. 58-45. Posting advertisements, notices, etc., on streets, sidewalks, trees, fences.

No person, whether or not a licensed bill poster, shall paste, post, paint, print or in any way fasten any handbill, sign, notice or advertisement of any kind or character on any curb, sidewalk or street or any part thereof, or upon a tree, post, pole, hydrant, bridge or any structure within the limits of any street in the town, and no person shall paste, post, paint, print or in any way fasten any handbill, sign, notice or advertisement of any kind or character upon any private wall, window, door, gate, fence, advertising board or upon any other private structure or building unless such person is the owner or otherwise legally in possession thereof, without the consent of the owner or the owner's authorized agent in writing. Nothing herein contained shall be construed to apply to the posting of legal notices by public officers and attorneys in the manner and places prescribed by law nor to the circulation and distribution by any merchant of advertisement of such merchant's own private business or of articles for sale exclusively by such merchant.

(Ord. No. 90-0918A, § 16, 11-20-1990)

Sec. 58-46. Nonexclusivity of article; penalties for violation; enforcement procedures.

- (a) Provisions not exclusive. The provisions of this article are not exclusive. The provisions under this article shall include all other relevant sections of this Code.
- (b) Interpretation; cumulative provisions. The sections of this article expressly do not repeal any other provisions of this Code, including those relating generally or specifically to the subject of trash, garbage or litter. The provisions of this article shall be considered cumulative as to any other section of this Code.
- (c) Penalty. The penalty for violation of any provision of this article shall be as set forth in section 1-8.
- (d) Enforcement officers.
 - (1) The following are hereby designated as litter control officers:
 - a. All police officers of the town.
 - b. Any employee of the town as the town council may direct.
 - (2) No employee shall be designated as a litter control officer if such designation is not consistent with the Civil Service classifications thereof.
- (e) Procedures.

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- (1) When any employee of the town designated as a litter control officer observes any violation of the provisions of this article, such employee may issue on forms provided by the town a citation and deliver it to the person claimed to be in violation. Said citation shall specify the violation or violations observed by the litter control officer and shall further direct the person to whom the citation is issued to appear in the municipal court at a time and on a date specified on the citation. Said citation is not an arrest and the recipient of the citation shall not be detained except pursuant to a lawful arrest made by a police officer. In the event that the person or corporation so cited fails to appear in the municipal court on the date and at the time specified in the notice or fails to pay the specified fine by plea of guilty and waiver, then the litter control officer shall obtain a warrant for the arrest of the person or corporation so cited, and the warrant will be processed through the municipal court in the same manner as any other warrant returnable to the municipal court.
- (2) Town police officers and other employees designated as litter control officers and authorized to issue citations as above provided are authorized to obtain arrest warrants charging persons or corporations with violations of the littering ordinances whether or not a citation for such violation has been issued.
- (3) In addition to the citations hereinabove defined, any litter control officer may issue a notice of violation to persons, firms or corporations found to be in violation of any of the town's littering ordinances. Said notice shall indicate the nature of the violation and specify a definite period of time in which to correct the violation. Failure to comply with such notice within the time specified therein shall constitute a separate offense punishable as provided for in section 1-8.

(Ord. No. 90-0918A, § 17, 11-20-1990)

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Chapters 59 - 61 RESERVED

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 62 SUBDIVISIONS [11](#)
(RESERVED)

FOOTNOTE(S):

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Editor's note—The subdivision ordinance is in a separate pamphlet on file in the office of the town clerk.[\(Back\)](#)

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapters 63 - 65 RESERVED

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 66 TAXATION

ARTICLE I. - IN GENERAL

ARTICLE II. - SALES AND USE

ARTICLE III. - CABLE SUBSCRIBERS

ARTICLE IV. - TOBACCO

ARTICLE V. - LODGING

ARTICLE I. IN GENERAL

[Secs. 66-1—66-30. Reserved.](#)

[Secs. 66-1—66-30. Reserved.](#)

ARTICLE II. SALES AND USE [\[1\]](#)

[Sec. 66-31. Definitions and use of phrases.](#)

[Sec. 66-32. Levy of sales tax.](#)

[Sec. 66-33. Levy of sales tax in the police jurisdiction.](#)

[Sec. 66-34. Levy of excise tax.](#)

[Sec. 66-35. Article subject to and construed in accordance with certain state statutes.](#)

[Sec. 66-36. Provisions of Sections 40-23-104 and 40-23-107, Code of Alabama \(1975\) applicable to this article and the taxes herein levied.](#)

[Sec. 66-37. Payment of tax herein levied.](#)

[Sec. 66-38. Seller to collect tax and related provisions.](#)

[Sec. 66-39. Reporting of credit sales.](#)

[Sec. 66-40. Records.](#)

[Sec. 66-41. Penalties for violation hereof.](#)

[Sec. 66-42. Discount for prompt payment.](#)

[Sec. 66-43. Use of proceeds from tax herein levied.](#)

[Sec. 66-44. Article cumulative.](#)

[Secs. 66-45—66-80. Reserved.](#)

Sec. 66-31. Definitions and use of phrases.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

City means the municipal corporation of Riverside in the State of Alabama.

City treasurer means the city treasurer of the city, or if there is no specifically designated treasurer, the city clerk.

Council means the governing body of the city as from time to time constituted.

State department of revenue means the department of revenue of the State of Alabama.

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State sales and use tax statutes means Chapter 23 of Title 40 of the Code of Alabama, 1975, as amended and supplemented from time to time.

The definitions set forth in the state sales and use tax statutes shall be effective as definitions of the words, terms and phrases used in this article. All words, terms and phrases used herein, other than those hereinabove specifically defined, shall have the respective meanings ascribed to them in the state sales and use tax statutes, and shall have the same scope and effect that the same words, terms and phrases have where used in the state sales and use tax statutes.

(Ord. No. 2011-0301, § 1, 3-1-2011)

Sec. 66-32. Levy of sales tax.

For the privilege of engaging or continuing within the city in the business activities hereinafter referred to, there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amounts to be determined by the application of rates against gross proceeds of sales, or gross receipts, as the case may be.

(Ord. No. 2011-0301, § 2, 3-1-2011)

Sec. 66-33. Levy of sales tax in the police jurisdiction.

For the privilege of engaging or continuing in the business activities hereinafter referred to within the police jurisdiction of the town outside its corporate limits, there is hereby levied, in addition to all taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the persons on account of the business activities and in the amount to be determined by one-half the amount collected within the town limits.

- (a) Upon every person, firm, or corporation, (including the State of Alabama, the University of Alabama, Auburn University, and all other institutions of higher learning in the state, whether the institutions be denominational, state, county, or municipal institutions, any association or other agency or instrumentality of the institutions) engaged or continuing within the city, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships, other watercraft, and commercial fishing vessels of over five tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources), an amount equal to four percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of the business at the rates specified, when his or her books are kept so as to show separately the gross proceeds of sales of each business, and when his or her books are not kept he or she shall pay the tax as a retailer, on the gross sales of the business.

Where any used part, including tires, of an automotive vehicle or a truck trailer, semitrailer, or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part or tire, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part or tire sold less the credit for the used part or tire taken in trade, provided, however, this provision shall not be construed to include batteries.

- (b) Upon every person, firm, or corporation engaged or continuing within the city in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether the institution or association be a denominational, a state, or county, or a municipal institution, or association or a state,

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county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the State of Alabama, an amount equal to four percent of the gross receipts of any such business. Provided, however, notwithstanding any language to the contrary in the prior portion of this subdivision. The tax provisions so specified shall not apply to any athletic event conducted by a public primary or secondary school or any football playoff conducted by or under the auspices of the Alabama High School Athletic Association. The tax amount which would have been collected pursuant to this subdivision shall continue to be collected by the public primary or secondary school but shall be retained by the school which collected it and shall be used by the school for school purposes.

- (c) Upon every person, firm, or corporation engaged or continuing within the city in the business of selling at retail machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property an amount equal to one percent of the gross proceeds of the sale of the machines. The term machine, as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of the machines, attachments, and replacements therefore, which are made or manufactured for use on or in the operation of the machines and which are necessary to the operation of the machines and are customarily so used.
- (d) Upon every person, firm, or corporation engaged or continuing within the city in the business of selling at retail any automotive vehicle or truck trailer, semitrailer, or house trailer, or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes, and any other materials pertaining thereto an amount equal to one percent of the gross proceeds of sale of the automotive vehicle or truck trailer, semitrailer, or house trailer, or mobile home set-up materials and supplies provided, however, where a person subject to the tax provided for in this subdivision withdraws from his or her stock in trade any automotive vehicle or truck trailer, semitrailer, or house trailer for use by him or her or by his or her employee or agent in the operation of the business, there shall be paid, in lieu of the tax levied herein, a fee of \$1.00 per year or part thereof during which the automotive vehicle, truck trailer, semitrailer, or house trailer shall remain the property of the person. Each year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the 12 succeeding months or part thereof during which the automotive vehicle, truck trailer, semitrailer, or house trailer shall remain the property of the person.

Where any used automotive vehicle or truck trailer, semitrailer, or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Sales of automobiles, motorcycles, trucks, truck trailers, or semitrailers that will be registered or titled outside Alabama, that are exported or removed from Alabama within 72 hours by the purchaser or his or her agent for first use outside Alabama are not subject to the Alabama sales tax. Sales of other vehicles such as mobile homes, motor bikes, all terrain vehicles, and boats do not qualify for the export exemption provision and are taxable unless the dealer can provide factual evidence that the vehicle was delivered outside of Alabama or to a common carrier for transportation outside Alabama. In order for the sale to be exempt from Alabama tax, the information relative to the exempt sale shall be documented on forms approved by the revenue department.

- (e) Upon every person, firm, or corporation engaged or continuing within the city in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products, and substitutes therefore, there is levied a tax equal to four percent of the cost of the food, food products, and beverages sold through the machines, which cost for the purpose of this subdivision shall be the gross proceeds of sales of the business.
- (f) Upon every person, firm or corporation engaged or continuing within the city in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore, which are made or manufactured for use on or in the operation of such machine, machinery or equipment,

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and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one percent of the gross proceeds of the sale thereof; provided, that the one percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

The tax levied by this subsection shall be in lieu of the sales tax levied by subsections (a), (b), (c), (d) and (e) hereof

(Ord. No. 2011-0301, § 3, 3-1-2011)

Sec. 66-34. Levy of excise tax.

- (a) An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property, not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships, other watercraft and commercial fishing vessels of over five tons load displacement as registered in the U. S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources, purchased at retail on or after October 1965, or storage, use or other consumption in the city after the effective date of this article at the rate of four percent of the sales price of such property or the amount of tax collected by the seller, whichever is greater.
- (b) An excise tax is hereby imposed on the storage, use or other consumption in the city of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after the effective date of this article, at the rate of one percent of the sales price of any such machine; provided, that the term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.
- (c) An excise tax is hereby imposed on the storage, use or other consumption in the city of any automotive vehicle or truck trailer, semitrailer or house trailer, and mobile home set-up materials and supplies including but not limited to steps, blocks; anchoring, cable pipes and any other materials pertaining thereto, purchased at retail on or after the effective date of this article, for storage, use or other consumption in this state at the rate of one percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer, and mobile home set-up materials and supplies as specified above. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.
- (d) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b) and (c) of this section, on the storage, use, or other consumption in the performance of a contract in the city of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in this state, whichever is less; provided, that the tax imposed by this subsection shall not apply where the taxes imposed by subsection (a), (b), or (c) of this section apply.
- (e) There is hereby levied and imposed an excise tax on the storage, use or other consumption in the city of any machine, machinery, or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry, or farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore, which are made or

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manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, which is purchased at retail after the effective date of this article, for storage, use or other consumption in this state, at the rate of one percent of the sales price of such property. The tax herein levied and imposed shall be in lieu of the excise tax levied and imposed by subsections (a), (b), and (c) of this section; provided, that the one percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities.

- (f) Every person storing, using or otherwise consuming in the city tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to the city.

(Ord. No. 2011-0301, § 4, 3-1-2011)

Sec. 66-35. Article subject to and construed in accordance with certain state statutes.

- (a) This article and the taxes herein levied shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, rules and regulations promulgated under the Alabama Administrative Procedures Act, direct pay permit and drive-out certificate procedures, statutes of limitations, penalties, fines, punishments, and deductions for the corresponding state tax as are provided by Section 40-2A-7, Code of Alabama (1975) and the state sales and use tax statutes.
- (b) This article and the taxes herein levied shall be construed so as to parallel the state sales and use tax statutes in all respects except rates of taxation.

(Ord. No. 2011-0301, § 5, 3-1-2011)

Sec. 66-36. Provisions of Sections 40-23-104 and 40-23-107, Code of Alabama (1975) applicable to this article and the taxes herein levied.

The taxes provided herein for any automotive vehicle, truck trailer, trailer, semi-trailer or travel trailer required to be licensed with the probate judge, which is not sold through a licensed Alabama dealer, or sold by a dealer that is not licensed in Alabama or sold by a licensed dealer who fails to collect municipal taxes at the point of sale shall be collected and fees paid in accordance with the provisions of Sections 40-23-104 and 40-23-107, Code of Alabama (1975), respectively, as amended and supplemented.

(Ord. No. 2011-0301, § 6, 3-1-2011)

Sec. 66-37. Payment of tax herein levied.

The tax levied under the provisions of this article shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the tax accrued. On or before the 20th day of each month beginning with the month following the month during which this article becomes effective, every person on whom the tax levied by this article is imposed shall render a true and correct statement showing the gross sales, the gross proceeds of sales, or gross receipts of his business, as the case may be, for the then next preceding month, the amount of gross proceeds of sales or gross receipts which are not subject to the said tax or are not to be used as a measurement of the tax due by such person, and the nature thereof, together with such other information as may be required, as herein provided, and at the time of making said monthly report such person shall compute the amount of the tax due and shall pay the amount of tax shown to be due. The tax herein levied shall be collected by the city treasurer and the monthly statements or reports herein provided for shall be filed with the city treasurer or as otherwise directed and shall be in such form as the council may prescribe. If any person subject to this article should willfully make a false return or false statement of facts in any statement or report required hereunder, he shall be guilty of a

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misdemeanor and upon conviction shall be punished as provided in section 66-40 of this article. The council may, in its discretion, contract with the state department of revenue or other agency for the collection of the taxes herein levied, or for enforcement of this article, or for both purposes, and, in such case, in lieu of payment to the city treasurer payments shall instead be made as directed by the state department of revenue or other agency or its designated agent, agency, department or other subdivision.

(Ord. No. 2011-0301, § 7, 3-1-2011)

Sec. 66-38. Seller to collect tax and related provisions.

- (a) Every person, firm, corporation, association or co-partnership engaged in or continuing within the city in the business for which a license or privilege tax is required by this article shall add to the sales price and collect from the purchaser on all sales upon the gross receipts or gross proceeds of which there is levied by this article a sales tax at the rates herein provided.
- (b) It shall be unlawful for any person, firm, corporation, association or co-partnership described in this section to fail or refuse to add to the sales price and collect from the purchaser the amount required by this section to be so added to the sales price and collected from the purchaser; and it shall likewise be unlawful to refund or offer to refund all or any part of the amount collected, or to absorb or advertise directly or indirectly the absorption or refund of the amount required to be added to the sales price and collected from the purchaser, or any portion of such amount. Any person, firm, corporation, association, or co-partnership violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than \$50.00 nor more than \$100.00, or may be imprisoned in the county jail for not more than six months, or may be punished by both such fine and imprisonment, and each act in violation of the provisions of this division shall constitute a separate offense. The provisions of this section that there shall be added to the sale price and collected from the purchaser the amounts provided herein shall in no way relieve the person, firm, corporation, association, or co-partnership described in this section of the tax levied by this article.
- (c) All taxes paid in pursuance to section 66-32 of this article shall conclusively be presumed to be a direct tax on the retail consumer, pre-collected for the purpose of convenience and facility only.
- (d) Every such seller making sales of tangible personal property for storage, use or other consumption in the city, not exempted under the provisions of Section 40-23-62 Code of Alabama (1975) shall at the time of making such sales or, if the storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time such storage, use or other consumption becomes taxable hereunder, collect the tax imposed by this article from the purchaser, and give to the purchaser a receipt therefore, in the manner and form prescribed by the state department of revenue. The tax required to be collected by the seller from the purchaser shall be displayed separately from the list, advertised in the premises, marked or other price on the sales check or other proof of sales. It shall be unlawful for any such seller to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof imposed by this article will be assumed or absorbed by the seller or that it will not be added to the selling price of the property sold, or if added that it or any part thereof will be refunded. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. The tax herein required to be collected by the seller shall constitute a debt owed by the seller to the city.

(Ord. No. 2011-0301, § 8, 3-1-2011)

Sec. 66-39. Reporting of credit sales.

Any person taxable under this article having cash and credit sales may, if he desires, report such cash sales only and he shall thereafter include in each monthly report all credit collections made during the month preceding and shall pay the taxes due thereon at the time of filing such report.

(Ord. No. 2011-0301, § 9, 3-1-2011)

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Sec. 66-40. Records.

It shall be the duty of every person engaging or continuing in any business, for which a privilege tax is imposed by this article, to keep and preserve suitable records of the gross sales, gross proceeds of sales and gross receipts of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this article, and it shall be the duty of every person to keep and preserve, for a period of three years, all invoices of goods, wares and merchandise purchased for resale or otherwise, and all such books, invoices, accounts, and other records shall be open for examination at any time by the city and its agent. Any person selling both at wholesale and retail shall keep his books so as to show separately the gross proceeds of wholesale sales and the gross proceeds of retail sales. The books, records and accounts provided for in this section shall at all times be open to examination by the city treasurer and by any other person designated by the council.

(Ord. No. 2011-0301, § 10, 3-1-2011)

Sec. 66-41. Penalties for violation hereof.

- (a) Failure to keep records, permit examinations thereof or make reports. Any person who shall fail to keep any records required by this article or who shall refuse to permit the examination thereof provided for herein, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$100.00 for each offense. Each month in which such failure, refusal or violation shall occur shall constitute a separate offense. Any person failing to render any report required by this article shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$100.00, and each failure shall constitute a separate offense.
- (b) Failure to pay taxes herein levied. Any person who fails to pay, within the time provided in section 66-37 hereof, any tax levied in this article for which he is liable shall be deemed to be doing business without a license and shall pay, in addition to the tax, a penalty of ten percent of the amount of the tax due, together with interest thereon at the rate of 12 percent per annum from the date on which the tax became due until it is paid, the penalty and interest to be assessed and collected as a part of the tax, provided, that the council may for good and sufficient reason shown to it waive or remit the said ten percent penalty or any portion thereof.

(Ord. No. 2011-0301, § 11, 3-1-2011)

Sec. 66-42. Discount for prompt payment.

A discount equal to five percent of the first \$100.00 or each monthly installment of the tax herein levied and two percent of that portion of each monthly installment of the said tax in excess of \$100.00 shall be allowed to each taxpayer on the filing of the monthly report with respect to such installment in the form and at the time herein provided, upon payment of the amount of such monthly installment (minus said discount) at the time when such installment is required herein to be paid. If the report is not filed and payment is not made within the time herein provided with respect to any monthly installment of the tax herein levied, the taxpayer shall not be entitled to the said discount with respect to that monthly installment but shall pay the full amount of the tax then due together with the penalty and interest provided for in section 66-41 hereof.

(Ord. No. 2011-0301, § 12, 3-1-2011)

Sec. 66-43. Use of proceeds from tax herein levied.

The proceeds from the tax herein levied shall be paid into the general fund of the city and may be used for any lawful purpose.

(Ord. No. 2011-0301, § 14, 3-1-2011)

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Sec. 66-44. Article cumulative.

This article shall not be construed to repeal any of the provisions of the general license code or ordinance of the city or of any other ordinance of the city, but shall be held to be cumulative, and the amounts of the tax herein levied shall be in addition to the amounts of all other license taxes imposed by the city.

(Ord. No. 2011-0301, § 14, 3-1-2011)

Secs. 66-45—66-80. Reserved.

FOOTNOTE(S):

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Editor's note—Ord. No. 2011-0301, §§ 1—14, adopted Mar. 1, 2011, repealed the former Art. II, §§ 66-31—66-43, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Ord. No. 99-0119B, §§ 1—13, adopted Jan. 19, 1999. Please note: "Section 16. Repeal of Ordinance Number 99-0119B. This Ordinance is intended to and shall replace and supersede Ordinance Number 99-0119B of the City of Riverside, Alabama adopted on or about March 1, 2011, which said Ordinance Number 99-0119B is hereby repealed as of the effective date of this Ordinance. Section 17. Effective Date. This Ordinance shall become effective on the 1st day of May 1, 2011, and the first payment of taxes hereunder shall be due and payable on the 20th day of June, 2011. This Ordinance shall remain in full force and effect and shall apply to each remaining month of the year 2011, and to each month of each calendar year thereafter from year to year."[\(Back\)](#)

ARTICLE III. CABLE SUBSCRIBERS

Sec. 66-81. Tax levied.

Secs. 66-82—66-100. Reserved.

Sec. 66-81. Tax levied.

- (a) There shall be a tax levied on all cable television or transmission systems which render service to customers within the corporate limits of the town.
- (b) The amount of the tax so levied shall be equal to three percent of the gross revenue derived from the monthly service fee of each subscriber within the corporate limits of the town for such television and/or such cable transmission systems. All payments shall be made quarterly and shall be accompanied by a statement of gross revenue derived from subscribers located within the town, such statement to be certified by a licensed certified public accountant.
- (c) The percentage of the gross revenue so paid shall be in addition to all other fees or taxes, including occupation, license, excise and special franchise taxes or fees of any nature, whatsoever.

(Ord. No. 82-1216, § 1—3, 12-16-1982)

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Secs. 66-82—66-100. Reserved.

ARTICLE IV. TOBACCO

[Sec. 66-101. Definitions.](#)

[Sec. 66-102. Tax levied.](#)

[Sec. 66-103. Monthly statement and payment.](#)

[Sec. 66-104. Stamps.](#)

[Sec. 66-105. Affixing stamps.](#)

[Sec. 66-106. Receipt of unstamped tobacco products.](#)

[Sec. 66-107. Records.](#)

[Sec. 66-108. Illegal acts.](#)

[Sec. 66-109. Interpretation; cumulative provisions.](#)

[Sec. 66-110. Reserved.](#)

[Sec. 66-111. Penalty.](#)

[Sec. 66-112. Provisions for interstate commerce.](#)

[Secs. 66-113—66-122. Reserved.](#)

Sec. 66-101. Definitions.

The following terms, as used in this article, shall have the meanings respectively ascribed to them:

Container means the original boxes from which cigars are customarily sold at retail and the individual packages or cans in which cigarettes, smoking tobacco, chewing tobacco, smokeless tobacco, or snuff are customarily sold at retail.

Dealer shall mean any wholesale dealer or retail dealer as herein defined.

Retail dealer shall mean any person, other than a wholesale dealer, who sells or delivers tobacco products within the Town of Riverside.

Retail price means the retail selling price of the tobacco products before adding the amount of the tax assessed herein or any other tobacco tax imposed under the laws of the State of Alabama.

Sold and sale shall mean any transfer of title or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a consideration or any agreement therefore, including rewards, prizes or premiums of tobacco products given as a result of operation of punch boards, shooting galleries or other activities.

Store and stored shall refer to the storage or warehousing of tobacco products in any manner, or the withdrawal or use of the same for any purpose other than for resale or reshipment outside the Town of Riverside.

Storer means a person who stores tobacco products in the Town of Riverside, St. Clair County.

Tobacco products means cigarettes, cigars, smoking tobacco, smokeless tobacco, chewing tobacco, snuff, or any of them.

Wholesale dealer means a person who sells or delivers within the Town of Riverside, at wholesale only, tobacco products to retail dealers for the purpose of resale only.

(Ord. No. 2003-0902, § 1, 9-2-2003; Ord. No. 2011-0615, § 1, 6-15-2010)

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Sec. 66-102. Tax levied.

In addition to all taxes now imposed by law, including any license taxes levied with respect to such business in any general license code of the town, every person, firm or corporation engaged in the business of selling, storing or delivering tobacco products within the corporate limits of the town shall pay a license tax to the town and a license tax is hereby fixed and levied for engaging such business as follows:

- (1) An equal to \$0.10 for each individual package of cigarettes or fraction of said number contained in each package sold, stored or delivered in the town.
- (2) An amount equal to \$0.03 for each individual package or can of smoking tobacco which is sold in the town.
- (3) An amount equal to \$0.01 for each cigar sold within the town.
- (4) An amount equal to \$0.03 for each individual package or can of smokeless tobacco, chewing tobacco, or snuff which is sold within the town.

(Ord. No. 2003-0902, § 2, 9-2-2003; Ord. No. 2011-0615, § 2, 6-15-2010)

Sec. 66-103. Monthly statement and payment.

The license tax imposed by this article shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the tax is accrued. On or before the 20th day of each month, every wholesaler, jobber, dealer or distributor who sells, stores or delivers any tobacco products for sale within the town and every retailer who sells, stores or delivers any tobacco products for sale within the town that were not purchased through a wholesaler, jobber, dealer, or distributor who sells, stores or delivers tobacco products for sale with the town.

- (1) Shall file with the city clerk a true and correct monthly statement in writing (on a form approved by the city clerk) of all tobacco products sold or delivered during the preceding month, for which he/she is or shall be liable for the payment of the license tax;
- (2) Shall, in each and every instance, upon the filing of said statement, furnish to the city clerk such additional information, either oral or in writing, as the clerk may require as to the sale or delivery of any tobacco products covered by such statement, and;
- (3) Shall at the time of making such statement, pay to the city clerk the amount of the license tax for the preceding month covered by such statement, and;
- (4) If the tax due under this article shall not be paid within the time provided herein, then the taxpayer shall pay to the city the full amount of tax, together with a penalty of \$25.00; plus an additional penalty of one and one-half percent of the tax due for each day for which the tax due hereunder remains unpaid.

(Ord. No. 2003-0902, § 3, 9-2-2003)

Sec. 66-104. Stamps.

The town clerk shall keep on hand for sale an adequate quantity of stamps to be affixed to each container of tobacco products in denominations as required under this article. Each stamp shall have inscribed thereon the words "Town of Riverside-Tobacco Tax", but said words need not be arranged in the foregoing order and may be abbreviated. Said stamps may be sold to wholesale and retail dealers by the town clerk at the full amount of the stamp and no person shall be entitled to purchase any such number of stamps as shall cause the purchase price to include a fraction of a cent.

(Ord. No. 2003-0902, § 4, 9-2-2003)

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Sec. 66-105. Affixing stamps.

Before any tobacco products shall be sold, stored or delivered within the corporate limits of the town by any dealer, such dealer shall affix to each container of tobacco products a stamp or stamps obtained from the town clerk in the amount set out in this article in payment of the license taxes imposed by this article. Every dealer shall, within one hour after receipt of any tobacco products within the town, unless sooner offered for sale, cause stamps to the requisite amount of the tax to be affixed as herein provided and shall cause the same to be cancelled by writing or stamping with waterproof ink across the face of each stamp registered number as shall be furnished to each dealer by the town clerk. After such stamping has been begun, it shall be continued with reasonable diligence by such dealer until all unstamped containers shall have been stamped, and the stamps cancelled as herein provided, but no stamp required to be affixed to any container shall, after the same has been affixed as herein provided, be again used in payment of any part of the tax levied under this article. Stamps in denominations equal to the amount of the tax shall be affixed to the container from or in which the tobacco products, with respect to which the stamps are affixed are normally sold at retail, and shall be so affixed in such manner that their removal will require contained application of water or steam. In the case of cigars, sales of which are normally made from the original container, the stamps shall be affixed to the container in such a way that the stamps shall be torn in two or mutilated when the container is opened for sale of cigars. In the case of cigarettes and smoking tobacco, which are normally sold at retail in individual packages, the stamps shall be affixed to each individual package in such a way that such stamps shall be torn in two or mutilated when such package is opened. In the case of smokeless tobacco, chewing tobacco, snuff, etc., which are normally sold in individual packages or containers, the stamps shall be affixed to the box or container holding the individual packages in such a way that such stamps shall be torn in two or mutilated when the container is opened for the sale of individual packages or containers.

(Ord. No. 2003-0902, § 5, 9-2-2003)

Sec. 66-106. Receipt of unstamped tobacco products.

Any person who purchases or receives in any manner whatever tobacco products which do not have stamps affixed in the manner required by this article shall, within three days after receipt of such tobacco products, report the receipt and purchase thereof to the town clerk, giving the date of purchase or receipt, the name of the person from whom purchased or received and a list describing the tobacco products so purchased or received and the purchase price thereof. Such report must be made by registered mail or in person.

(Ord. No. 2003-0902, § 6, 9-2-2003)

Sec. 66-107. Records.

Every wholesale dealer shall, at the time of selling or delivering tobacco products into the town, make a true duplicate invoice of the same, which shall show full and complete details of the sale or delivery of such tobacco products and the prices thereof. Every wholesale and retail dealer shall keep a record of the purchase, sale, exchange or receipt of tobacco products. All such invoices and cancelled checks and other memoranda pertaining to any such purchase, sale, exchange or receipt shall be retained for a period of three years and shall be subject to inspection of the town clerk or a duly authorized representative, who shall have the power and authority to enter upon the premises of any dealer at all reasonable times for the purposes of examining such invoices, records, cancelled checks and other memoranda.

(Ord. No. 2003-0902, § 7, 9-2-2003; Ord. No. 2011-0615, § 4, 6-15-2010)

Sec. 66-108. Illegal acts.

Among others, the following acts and omissions shall be unlawful:

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It shall be unlawful for any person who is required by this article to file statements with the city clerk as et forth hereunder to fail or omit to file such statements, and it shall also be unlawful to make false statements or to fail to pay the amount of tax, and each day after which said statements or payments are due shall be a separate offense and the person violating any of the provisions of this article shall, upon conviction, be fined not less than \$50.00 or more than \$500.00 and may be sentenced to serve no more than six months in the county jail or both.

It shall be unlawful for any person who is, in this article, required to keep records to fail or omit to keep the same in the manner herein provided, or to refuse to permit the city clerk or duly authorized representative to inspect the same at any reasonable hour, or to interfere with or obstruct the city clerk or a duly authorized representative in the making of any such inspection.

It shall be unlawful for any person who is herein required to file statements with the city clerk to fail or omit to make or file any statement herein provided within the time herein specified, or to make any false statement therein, and such offense shall be a continuing offense against the town and each day during which such person shall sell, store, or deliver tobacco products in the town during such default shall constitute a separate offense.

It shall be unlawful for any person who is required to pay the license tax herein provided or to fail or omit to pay the same within the time herein specified, and such offense shall be a continuing offense against the town and each day during which said person shall sell, store or deliver tobacco products in the town during such default shall constitute a separate offense.

(Ord. No. 2003-0902, § 8, 9-2-2003; Ord. No. 2011-0615, § 5, 6-15-2010)

Sec. 66-109. Interpretation; cumulative provisions.

This article shall not be construed to tax interstate commerce or any business of the United States government or any branch or agency thereof. This article shall not be construed to repeal any of the provisions of the general license code of the town, but shall be held to be cumulative. Whenever the requisite amount of stamps has been affixed to the containers of tobacco products, as required herein, this article shall not be construed to require additional stamps to be affixed thereunto in case of subsequent sales, deliveries or storage.

(Ord. No. 2003-0902, § 9, 9-2-2003)

Sec. 66-110. Reserved.

Editor's note— Ord. No. 2010-0615, adopted June 15, 2010, § 66-110, which pertained to time of payment of tax has been deleted as being superseded by provisions included as § 66-103. Section 66-110 derived from Ord. No. 2003-902, § 10, adopted Sept. 2, 2003.

Sec. 66-111. Penalty.

Any person violating any of the provisions of this article shall, upon conviction, be punished by a fine of not more than \$500.00 and may be sentenced to serve no more than six months in the county jail, or both.

(Ord. No. 2003-0902, § 11, 9-2-2003)

Sec. 66-112. Provisions for interstate commerce.

This article shall not be applied so as to impose any unlawful tax or unlawful burden on interstate commerce or any business of the United States government or any branch or agency hereof, or apply to the tobacco products mentioned herein stored by a wholesaler, jobber, dealer or distributor for the purpose of resale or reshipment outside the city and which are actually so resold or reshipped.

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(Ord. No. 2011-0615, § 6, 6-15-2010)

Secs. 66-113—66-122. Reserved.

ARTICLE V. LODGING

DIVISION 1. - IN GENERAL

DIVISION 2. - TRANSIENT LODGING

DIVISION 1. IN GENERAL

[Secs. 66-123—66-133. Reserved.](#)

Secs. 66-123—66-133. Reserved.

DIVISION 2. TRANSIENT LODGING

[Sec. 66-134. Definitions.](#)

[Sec. 66-135. Levy of tax.](#)

[Sec. 66-136. Exemptions.](#)

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[Sec. 66-140. Violation of this section made unlawful.](#)

[Sec. 66-141. Interest and penalty.](#)

[Sec. 66-142. General penalty.](#)

[Sec. 66-143. Ordinance cumulative.](#)

Sec. 66-134. Definitions.

The following words, terms, and phrases when used in this division, shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

- (1) The term "person" includes any individual, firm, co-partnership, association, corporation, receiver, trustee, or any other group or combination acting as a unit and the plural as well as the singular number.
- (2) The term "clerk" shall mean the City Clerk of Riverside, Alabama.
- (3) The term "city" shall mean the City of Riverside, Alabama.
- (4) The term "tax year" or "taxable year" means the calendar year.
- (5) The term "taxpayer" means any person liable for taxes under the provisions of this division.
- (6) The term "transient" shall mean a person renting a room for a period of less than 30 continuous days in a hotel, motel, inn, tourist court, or in any other place or establishment in which rooms, lodgings, or accommodations are furnished for a consideration.

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(7) The masculine shall include the feminine and neuter; and the neuter shall include the masculine and feminine.

(Ord. No. 2007-0220, 2-20-2007; Ord. No. 2012-0220, § 1, 2-20-2007)

Sec. 66-135. Levy of tax.

There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amounts to be determined by the application of rates as herein provided as follows:

Upon every person engaging in the city in the business of renting or furnishing any room or rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount equal to four percent of the charge for such room, rooms, lodgings, or accommodations, including charges for use or rental of personal property and services furnished in such room or rooms.

(Ord. No. 2007-0220, 2-20-2007; Ord. No. 2012-0220, § 2, 2-20-2007)

Sec. 66-136. Exemptions.

There are exempted from the provisions under this ordinance the following:

- (1) Charges for property sold or services furnished which are required to be included in the computation of the tax levied by Act. No. 100 of the Second Special Session of the Legislature of Alabama (Acts of Alabama 1959, page 298, et seq.), as amended, said Act being commonly referred to as the State Sales Tax Statute.
- (2) Charges for the rental of rooms, lodgings, or accommodations furnished by any hospital, nursing home, convalescent home, or by any charitable or eleemosynary institution.
- (3) Charges for the rental of rooms, lodgings, or accommodations to a person for a period of 30 continuous days or more.
- (4) Boarding houses, tourist home, and similar establishments regularly offering less than five rooms for rental to transients.

(Ord. No. 2007-0220, 2-20-2007; Ord. No. 2012-0220, § 3, 2-20-2007)

Sec. 66-137. Due date of taxes and monthly reports.

The taxes levied under the provisions of this division, except as otherwise provided herein, shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues. On or before the twentieth day of each month after this division has taken effect, every person on whom the taxes levied by this division are imposed shall render to the city clerk on a form prescribed by said clerk, a true and correct statement showing the gross proceeds of the business subject to said tax for the then next preceding month, together with such other information as the clerk may demand and require, and at the time of making such monthly report the taxpayer shall compute the taxes due and shall pay to the clerk the amount of taxes shown to be due.

(Ord. No. 2007-0220, 2-20-2007; Ord. No. 2012-0220, § 4, 2-20-2007)

Sec. 66-138. Credit collections.

Any person subject to the taxes herein levied who conducts business on a credit basis may defer reporting credit rentals and charges until after their collections, and in the event he so defers reporting them, he shall thereafter include

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in such monthly report all credit collections made during the then preceding month and shall pay the amount of taxes measured there at the time of filing such report.

(Ord. No. 2007-0220, 2-20-2007; Ord. No. 2012-0220, § 5, 2-20-2007)

Sec. 66-139. Maintenance of records.

It shall be the duty of every person engaging or continuing in any business subject to the taxes herein levied to keep and preserve suitable records:

- (1) Of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he or it is liable under the provisions of this division, and
- (2) A register in which the name and address of every transient renting a room is recorded, together with records showing the charge made to each such transient. Each transient shall, upon his registration, be required to record his true and correct name and address.

Such records shall be kept and preserved for a period of five years and shall be open for examination at any time by the clerk or any duly authorized representative of the city.

(Ord. No. 2007-0220, 2-20-2007; Ord. No. 2012-0220, § 6, 2-20-2007)

Sec. 66-140. Violation of this section made unlawful.

- (a) It shall be unlawful for any person subject to the provisions of this division to fail to make the reports or any of them as herein required or to fail to keep records as herein required. Each month of such failure shall constitute a separate offense.
- (b) It shall be unlawful for any person to refuse to make the report herein required or to refuse to permit the examination of his or its records by the clerk or his duly authorized agent or other authorized agent of the city. Each month of failure to make such report shall constitute a separate offense, and each refusal of a written demand of the clerk to examine, respect, or audit such records shall constitute a separate offense.
- (c) It shall be unlawful for any person to fail to pay any tax levied by this section within the time specified for the payment thereof.
- (d) It shall be unlawful for any person to register under any name or address which is not true and correct.

(Ord. No. 2007-0220, 2-20-2007; Ord. No. 2012-0220, § 7, 2-20-2007)

Sec. 66-141. Interest and penalty.

Any person who fails to pay the tax herein levied within the time required by this division shall pay, in addition to the tax, a penalty of ten percent of the amount of tax due, together with interest thereon at the rate of one-half of one percent per month, or fraction thereof, from the date which the tax herein levied became due and payable, such penalty and interest to be assessed and collected as part of the tax.

(Ord. No. 2007-0220, 2-20-2007; Ord. No. 2012-0220, § 8, 2-20-2007)

Sec. 66-142. General penalty.

Any person who shall do any act made unlawful by this division or fail to do any act which failure is made unlawful by this division shall, upon conviction therefore, be punished by a fine of up to \$500.00 or by imprisonment for up to 180 days or by both fine and imprisonment.

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(Ord. No. 2007-0220, 2-20-2007; Ord. No. 2012-0220, § 9, 2-20-2007)

Sec. 66-143. Ordinance cumulative.

This division shall not be construed to repeal any of the provisions of the General License Code of the city or any other ordinance of the city imposing a license tax, and this division shall be held to be in addition to and cumulative to all other license tax ordinances.

(Ord. No. 2007-0220, 2-20-2007; Ord. No. 2012-0220, § 10, 2-20-2007)

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Chapters 67 - 69 RESERVED

CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

Chapter 70 TELECOMMUNICATIONS

ARTICLE I. - IN GENERAL

ARTICLE II. - CABLE SYSTEM

ARTICLE I. IN GENERAL

[Sec. 70-1. Definitions.](#)

[Sec. 70-2. Applicability.](#)

[Sec. 70-3. Objectives.](#)

[Sec. 70-4. Criteria for development.](#)

[Sec. 70-5. Application.](#)

[Sec. 70-6. Zoning districts.](#)

[Sec. 70-7. Penalty.](#)

[Secs. 70-8—70-39. Reserved.](#)

Sec. 70-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Antenna means an electromagnetic device, which conducts radio signals through an attached cable or wave-guide, to or from a radio transmitter or receiver. Such devices typically include whips, panels and parabolic dishes.

Antenna support structure means any structure on which radio antennae and cabling can be attached, such as steel towers with guy-wires (guy towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four legs (towers); rooftops of existing buildings or structures such as elevated water storage tanks.

Cellular site means a parcel of land or a building (leased or purchased) on which one or more transmitter/receiver stations for wireless communication systems, including accessory facilities for equipment storage and operations is located. Where vacant land or low-lying existing structures are in consideration, usually, a support structure for transmitter/receiver antennae is required.

Mini-cellular site means a parcel of land or building (leased or purchased) on which one or more transmitter/receiver stations for wireless communication systems is located to accommodate towers and/or antennae not exceeding 20 feet in height above the existing structure, and whips, panels and parabolic dishes not exceeding 100 square feet. Such sites are chosen to accommodate the use of existing structures such as buildings, billboards and water towers.

(Ord. No. 99-1005, § D, 10-5-1999)

Sec. 70-2. Applicability.

Communication towers to be located within the corporate limits of the town shall all be subject to these guidelines.

(Ord. No. 99-1005, § B, 10-5-1999)

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Sec. 70-3. Objectives.

With all due consideration to public health, safety and general welfare, proposals for the location of communication towers shall be subject to the following:

- (1) Structural safety. All proposed towers shall comply with the applicable building codes and the Electronic Industries Associations RS 222 Code, as amended, to prevent any danger to the health and safety of residents, employees or travelers in the event of a tower's structural failure due to bad weather conditions or acts of God.
- (2) Protection of views/vistas. Given the topography of the proposed site and surrounding areas, adverse visual impacts on public rights-of-way and adjacent and surrounding properties, occurring from the siting of a tower, shall be kept to an absolute minimum.
- (3) Land and use compatibility. With due consideration awarded to the character of use and the development of a proposed communication tower site, compatibility of such a site with adjacent and surrounding land uses shall be ensured.
- (4) Physical design considerations. The proposed tower facility shall be designed with all due consideration to the natural surroundings of the site. The siting of the tower shall occur in harmony to the surrounding landscape, development pattern and in compliance with the highest industry standards.
- (5) Existing communications services. The proposed tower facility will be in strict compliance with Federal Communications Commission (FCC) and other applicable agency standards to prevent interference with existing communications services available in the area.
- (6) Health effects. To prevent detriment to health and general welfare of surrounding residents, any proposed tower shall comply with all applicable federal and state health standards.

(Ord. No. 99-1005, § C, 10-5-1999)

Sec. 70-4. Criteria for development.

The planning commission shall review all requests for permits to site a communication tower in the town. The following criteria, considered as minimum standards, shall be complied with, protect public health, safety and general welfare. The planning commission possesses the discretion to impose higher standards, if it deems them necessary, to further the objectives of these guidelines.

- (1) Setback standards.
 - a. All towers, guy wires and accessory facilities shall meet the minimum yard and setback requirements of the zoning district on which it is located.
 - b. When located adjacent to a residential district or dwelling, the minimum standard setback from all adjoining residential property shall be 50 feet.
 - c. Should exceptional cases with hardships due to unusual conditions occur on the site, the planning commission reserves the right to reduce the standard setback; however, such reductions shall not occur at the expense or detriment to affected residents or residential property.
- (2) Appearance.
 - a. All towers shall be designed such that they have the least negative visual impact on the surrounding areas.
 - b. Unless otherwise required by the Federal Aviation Administration (FAA) or other applicable agencies, all towers shall maintain a galvanized steel finish in order to reduce the visibility of the structure.

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- c. The design of the tower compound shall, to the extent possible, maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
- d. A site approved for the location of a tower shall not install monopoles in or within 1,000 feet of residential areas and areas of special aesthetic concern such as commercial revitalization areas, historic districts and scenic corridors.

(3) Lighting. Unless required by the FAA, no artificial lighting shall be used on a tower. The planning commission will review all available lighting options and approve the choice that would cause the least disturbance to the surrounding areas and views. Unless restricted by the FAA, dual lighting with red light at night and strobe light during the day shall be preferred. Any form of security lighting shall be permitted in accordance subsection (5) of this section.

(4) Landscaping.

- a. The view of a tower compound shall be effectively screened, with the use of landscaped buffers, from residential properties and public rights-of-way.
- b. A dark, vinyl coated security fence shall be placed around the tower compound. A standard buffer strip of eight feet in width will be placed outside the fence and around the perimeter, to comprise of an attractive combination of trees, shrubs, vines and/or ground cover to grow, at maturity, to the full height of the security fence. For sites within 1,000 feet of a residence, the planning commission reserves the right to impose higher buffer standards to include a decay-resistant, solid wood fence; earth berms, brick wall, masonry wall or a combination of these. All fencing and landscaping shall be maintained by the lessor/owner.
- c. In areas such as remote, agricultural or rural locations, or developed heavy industrial sites, where the visual impact of towers would be minimal, the planning commission may reduce the landscaping requirements.
- d. A tower sited in a large, wooded lot may use a large land area of preserved natural growth (trees, shrubs and other vegetation) around the tower compound as a buffer.
- e. All cellular facilities utilizing underground vaults instead of aboveground switching gear buildings shall be exempted from any buffer requirements.

(5) Security devices. All facilities shall be fully secured with a dark, vinyl coated steel chainlink fence, at a minimum height of eight feet, around the perimeter of the compound. Such fence may have barbed wire, if necessary. Applicable landscaping and buffers shall be incorporated in accordance with subsection (4) of this section. Other security measures shall include locks and alarms. If necessary, approved barber or razor wire and special lighting for the compound shall be permitted by the planning commission.

(6) Removal of obsolete towers. Any tower, no longer serving the original, intended use for communications, shall be promptly removed at the owner's expense. The owner shall provide the planning commission with a copy of the notice to cease communications operations, forwarded to the FCC, and shall remove the obsolete tower and all accessory structures within 90 days of the date of notice to the FAA stating the cease of operations. In cases of a single tower with multiple operators, this provision shall not take effect until all users have ceased operations.

(Ord. No. 99-1005, § E, 10-5-1999)

Sec. 70-5. Application.

Any application submitted for the approval of siting a communications tower shall be accompanied by the following:

- (1) A brief, written statement addressing conformance with the health, safety and welfare objectives of these guidelines.

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- (2) A site plan, drawn at an appropriate scale, showing the location and dimensions of all buildings, structures and improvements including setbacks, drives, parking, fencing, landscaping and other information pertinent and necessary to meet the conditions of these guidelines.
- (3) An artist's rendering of the proposed tower, accessory facilities and the compound showing colors, materials, treatment and evidence of lighting or other FAA requirements for tower color as proposed and submitted to the FAA.
- (4) The justification for the proposal of a new tower shall be provided by way of documentation showing that all other options to collocate or locate on an existing building or structure, within the proposed service area, have been exhausted. A written affidavit documenting the attempts and subsequent failure to share an existing tower or the lack of an existing tower shall be provided.
- (5) A certification of shared use design, provided by a qualified, professional engineer, registered in state, stating the number of shared users that the proposed tower design will ultimately be able to accommodate.
- (6) As-built surveys, approved by a qualified, professional engineer, registered in the state, stating that the completed cellular site was built in accordance with the submitted site plan including the installation of any required buffer strip.

(Ord. No. 99-1005, § F, 10-5-1999)

Sec. 70-6. Zoning districts.

Towers shall be permitted in the following zone districts:

AG - Agricultural District

I-1 - Light Industrial District

I-2 - Heavy Industrial District

(Ord. No. 99-1005, § G, 10-5-1999)

Sec. 70-7. Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished as set forth in section 1-8.

(Ord. No. 99-1005, § H, 10-5-1999)

Secs. 70-8—70-39. Reserved.

ARTICLE II. CABLE SYSTEM [II](#)

[Sec. 70-40. Findings.](#)

[Sec. 70-41. Definitions.](#)

[Sec. 70-42. Grant of authority.](#)

[Sec. 70-43. Franchise term.](#)

[Sec. 70-44. Conditions of street occupancy.](#)

[Sec. 70-45. Cable system operations and safety.](#)

[Sec. 70-46. System construction.](#)

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[Sec. 70-47. Service obligations and system extension.](#)

[Sec. 70-48. Service to public buildings and schools.](#)

[Sec. 70-49. Customer service and rates.](#)

[Sec. 70-50. Franchise fee.](#)

[Sec. 70-51. Insurance and indemnification.](#)

[Sec. 70-52. Transfer of franchise.](#)

[Sec. 70-53. Franchise extension and renewal.](#)

[Sec. 70-54. Other franchises.](#)

[Sec. 70-55. Noncompliance—Penalties and revocation.](#)

[Sec. 70-56. Notices.](#)

[Sec. 70-57. Effective date and acceptance.](#)

Sec. 70-40. Findings.

Following the review of the grantee's franchise proposal, and after receiving the comments of interested parties at a public hearing, the city council makes the following findings:

- (1) Grantee has the technical, legal and financial ability to fulfill the obligations of this article;
- (2) Grantee's plans for constructing, maintaining and operating the cable system meet or exceed the community's cable-related needs and interests, taking into account the costs; and
- (3) Granting a franchise to grantee under the terms and conditions of this article will serve the public interest.

(Ord. No. 2008-1021, 10-21-2008)

Sec. 70-41. Definitions.

When used in this article, the following terms, phrases, words, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory. The word "may" is discretionary.

Basic cable service means that tier of programming services that contains local broadcast television stations.

Cable service means:

- (1) The one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and
- (2) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

Cable system means a facility located within the city, consisting of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service to multiple subscribers within the city.

City means the Town of Riverside.

Council means the governing body of the city.

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Facilities shall mean any reception, processing, distribution or transmission component of a cable system, including cables, conduits, converters, splice boxes, cabinets, manholes, vaults, poles, equipment, drains, surface location markers, appurtenances, and related facilities maintained by grantee in the public ways.

FCC means the Federal Communications Commission.

Franchise shall mean the rights granted to grantee under this article to construct and operate the cable system and to provide cable services and other services as permitted by applicable law.

Grantee means Coosa Cable Co., Inc. and its permitted successors.

Person is any person, firm, partnership, association, corporation, company, or other legal entity.

Public way means existing or future surfaces of, and the spaces above and below, any public streets, highways, freeways, bridges, land paths, alleys, courts, boulevards, sidewalks, parkways, ways, lanes, drives, circles, or other public rights-of-way dedicated for compatible uses.

Subscriber means any person who lawfully receives cable service.

(Ord. No. 2008-1021, § 1, 10-21-2008)

Sec. 70-42. Grant of authority.

- (a) Grant of nonexclusive authority. City grants to grantee the right and privilege to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the public ways, all facilities necessary or desirable for the construction, maintenance, and operation of the cable system. This franchise shall be nonexclusive, and the city may grant franchises to other persons. any additional franchises shall contain the same substantive terms and conditions as this franchise.
- (b) Rules of grantee. The grantee shall have the authority to promulgate rules, regulations terms and conditions governing its business and services as reasonably necessary to enable grantee to exercise its rights and perform its obligation under this article.

(Ord. No. 2008-1021, § 2, 10-21-2008)

Sec. 70-43. Franchise term.

The franchise granted under this article commences upon approval by the city council and acceptance by grantee and shall continue for 15 years, unless renewed, revoked or terminated sooner. So long as grantee remains in material compliance with the provisions of this article, Grantee, at its option, may extend the term for an additional 15 years by providing notice to the city during the last 24 months of the initial term.

(Ord. No. 2008-1021, § 3, 10-21-2008)

Sec. 70-44. Conditions of street occupancy.

- (a) Location of facilities. Grantee shall locate all facilities so as minimize interference with the use of the public ways and with the rights and reasonable convenience of adjacent property owners.
- (b) Construction codes and permits. Grantee shall obtain all necessary permits from city before commencing any construction, upgrade, repair, or extension of the cable system, including the opening or disturbance of any street.
- (c) Repair of public ways and property. Grantee, at its expense, shall promptly restore and street, public property, or private property damaged by grantee during construction, repair, maintenance or reconstruction of the cable system.

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- (d) Public projects. After reasonable prior notice, grantee, at its expense, shall relocate its facilities as required by the city due to traffic conditions, public safety, street construction, or other public improvements by city. If public funds are available to any person using such public way for the purpose of defraying the cost of any public project, city shall apply for such funds on behalf of grantee, provided grantee pays the application expense in advance.
- (e) Building movement. Upon request of any person holding a moving permit issued by city and after reasonable prior notice, grantee shall temporarily move its facilities to permit the moving of buildings. Grantee may require the requesting person to pay all costs related to the temporary relocation of facilities, and may require payment in advance.
- (f) Tree trimming. Grantee may trim any trees in or overhanging the public ways, alleys, sidewalks, or public easements of the city as necessary to protect grantee's facilities.
- (g) Undergrounding of cable. In all areas of city where all other utility facilities are placed underground, grantee shall construct and install its facilities underground. In any area of city where one or more utilities' facilities are installed aerially, grantee may construct and install its facilities aerially.
- (h) Compliance with construction codes. Grantee shall install and maintain its facilities in compliance with the applicable construction and safety codes in effect at the time of the installation of the applicable facility.

(Ord. No. 2008-1021, § 4, 10-21-2008)

Sec. 70-45. Cable system operations and safety.

- (a) Technical standards. Grantee shall operate the cable system in compliance with all applicable technical standards promulgated by the FCC.
- (b) Test reports and regulatory filings. Upon request by city, grantee shall provide city with copies of: (i) reports of any FCC required test of the cable system; and (ii) any filings with regulatory authorities related to the operation of the cable system within the city.
- (c) Safety requirements. Grantee shall employ ordinary care and shall maintain in use commonly accepted methods and devices to reduce failures and accidents.

(Ord. No. 2008-1021, § 5, 10-21-2008)

Sec. 70-46. System construction.

Grantee shall construct its cable system to a minimum capacity of 100 analog or digital channels. The cable system shall utilize a hybrid fiber-coaxial architecture designed with the capability to transmit return signals upstream. Grantee may construct, operate, and develop the cable system to provide cable Services and non-cable services such as cable modem services, telecommunications services, and other competitive services as permissible under applicable state of federal law. Grantee may activate and offer such other services in response to consumer and business demand.

(Ord. No. 2008-1021, § 6, 10-21-2008)

Sec. 70-47. Service obligations and system extension.

- (a) Service to subscribers. Grantee shall provide cable services without discrimination to all persons who request such services and who comply with grantee's terms and conditions of service. Grantee is not obligated to extend service to residences beyond 150 feet from grantee's then existing facilities.
- (b) Rates. Grantee shall extend its facilities to areas of the city with an average 25 residences or greater per additional mile of cable. Grantee, at its reasonable discretion, may extend its facilities to areas of the city with less than an average of 25 residences per additional mile of cable.

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(Ord. No. 2008-1021, § 7, 10-21-2008)

Sec. 70-48. Service to public buildings and schools.

Grantee shall provide a service drop and basic cable service to city hall, police station, fire station, and public school passed by the cable system.

(Ord. No. 2008-1021, § 8, 10-21-2008)

Sec. 70-49. Customer service and rates.

- (a) Subscriber inquiries. Grantee shall have a publicly listed toll-free telephone number and be operated so as to receive subscriber complaints and requests on a 24 hour-a-day, seven days-a-week basis. Grantee shall investigate and promptly resolve customer complaints regarding quality of service or service outages.
- (b) Rates. Grantee shall provide the city and subscribers with 30 days' written notice of changes to cable services or rates.

(Ord. No. 2008-1021, § 9, 10-21-2008)

Sec. 70-50. Franchise fee.

Grantee shall pay to the city an annual franchisee fee in an amount equal to four percent of basic cable revenues. The franchise fee shall be in lieu of any and all taxes now or hereafter imposed. For each year, grantee shall deliver the payment to city on or before July 15 of the current year and January 31 of the following year. Following reasonable prior notice, city may inspect grantee's books, records, and reports to verify franchise fee calculations and payments.

(Ord. No. 2008-1021, § 10, 10-21-2008)

Sec. 70-51. Insurance and indemnification.

- (a) Insurance. During the term of the franchise granted under this article, grantee shall maintain a comprehensive general liability insurance policy with the following minimum coverage limits:
 - One million dollars for personal injury or death of any one person;
 - One million dollars for property damage to any one person; and
 - One million dollars for property damage resulting from any one act or occurrence.
- (b) Indemnification. During the term of the franchise granted under this article, grantee shall indemnify and hold harmless city, its officers, agents and employees ("indemnitees") from and against any claims, liabilities, damages, losses, and expenses (including, without limitation, reasonable attorney fees), to the extent arising out of or connected with the negligent construction, installation, operation, maintenance of the cable system.

(Ord. No. 2008-1021, § 11, 10-21-2008)

Sec. 70-52. Transfer of franchise.

Grantee shall not transfer or assign its rights granted under this article without obtaining the prior consent of city. City shall not unreasonably withhold or delay such consent. Consent of city shall not be required for the following: (i) the assignment of, or the granting of a security interest in, the franchise, the cable system, or any facilities for the

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purpose of securing indebtedness; or (ii) the assignment or transfer of the franchise, the cable system, or any facilities to an entity controlling, controlled by, or under common control with grantee.

(Ord. No. 2008-1021, § 12, 10-21-2008)

Sec. 70-53. Franchise extension and renewal.

- (a) Extension. Beyond the term provided in section 70-43, city and grantee may extend my mutual agreement the term of the franchise granted under this article, and the existing terms and conditions of this article shall govern the extended term.
- (b) Renewal. Any renewal of the grantee's franchise shall be done in accordance with Section 546 of the Federal Cable Act, 47 USC&546, and applicable FCC regulations.

(Ord. No. 2008-1021, § 13, 10-21-2008)

Sec. 70-54. Other franchises.

The franchise granted under this article is non-exclusive. Grantee acknowledges the city's right to grant one or more competing franchises. To avoid unfair competition due to disparate franchise obligations, if the city grants another franchise whose terms are more favorable or less burdensome than grantee's under this article, the city shall modify the terms of this article to incorporate or eliminate (as the case may be) such more favorable or less burdensome terms.

(Ord. No. 2008-1021, § 14, 10-21-2008)

Sec. 70-55. Noncompliance—Penalties and revocation.

In case of material noncompliance with any provision of this article, city may eliminate the franchise granted under this article in accordance with the procedures in this section.

- (1) Notice of complaint. City shall provide grantee with written notice describing with reasonable specificity the alleged noncompliance.
- (2) Opportunity to cure. Grantee shall have 60 days from receipt of written notice to cure the alleged noncompliance. If grantee cures the alleged noncompliance with the 60-day period, the city shall provide grantee with written notice withdrawing the complaint.
- (3) Public hearing. If grantee fails to cure the alleged noncompliance within the 60-day cure period, or if grantee provides city with written notice disputing the complaint, and the parties fail to otherwise resolve the matter, the city shall schedule a public hearing on the alleged noncompliance. At the public hearing, grantee may present testimony, cross-examine witnesses and deliver to city council all evidence relevant to grantee's defense. At the conclusion of the public hearing, the city council may dismiss the complaint, defer action, order that corrective action be taken within a period of time reasonably specified by the city council.
- (4) Termination. If, after ordering corrective action by grantee, grantee fails to cure the noncompliance within the specified time, the city council may, after a duly noticed public hearing, terminate the franchise for material and willful continuing noncompliance by grantee. If grantee contests the termination in a court of competent jurisdiction, grantee may operate the cable system in accordance with this article while the case is pending.
- (5) Force majeure. Grantee's failure to comply with any provision of this article shall not constitute noncompliance when such failure is due to circumstances beyond grantee's control, including, without

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limitation, acts of God, adverse weather, natural disaster, civil disturbance, war of insurrection, or shortage of supplies, material, or labor.

(6) Removal of facilities. Upon expiration or termination of the franchise, grantee has the right to remove its facilities within a reasonable time, after such expiration or termination.

(Ord. No. 2008-1021, § 15, 10-21-2008)

Sec. 70-56. Notices.

Notices under this article shall be in writing and shall be deemed given delivery by hand delivery, certified mail return receipt requested, or overnight courier to the following addresses:

To City:	Riverside City Hall
	P.O. Box 130
	Riverside, AL 35135
	Attn: Mayor Rusty Jessup

To Grantee:	Coosa Cable Company, Inc.
	1701 Cogswell Avenue
	Pell City, AL 35125
	Attn: Jeff Smith

A party may designate other addresses for providing notice by providing notice in writing of such addresses.

(Ord. No. 2008-1021, § 16, 10-21-2008)

Sec. 70-57. Effective date and acceptance.

This article shall become effective upon publication of any required notice and after grantee files a letter of acceptance with the city clerk.

(Ord. No. 2008-1021, § 17, 10-21-2008)

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FOOTNOTE(S):

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Editor's note—At the town's instruction Ord. No. 2008-1021, §§ 1—17, adopted Oct. 21, 2008, replaced the former Art. II, §§ 70-41—70-48, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Ord. No. 85-0716, §§ I—VII, IX, adopted July 16, 1985.[\(Back\)](#)

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Chapters 71 - 73 RESERVED

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Chapter 74 TRAFFIC AND VEHICLES

ARTICLE I. - IN GENERAL

ARTICLE II. - TRAFFIC SCHEDULES

ARTICLE I. IN GENERAL

[Sec. 74-1. State rules and regulations adopted.](#)

[Sec. 74-2. Prohibited parking.](#)

[Sec. 74-3. Penalty.](#)

[Sec. 74-4. Violations.](#)

[Sec. 74-5. Fire hydrants.](#)

[Secs. 74-6—74-30. Reserved.](#)

Sec. 74-1. State rules and regulations adopted.

In addition to all other provisions of law relating to the speed and operation of motor vehicles, there is adopted by the town all laws of the state and all rules and regulations of the state highway department pertaining to the control of traffic and motor vehicles on highways, that are misdemeanors under the state laws and a violation of such laws, rules, and regulations in the town, or in the police jurisdiction thereof shall be violations of this section.

(Ord. No. 82-0406, § 3, 4-6-1982)

Sec. 74-2. Prohibited parking.

No person shall park a motor vehicle in any designated area when said prohibited area is properly marked with yellow paint and/or signed.

(Ord. No. 82-0406, § 4, 4-6-1982)

Sec. 74-3. Penalty.

Any person violating any provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$200.00 or may be imprisoned in the municipal jail or sentenced to hard labor for the town, for a period not exceeding ten days. For a second conviction within one year thereafter, such person shall be punished by a fine of not more than \$200.00 or may be imprisoned in the municipal jail or sentenced to hard labor for the town for a period not exceeding 20 days, or both such fine and imprisonment. Upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than \$200.00 or may be imprisoned in the municipal jail or sentenced to hard labor for the town for a period not exceeding six months, or both fine and imprisonment.

(Ord. No. 82-0406, § 5, 4-6-1982)

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Sec. 74-4. Violations.

In addition to all other provisions of law relating to parking of motor vehicles in said town, all laws of the state and all rules and regulations of the state highway department pertaining to the control of traffic and motor vehicles on highway, that are misdemeanors under state law and a violation of such laws, rules, and regulations in the town, or in the police jurisdiction thereof, shall be violations of this chapter.

(Ord. No. 82-0720, § 2, 7-20-1982)

Sec. 74-5. Fire hydrants.

- (a) It shall be unlawful to place or erect any structure of a permanent or temporary nature within 50 feet of an existing fire hydrant in the town.
- (b) The parking of vehicles within a ten-foot area of a fire hydrant shall be considered unlawful.
- (c) Any person who violates any of the provisions of this section as it relates to structures shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$100.00. Each day such structure is permitted or allowed to remain in such place in violation of this section shall constitute a separate and distinct offense upon the part of the person, firm, corporation or property owner who erected or placed such structure.

(Ord. No. 94-2006B, 6-20-1994)

Secs. 74-6—74-30. Reserved.

ARTICLE II. TRAFFIC SCHEDULES

[Sec. 74-31. Speed zones.](#)

[Sec. 74-32. Parking zones.](#)

Sec. 74-31. Speed zones.

No person shall operate a motor vehicle at a greater speed than 45 miles per hour in the following listed zones of the town:

On US Hwy. 78 from MP 141.6 to MP 143.1.

(Ord. No. 82-0406, § 1, 4-6-1982)

Sec. 74-32. Parking zones.

No person shall park a motor vehicle on Highway 78 in the following listed zones of the town:

On the south side of US Hwy. 78 from MP 141.6 to MP 142.6.

On the north side of US Hwy. 78 from the truck parking area across from Best Western Inn, east to MP 142.6.

(Ord. No. 82-0720, § 1, 7-20-1982)

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Chapters 75 - 77 RESERVED

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Chapter 78 UTILITIES

ARTICLE I. - IN GENERAL

ARTICLE II. - WATER SERVICES

ARTICLE III. - CROSS CONNECTIONS

ARTICLE I. IN GENERAL

[Secs. 78-1—78-30. Reserved.](#)

Secs. 78-1—78-30. Reserved.

ARTICLE II. WATER SERVICES [II](#)

[Sec. 78-31. Introduction.](#)

[Sec. 78-32. Rates and policy for water.](#)

[Sec. 78-33. Violations and penalty.](#)

[Sec. 78-34. Connection policy.](#)

[Sec. 78-35. Intent.](#)

[Sec. 78-36. Theft of service.](#)

[Sec. 78-37. Fire fees.](#)

[Secs. 78-38—78-70. Reserved.](#)

Sec. 78-31. Introduction.

Whereas it is in the public interest to build, expand, construct, and maintain the public water supply system in the City of Riverside; and whereas, it is in the public interest to provide a reasonable rate for the use of these facilities; and whereas, it is in the public interest to provide an adequate procedure relating to the use of the facilities; therefore, be it ordained and enacted by the city council of the City of Riverside, Alabama, as follows.

(Ord. No. 2015-0317, § I, 3-17-2015)

Sec. 78-32. Rates and policy for water.

- (a) Accountability. All customers of the public water system shall have their water usage determined by the use of a meter, which measures water usage by the gallon. Billing for water usage shall be by the month. Meters shall be located to allow adequate access for reading.
- (b) Water rates. The city council shall establish rates for the use of the public water supply as to properly provide for the debts service, the operating costs, proper maintenance, expansion of the system, and for the employment of adequate personnel to operate the system. Each year, on October 1, the base rate for water shall be increased by 2.0 percent to allow for increased operating cost. In addition to any change in base cost, the rate per thousand gallons shall increase by \$0.08 per thousand gallons for each service level, or as determined by the city council.

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Each year the rate per gallon and the base rate shall be revised to reflect this change and to protect the public interest; a notice will be sent out to the water customers of such increase or change.

The following rate charges shall apply to each customer as identified:

- (1) Base rate: Zero to 3,000 gallons. The rate shall be for residential locations inside the corporate limits of the municipality a minimum of \$19.38 per month; the rate for residential [locations] outside the corporate limits shall be a minimum of \$26.52 per month.

For non-residential users, the rate shall be a minimum of \$47.94 per month inside the corporate limits and \$59.16 for locations outside the corporate limits.

For commercial users, the rate shall be \$42.84 per month inside the corporate limits, and \$47.94 outside the corporate limits.

- (2) Residential rate: Over 3,000 gallons. The rate shall be \$4.08 per thousand gallons for residential usage.
- (3) Non-residential rate: Over 3,000 gallons. The rate shall be \$4.08 per thousand [gallons] for all non-residential usage.
- (4) Commercial rate: All usage over 3,000 gallons. The rate per gallon shall be \$4.08 per thousand gallons for all water used over 3,000 gallons.
- (5) Maximum charge. The city recognizes that leaks may occur without the knowledge of the customer. In such event where the customer usage exceeds a billing of \$45.00 the customer may apply for extraordinary relief. The utility superintendent shall inspect the condition and cause of the leak and upon the recommendation of the utility superintendent a reduction may be made in the charges to the customer. Relief may not be granted for misuse, abuse, failure to correct a known leak, or other like or similar conditions. This reduction may only be granted to a customer once in any 12-month period. This relief may only be granted to single users and not for multiple users. Extraordinary relief is limited to a single charge reduction to \$45.00 as described above. The city clerk may adjust the credit, when approved, to maximize the benefit for the customer.

The city council, in its discretion, may contract with large industrial users for industrial rates, provided such users shall consume average amounts greater than 300,000 gallons on a daily basis measured over a six-month period, not including start up time.

- (c) Tap fees. All new residential meter connections shall be charged a tap-on fee of \$900.00 for connections inside city limits, and \$1,800.00 for connections outside city limits when the connection is on the same side of the roadway as the water line, for a regular $\frac{3}{4}$ -inch connection. All new commercial meter connections shall be charged a tap-on fee of \$1,200.00 when the connection is on the same side of the roadway as the water line. For connections requiring a road bore performed by the city, a charge of \$500.00 plus material shall be added. For connections requiring a road bore performed by a private contractor, such charge as made by the contractor shall be included. For all connections greater, or as provided in other sections of this chapter, than the regular size connection, a charge of \$1,000.00 plus all additional costs required for such installation shall be in addition to such cost over the established tap fee. The utility superintendent, in his discretion, may elect to have any road bores performed by a private contractor if the work load of the water department is such that the department cannot perform the bore in a reasonable time or equipment is not available to perform such bore.

Connections to the water system for proposed residential subdivision developments, commercial developments, industrial developments, or other multi-user developments shall be charged a tap-on fee of \$1,000.00 and all costs associated with making such connection to the water system of the city. This connection fee is intended to apply to those extensions of the system in which the developer will be placing meter connections on lots or developed parcels for residential, commercial or other uses. In such applications, the tap fee will apply to the metered user. The tap fee for this application will be \$600.00.

- (d) Location of meters. All meters shall be placed in such location as to allow adequate access to the meter. In no instance will meter boxes be placed behind fences, inside buildings, under buildings, in vehicle parking areas or behind concealing shrubs, or such other barriers, which could hinder the location or reading of the meter. Meters shall be placed on the edge of the right-of-way of streets. Approval of meter locations inconsistent with this

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chapter may be made when in the public interest. Such approval must be obtained in writing from the utility superintendent prior to placing meter in unauthorized locations.

- (e) Connection charges.
 - (1) For seasonal customers or reconnections on existing accounts a service charge of \$60.00 shall apply.
 - (2) There shall be a charge of \$70.00 for all new accounts in addition to all other charges.
- (f) Deposit required. The city shall establish from time to time the amount of the deposit required on all residential, commercial, industrial, multi-family, or other accounts. The amount of the deposit shall be adequate to protect the system from loss from delinquent or other nonpaying accounts. The deposit required for each category of users shall be as follows:
 - (1) Residential service for property owners residing on the property shall be \$50.00.
 - (2) Residential service for tenants shall be \$85.00.
 - (3) Commercial service and all other accounts shall be \$125.00.

The owner of all multi-family or similar type accounts may elect to be responsible for water usage when vacancies occur in such units. For multi-family and similar type accounts the customer must deposit with the city an amount equal to the deposit required for each of those services that shall remain on deposit at the request of the customer. Upon the owner's request the billing for such vacant unit shall occur upon the closing of the account by the tenant and end upon the reopening of an account at that service address. The owner shall be responsible for the billing of such account until the owner closes such account or rents to another tenant. The owner will remain responsible for the billing at such address until the new tenant requests the service be put in their name.

- (g) Service relocation. The customer may request relocation of the water meter and/or meter box. The city shall approve the proposed site of the relocation of the water meter and/or meter box in writing before the relocation is made. The following rates shall apply for relocation of the water meter and/or meter box:

Relocation of the meter box to a point on the same service line as that line upon which the meter box is presently located to a different location on the same line may be performed for a fee of \$100.00 plus material and labor, within 20 feet of the existing location, unless such move creates an unusual or more expensive relocation.

- (h) Partial payments. The city in its discretion may accept partial payment for water service. The acceptance of the partial payment does not waive any late charges for failure to pay in full on an account. Partial payments are intended to assist customers who may experience temporary financial difficulty for whatever reason.

The city may also accept partial payments of tap-on fees. Acceptance of partial payment for tap-on fees will not result in a late fee being applied to the customer's balance provided such payment is made when due and payable. When payments are not timely made for tap-on fees, late charges will apply. This partial payment provision applies only to residential users. This applies only to residential users that [when] the full payment may create a financial hardship or is beyond their means of making such lump sum payment. There is a box on the wall outside city hall for customers making payments after office hours. Total amount due must be made by check or money order, and all payments should be in a sealed envelope. Partial payments will not be accepted by this method.

- (i) Disconnection for nonpayment. Water service shall be paid for in the month following usage or billing. In the event payment is not made by the 14th of the following month the city may elect to discontinue service to the service address.

The city shall discontinue service to customers who fail to pay for water services. Payment for service is due and payable monthly. Payment for an account not received by the 14th of the following month is subject to disconnection. Failure to receive a bill for service does not relieve a customer of the responsibility of payment on an account. The city shall mail a late notice to each account which has not made a payment on the amount due. Failure to receive a late notice does not relieve the customer from payment on the account or from being disconnected from service due to nonpayment. Customers with past due balances that fail to reduce those past due amounts monthly are also subject to loss of service. Customers with past due balances are expected to make full payment on the current amount due and a minimum of \$30.00 on the previous balance. The city is authorized to allow continuation of service if the loss of service to a customer could result in loss of life or create life-threatening conditions.

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Accounts that are identified as delinquent and are placed on the discontinue service list are subject to delinquent charges over and above the amounts due for water services. A charge of \$50.00 will be added to all delinquent accounts after said account is placed on the disconnect list.

(j) Procedure for payment and reconnection. Payment for reconnection shall be made by cash, money order, cashier's check, debit or credit card. The city may accept payment for reconnection by check, provided the customer has not tendered a check to the city for insufficient funds or similar reasons during the past 12 months. In the event payment by check for reconnection is accepted and the check is dishonored or returned for any purpose the utility superintendent shall cause such meter to be removed after notice to the customer of the returned check. Such notice shall be by any of the following methods: certified mail, regular mail, or notice left on the premises of the service address, the most desirable location being the door of the service address facing the roadway or in the event there is no entrance to the service address facing the roadway such entrance that would be visible from the driveway leading to the service address. The "notice" shall state:

"The check tendered for reconnection of service has been returned not paid. You are hereby advised that service at the address listed above shall be terminated on the date identified in this notice, typically five working days from the date of this letter. Payment for reconnection shall be made by cash, cashier's check, money order, debit or credit card."

Once an account is deemed delinquent and placed on the disconnect list to reestablish service there is a service charge of \$50.00 and balance must be paid in full. Consideration will be given for partial payment based on previous payment history.

If the customer submits a check for the reconnection charge and such instrument is returned for insufficient funds or other reasons, notice as described above shall be provided to the customer. For reconnection after submitting a check, for reconnection, that was returned the following fees shall apply prior to the reestablishment of the account: a service charge of \$75.00, the returned check charges as provided in this article, the amount of the check tendered for payment on the account. Such payments shall only be made in cash, cashier's check, or money order. In the event the customer becomes delinquent again the customer may not submit a check to reestablish service for 24 months.

- (k) Reconnection shall be made during regular work hours. Reconnection request shall be made before 3:00 p.m. Monday through Friday for installation on that day. For reconnection request made after 3:00 p.m. reconnection shall be made the following day. In the event the customer shall request service be restored on the same day and request is received after 3:00 p.m. there shall be an additional fee of \$40.00.
- (l) Fees for returned checks. Fees for returned checks shall be the maximum rate as permitted under Alabama law. This fee shall apply to all returned checks whether due to insufficient funds, stop payment or bank error.
- (m) Penalties for nonpayment. All charges for service are due and payable when the bill is received. A late fee of ten percent of the past due balance shall be applied to each account for which full payment has not been received by the billing date for the next billing cycle. Late fees are applied monthly to unpaid balances carried forward.
- (n) Reimbursement for material. Uniformity of materials utilized in the water system is important for quality control, repair and replacement of parts and equipment. In order to maintain and promote the use of uniformity of materials, private contractors may purchase parts and materials from the city on an emergency basis or when suitable materials are not reasonably available for use on expansions of the system. The price for the purchase of said materials shall be calculated by adding the cost of the materials plus a five percent handling charge plus the applicable sales tax computed only on the cost of the material. Such payment shall be made prior to the removal of the material from the city's control. In the event of an emergency payment shall be made on the next business day following the purchase of the material. When materials are used in any expansions that are city initiated, no handling charges shall apply.
- (o) Private construction and subdivision development. To assure uniformity of construction and safety, all private additions to the system shall be subject to the following guidelines:
 - (1) All projects involving water system storage, new sources, pumping stations, or water main additions that will significantly affect system hydraulics must be permitted by the state department of environmental management prior to construction, which means the developer must have a complete hydraulics analysis completed.
 - a. Requirements:

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1. Any and all water main road crossings must be cased using steel casing, and three-inch PVC for long sided meter sets is permitted.
2. All contractors must be bonded and licensed.
3. Easements or rights-of-way must be a minimum of 20 feet wide, and must be deeded to the city prior to installation.

(2) Plans of the proposed construction shall be furnished to the city prior to starting construction of the addition to the water system. After written approval, construction may begin on the addition to the system. Any change to the plans shall be submitted for approval prior to making such changes. Three sets of "as built plans" of any addition to the water system must be submitted prior to the city's acceptance of the addition to the water system. All construction must be designed for possible future expansion if possible.

(3) All work must be inspected by the city. All pipe, valves, meter, fire hydrants, or connections of any sort must remain uncovered until approved for covering by the city.

(4) Fire hydrants shall be installed at dead end lines for adequate flushing of lines. All services shall be installed on the edge of the right-of-way of all streets to permit adequate access to the meter. Three-way fire hydrants shall be installed every 1,000 feet.

(5) Six-inch class 200 PVC pipes or better must be utilized; connections must be made to all lots, and the city will place all meters; all meter services will be made with copper tubing, type K or better; and all curb stops will be a compressed meter coupling with built-in locking cut-off valves. All water lines must be adequately tested for physical integrity.

(6) A copy of the bacteriological sample results from the installed water line must be obtained prior to the city permitting meter installations and public use.

(7) Water leaks of any sort, size, amount, type or cause are not acceptable and must be adequately repaired or material replaced prior to acceptance for public use by the city water lines.

(8) The person, corporation, or entity causing the water line to be installed shall be responsible for all maintenance on the line for one year from the date of acceptance by the city. During the one-year probationary period, the city may perform repair work on the line for the protection of its customers. Such work shall be charged to the responsible party. For the performance of such work, the city shall charge the responsible party for all material, labor, equipment usage, plus 20 percent overhead and expenses, and estimated water loss due to the leak. In the event payment by the responsible party is not paid within 30 days, then no further meters or services shall be placed in the development until the assessed charges have been paid. If said charges are not paid within 60 days, the city shall cause a lien to be filed in the appropriate manner to prevent financial loss to the system. When said water line addition to the city has been completed, the responsible party shall request of the utility superintendent preliminary acceptance of the water lines. If the installation has been as prescribed by this article, the utility superintendent of the system shall grant preliminary acceptance and cause such report to be made to the members of the city council at their next regular scheduled meeting and so noted in the minutes of the meeting. Upon the passing of one year from that date, acceptance of the system shall automatically occur unless the probationary period is extended on the request of the utility superintendent. An extension of the probationary period may be necessary when, during the one-year period, the installation is found to be defective due to faulty labor, workmanship, defective materials or other conditions as contained in this article. The developer shall have a service installed on each lot or tract in the development. There will be only one residence or commercial unit attached to each meter or as prescribed by this chapter. The tank overflow elevation of the system is at 768 feet above sea level. Services will not be connected for which the elevation exceeds 680 feet above sea level without prior approval of the city council.

(9) All guidelines set forth by ADEM Water Supply Division 7 will be adhered to at all times.

(10) All platted lots in the development must have a connection to the water system. The planning and zoning commission of the city shall not grant approval of the final plat until such service connections have been performed in accordance with the guidelines of the water department.

(p) Master meters. Master meters are permitted for certain applications such as motels, hotels, camping sites, multi-family dwellings, recreation complexes, industrial developments, recreational vehicle parks, and other

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nonpermanent uses. Master meters are not intended for residential uses such as single-family housing. The billing for master meter applications shall be in the following manner:

- (1) Multi-family. Attached or detached dwellings units, and rented or occupied part-time or longer period of time, each habitable unit will be considered as a single-family dwelling for billing purposes. The minimum monthly billing shall be equal to the number of single-family habitable units times the minimum rate established in section 78-32(b)(1), plus the water usage rate for measured quantity of water used as measured.
- (2) Motels, hotels, campsites, recreation parks, recreational vehicle parks and other similar temporarily habitable places that rent rooms or sites for occupancy on a daily or longer basis, but which are not designed for permanent habitation. The billing rate shall be the minimum billing rate for a non-residential rate and location.

(q) Additional meters. The use of a single meter for additional uses is permitted for other than residential or other uses on the same site. For billing purposes water usage charges shall conform to section 78-32(b). A connection charge of \$100.00 will apply to each new additional meter. This type of multiple uses is discouraged but can be permitted, especially when the multiple uses is not of permanent application.

(r) Tampering with meter. The customer shall not tamper with the meter or any part in the meter box and the customer shall not cause anything to backflow into the main water line. (Ord. No. 00-0118, 1-18-2000.)

(s) Methods of payments. The city may accept cash, debit cards, credit cards, checks, automatic debit payments, cashier checks, money orders, or other commonly used means for payment for goods or services. A convenience fee shall be charged to the customer for any payment method that requires an additional fee for use of the service. Such fee shall not exceed five percent of the amount tendered for payment for credit or debit cards. In other events the convenience fee shall be the amount of the cost to water system. For after hours payments there is a box on the wall outside of city hall that the customers may drop off payments. Total amount due must be included in order to credit payment, and no partial payments will be accepted. All payments deposited in drop box should be in a sealed envelope.

(t) Account information. All accounts shall provide the service address of the account, the mailing address, the phone number for the service location, and emergency number for the account, work phone number for at least one family member, a name and phone number of another family member (to be used in an emergency) and the names and number of persons residing at the service address. To provide information as to the anticipated growth of the water system the number of persons residing in the household shall be collected on the application.

(u) Application for service. Applications for service should be made in person. The city clerk is authorized to establish an account by phone, fax, mail or email for an existing service location. Such fees or payments due for establishment of service must be made prior to the service order being placed for such service. Payment by credit or debit card is an acceptable method of payment. All new tap applications must be made in person or by a designated representative.

(v) Outside cut-off device. There shall be placed a cut-off valve outside of the meter box on the customer side on all installations after the date of this chapter. Customers shall not utilize the shut-off valve located inside the meter box. The customer is responsible for the placement and maintenance, at his or her own expense, of the cut-off valve outside the meter box. The cut-off valve shall be installed at the backflow valve installed by the water system. Guidelines set forth for cross connections and backflow are set in Ordinance 2004-0420, 1.1, 4-20-2004.

(w) Water conservation. The water service may be cut off for not following guidelines set forth during times of mandatory water conservation. Guidelines are set in Ordinance No. 2001-0220, 2-10-2001.

(x) Septic tank. All residential customers must submit to the water superintendent a letter of septic tank approval for usage from the St. Clair County Health Department before water service can be provided.

(Ord. No. 2015-0317, § II, 3-17-2015)

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Sec. 78-33. Violations and penalty.

It shall be unlawful to obtain a water account through deception or fraud. An account assigned to a property shall not be transferred to another family member or relative until full payment of any past due balances are paid or transferred to the new account. In the event of divorce or separation no change in the account may occur until full payment is made or account balance transferred to the new account. Where unrelated persons reside in a household, any member of that household may not make a new account until any balance owed is paid in full. The intent of this section is to prevent closing an account with money owed and to establish a new account in a different name.

(Ord. No. 2015-0317, § III, 3-17-2015)

Sec. 78-34. Connection policy.

It shall be the policy of the City of Riverside not to extend either water or sewer, to new developments or individuals that are not within the corporate limits of the city. Developments that adjoin the present corporate limits shall annex such land into the city upon request for service. For developments that are not contiguous the developer shall petition the city for annexation for action of the legislature. The city in its discretion may permit the extension of service to those developments whose annexation is dependent on action of the legislature.

(Ord. No. 2015-0317, § IV, 3-17-2015)

Sec. 78-35. Intent.

It is the intent of the city council by this article to provide a uniform method of providing fees for water services. It has been the policy of this city to extend water service to newly annexed areas and to unserved areas of the city. Nothing in this article shall prohibit the city council from providing for the extension of water services to any portion of the city which the city council believes is in the public interest or for the protection and safety of the residents to the city. It is the intent of the city to apply for grant funds which may be utilized in the expansion of water or wastewater services to unserved or under served areas, even though such extensions may not be of immediate benefit to the system.

(Ord. No. 2015-0317, § V, 3-17-2015)

Sec. 78-36. Theft of service.

It shall be unlawful for any person or other entity to receive water without first establishing an account with the City of Riverside. The penalty for such unauthorized use shall be as prescribed by the Code of Alabama 1975, as amended. It shall be unlawful to tamper with the water meter or meter box, to remove any device designed to prevent the use of the meter. Damage to water meter or other devices will be charged to the customer.

(Ord. No. 2015-0317, § VI, 3-17-2015)

Sec. 78-37. Fire fees.

The city council established mandatory fire fees for each establishment within the Riverside city limits and Riverside police jurisdiction area on December 19, 1994, and to be billed on a monthly basis to each residence and business within this area. The city council authorized the fire fees to be increased to \$9.00 per month, commencing on October 1, 2013, and an increase of \$1.00 on October 1, 2014. All accounts considered as past due shall be subject to a late fee of ten percent of the total past due.

Any account over 60 days in default will be subject to being charged for full costs incurred by the City of Riverside for any and all expenses involved in responding to a fire at the address of the account.

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(Ord. No. 2015-0317, § VII, 3-17-2015)

Secs. 78-38—78-70. Reserved.

FOOTNOTE(S):

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Editor's note—Ord. No. 2015-0317, §§ I—VII, adopted March 17, 2015, repealed the former Art. II, §§ 78-31—78-36, and enacted a new Art. II as set out herein. The former article pertained to similar subject matter and derived from Ord. No. 2012-1204-1, 12-4-2012. See also the Code Comparative Table.[\(Back\)](#)

ARTICLE III. CROSS CONNECTIONS

[Sec. 78-71. Purpose.](#)

[Sec. 78-72. Responsibility.](#)

[Sec. 78-73. Definitions.](#)

[Sec. 78-74. Composition of water system.](#)

[Sec. 78-75. Policy.](#)

Sec. 78-71. Purpose.

The purpose of this article is to:

- (1) Protect the public potable water supply of the town from the possibility of contamination or pollution by isolating within the customer's internal distribution system or the customer's private water system contaminants or pollutants that could backflow into the public water system;
- (2) Promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant potable water systems and nonpotable water systems, plumbing fixtures and industrial piping systems; and
- (3) Provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

(Ord. No. 2004-0420, § 1.1, 4-20-2004)

Sec. 78-72. Responsibility.

The town utility superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If in the judgment of said utility superintendent an approved backflow-prevention assembly is required (at the customer's water service connection; or, within the customer's private water system) for the safety of the water

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system, the utility superintendent or his designated agent shall give notice in writing to said customer to install such an approved backflow-prevention assembly at specific locations on his premises. The customer shall immediately install such approved assembly at his own expense; and failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

(Ord. No. 2004-0420, § 1.2, 4-20-2004)

Sec. 78-73. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air gap means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, never less than one inch (25 mm).

Approved means accepted by the authority responsible as meeting an applicable specification stated or cited in this article or as suitable for the proposed use.

Auxiliary water supply means any water supply on or available to the premises other than the purveyor's approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source, such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow means the undesirable reversal of flow in a potable water distribution system as a result of a cross connection.

Backflow preventer means an assembly or means designed to prevent backflow.

Backpressure means a pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

Backsiphonage means backflow caused by negative or reduced pressure in the supply piping.

Contamination means an impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

Cross connection means a connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any circumstances would allow such substances to enter the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or nonpotable), or any matter that may change the color or add odor to the water.

Cross connection control by containment means the installation of an approved backflow-prevention assembly at the water service connection to any customer's premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or it shall mean the installation of an approved backflow-prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections that cannot be effectively eliminated or controlled at the point of the cross connection.

Cross connections, controlled, means a connection between a potable water system and a nonpotable water system with an approved backflow-prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

Double checkvalve assembly means the approved double checkvalve assembly consists of two internally loaded checkvalves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient seated

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shutoff valves and fittings with properly located resilient-seated test cocks. This assembly shall only be used to protect against a non-health hazard (that is, a pollutant).

Hazard, degree of, means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

Hazard, health, means a cross connection or potential cross connection involving any substance that could, if introduced in the potable water supply, cause death, illness, spread disease or have a high probability of causing such effects.

Hazard, non-health, means a cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water supply.

Hazard, plumbing, means a plumbing-type cross connection in a consumers potable water system that has not been properly protected by an approved air gap or an approved backflow-prevention assembly.

Hazard, system, means an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination that would have a protracted effect on the quality of the potable water in the system.

Industrial fluids system means any system containing a fluid or solution that may be chemically, biologically or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulating cooling waters connected to an open cooling tower; and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems and so forth; oils, gases, glycerin, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for firefighting purposes.

Pollution means the presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

Reduced-pressure backflow prevention assembly means the approved reduced-pressure principle backflow-prevention assembly consists of two independently acting approved checkvalves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the checkvalves and below the first checkvalve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks.

Service connection means the terminal end of a service connection from the public potable water system, that is, where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow-prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

Utility superintendent and health official mean the utility superintendent in charge of the water department, invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this article.

Water, nonpotable, means water that is not safe for human consumption or that is of questionable quality.

Water, potable, means water that is safe for human consumption as described by the public health authority having jurisdiction.

Water, used, means any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

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Sec. 78-74. Composition of water system.

- (a) The water system shall be considered as made up of two parts: the utility system and the customer system.
- (b) The utility system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.
- (c) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.
- (d) The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.
- (e) The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use.

(Ord. No. 2004-0420, § 3.1, 4-20-2004)

Sec. 78-75. Policy.

- (a) No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws and regulations and this article. Service of water to any premises shall be discontinued by the water purveyor if a backflow-prevention assembly required by this article is not installed, tested, and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- (b) The customer's system should be open for inspection at all reasonable times to authorized representatives of the water department to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the utility superintendent shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the conditions in conformance with state statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.
- (c) An approved backflow-prevention assembly shall be installed on each service line to a customer's water system at or near the property line; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:
 - (1) In the case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the utility superintendent, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard.
 - (2) In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.
 - (3) In the case of premises having (i) internal cross connections that cannot be permanently corrected and controlled; or (ii) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line.
- (d) The type of protective assembly required under subsections (c)(1)—(3) of this section shall depend upon the degree of hazard that exists as follows:

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- (1) In the case of any premises where there is an auxiliary water supply as stated in subsection (c)(1) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow-prevention assembly.
- (2) In the case of any premises where there is water or substances that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double checkvalve assembly.
- (3) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow-prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.
- (4) In the case of any premises where there are uncontrolled cross connections, either actual or potential, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow-prevention assembly at the service connection.
- (5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap separation or an approved reduced-pressure principle backflow-prevention assembly on each service to the premises.
- (6) In the case of any premises where, in the opinion of the utility superintendent, an undue health threat is posed because of the presence of extremely toxic substances, the utility superintendent may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the utility superintendent and is dependent on the degree of hazard.

(e) Any backflow-prevention assembly required herein shall be a model and size approved by the utility superintendent.

- (1) The term "approved backflow-prevention assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association titled:
 - a. AWWA C510-89—Standard for Double CheckValve Backflow-Prevention Assembly; and
 - b. AWWA C511-89—Standard for Reduced-Pressure Principle Backflow-Prevention Assembly, and have met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California established by "Specification of Backflow-Prevention Assemblies"— Sec. 10 of the most current issue of the Manual of Cross-Connection Control.Said AWWA and FCCHR standards and specifications have been adopted by the town utility superintendent. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCHR specifications.
- (2) The following testing laboratory has been qualified by the town utility superintendent to test and certify backflow preventers:

Foundation for Cross-Connection Control and Hydraulic Research
University of Southern California
University Park
Los Angeles, CA 90089

Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the utility superintendent.

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- (3) Backflow preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow-prevention assemblies may be used without further testing or qualification.
- (f) It shall be the duty of the customer/user at any premises where backflow-prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the utility superintendent deems the hazard to be great enough; certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, water department personnel, or by a certified tester approved by the utility superintendent. It shall be the duty of the utility superintendent to see that these tests are made in a timely manner. The customer/user shall notify the utility superintendent in advance when the tests are to be undertaken so that the customer/user may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the customer/user whenever said assemblies are found to be defective. Records of such tests, repairs, and overhaul shall be kept and made available to the utility superintendent.
- (g) All presently installed backflow-prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements under subsection (f) of this section, be excluded from the requirements of these rules so long as the utility superintendent is assured that they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the utility superintendent finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow-prevention assembly meeting the requirements of this section.

(Ord. No. 2004-0420, § 3.2, 4-20-2004)

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Chapters 79 - 81 RESERVED

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Chapter 82 ZONING [11](#)
(RESERVED)

FOOTNOTE(S):

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Editor's note—The zoning ordinance is in a separate pamphlet on file in the office of the town clerk. [\(Back\)](#)

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CODE COMPARATIVE TABLE ORDINANCES/RESOLUTIONS

This is a chronological, listing of the ordinances/resolutions of the city used in this Code. Repealed or superseded laws at the time of the codification and any omitted materials are not reflected in the table.

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		I—VII Added	78-31—78-37
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CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

		arts. 1—13 Added	10-1—10-13
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CODE OF ORDINANCES CITY OF RIVERSIDE, ALABAMA

STATE LAW REFERENCE TABLE

This table shows the location within this Charter and Code, either in the text or notes following the text, of references to Code of Alabama 1975.

Code of Ala. 1975 Section	Section this Code
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Un-Codified Ordinances for Reference

The following collection of Ordinances have been passed and have become effective,
but have not been systematized or reduced to Riverside's code.

ORDINANCE NO. 2003-610

AN ORDINANCE PROHIBITING THE SALE OF PYROTECHNICS COMMONLY KNOWN AS “FIREWORKS” WITHIN THE CORPORATE LIMITS OF THE TOWN OF RIVERSIDE, ALABAMA.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIVERSIDE, ALABAMA, AS FOLLOWS:

SECTION 1. Definition.

Fireworks: Any pyrotechnics commonly known as “fireworks” now or hereafter classified as Class C common fireworks by the United States Department of Transportation; and those items that comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under the regulations of the United States Consumer Product Safety Commission; and those items not classified by the United States Department of Transportation as common fireworks, but identified under their regulations as trick noisemakers, toy novelties, toy smoke devices and sparklers, toy snakes, snappers, smoke balls, smoke novelty items, and wire sparklers.

SECTION 2. Sale of Fireworks.

It shall be unlawful for any individual, firm, partnership, corporation or other entity to offer for sale or to sell any fireworks within the corporate limits of the Town of Riverside, Alabama.

SECTION 3. Penalty.

Any individual, firm, partnership, corporation, or other entity violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$500.00 or imprisoned for not more than six (6) months, or both, in the discretion of the court.

SECTION 4. Severability.

Should any section or provision of this Ordinance be held invalid, such holding shall not affect the validity of any other section or provision hereof.

SECTION 5. Effective Date.

This Ordinance shall become effective upon its adoption and publication as required by law, and shall supersede and repeal all ordinances in conflict herewith.

ORDINANCE NUMBER 2003-923

AN ORDINANCE ESTABLISHING AND PROHIBITING TRUCKS AND OTHER COMMERCIAL VEHICLES WITH THE EXCEPTION FOR LOCAL DELIVERY ONLY ON STREETS MAINTAINED BY THE TOWN OF RIVERSIDE, ALABAMA, AND PROVIDING PENALTIES FOR THE VIOLATION OF SAME.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIVERSIDE, ALABAMA, AS FOLLOWS:

SECTION 1. For the purposes of this ordinance the term "streets" means any street, road or highway situated within the town limits of the Town of Riverside, Alabama, and which is maintained by the Town of Riverside, Alabama.

SECTION 2. No trucks or other commercial vehicles shall be permitted or operated upon any street maintained by the Town within the Town limits of Riverside, Alabama, except for local delivery only.

SECTION 3. Any violation of this ordinance shall be a misdemeanor and any person violating the provisions of this ordinance, upon conviction, shall be fined not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00).

SECTION 4. Should any part of this ordinance be held invalid, it shall not affect the validity of the remaining parts which would have been enacted without the invalid part.

SECTION 5. All previous ordinances in conflict with or contrary to this ordinance are hereby repealed.

SECTION 6. This Ordinance shall become effective upon the erection of appropriate signs designating "No Trucks Allowed – Local Delivery Only" on the designated streets.

City of Riverside

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ORDINANCE NO. 2021 - 0301

AN ORDINANCE OF THE CITY OF RIVERSIDE, ALABAMA PROHIBITING CERTAIN DANGEROUS SUBSTANCES SOLD AND MARKETED AS A DIETARY SUPPLEMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVERSIDE, ALABAMA THAT:

SECTION ONE:

In accordance with its powers under Alabama law, including, but not limited to, § 11-45-1, Ala. Code 1975, the City Council hereby finds and determines that prohibiting the sale or delivery of Tianeptine as provided herein will provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the inhabitants of the City.

SECTION TWO: FINDINGS OF FACT

The City of RIVERSIDE, Alabama has been informed about the growing presence of a potentially dangerous substance affecting the public health, safety and welfare of the citizens, particularly the youth of Riverside. In response to these warnings, the Mayor and Council have been provided information indicating that this threat is presented in the form of products sold or distributed as a dietary supplement, a healthier alternative to opioid use disorder or methadone programs, and a pain reliever. Such substances are reported to cause neurologic, cardiovascular, gastrointestinal signs and symptoms, dermal effects, constitutional respiratory, ocular, renal, metabolic, musculoskeletal, and psychiatric, with some effects mimicking opioid toxicity and withdrawal. The available medical information on these products indicate that person(s) under the effects of these substances may be a clear and present danger to themselves and others. The substance identified is considered to be generally distributed, sold and marketed under such names to include but not limited to, Tianeptine Sulfate, Tianeptine Sodium Powder, Tiana, Tianna Green, Tianna Red, Tianna White, Coaxil, Salymbra, Stablon, Tatinol, Tianeurax, Tynapt, Zaza Red, Zaza White, Zaza Silver, and Zinosal. The Alabama Department of Public Health has also requested that this substance be removed from including but not limited to convenience stores, online retailers, and other retailers within the state of Alabama.

SECTION THREE: DEFINITIONS

"Person" shall mean an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

"Tianeptine" shall mean any substance whether described as a dietary supplement, a healthier alternative to opioid use disorder or methadone programs, and a pain reliever, which includes, but not limited to, any one or more of the following chemicals:

- (1) 7-[(3-chloro-6-methyl-5,5-dioxo-11H-benzo[c][2,1]benzothiazepin-11-yl)amino]heptanoic acid is a medium-chain fatty acid;
- (2) 7-[(3-chloro-6-methyl-5,5-dioxo-11H-benzo[c][2,1]benzothiazepin-11-yl)amino]heptanoic acid;

- (3) InChI=1S/C21H25ClN2O4S/c1-24-18-9-6-5-8-16(18)21(23-13-7-3-2-4-10-20(25)26)17-12-11-15(22)14-19(17)29(24,27)28/h5-6,8-9,11-12,14,21,23H,2-4,7,10,13H2,1H3,(H,25,26);
- (4) JICJBGPOMZQUBB-UHFFFAOYSA-N;
- (5) CN1C2=CC=CC=C2C(C3=C(S1(=O)=O)C=C(C=C3)Cl)NCCCCCCC(=O)O;
- (6) C21H25ClN2O4S;
- (7) (3-chloro-6-methyl-5,5-dioxo-6,11-dihydrodibenzo(c,f)(1,2)thiazepin-11-yl)-7-aminoheptanoic acid; coaxil; stablon; tianeptine; tianeptine, (++)-isomer; tianeptine, monosodium salt; tianeptine, monosodium salt, (++)-isomer;
- (8) 72797-41-2;
- (9) 169293-31-6;
- (10) 66981-73-5;
- (11) 276-851-9;
- (12) 614-004-0;
- (13) XV6773012I;
- (14) AKU7QFL9ZT;
- (15) DTXSID7048295;

Products containing some or all of the above substances are currently being marketed under the following commercial names including but not limited to: Tianeptine Sulfate, Tianeptine Sodium Powder, Tiana, Tianna Green, Tianna Red, Tianna White, Coaxil, Salymbra, Stablon, Tatinol, Tianeurax, Tynept, Zaza Red, Zaza White, Zaza Silver, and Zinosal.

Any product containing any of the chemical compounds set forth above shall be subject to the provisions of this Ordinance, regardless of whether they are marketed under any alternative names.

“Prescription” shall mean an instruction written by a medical practitioner that authorizes a patient to be provided a medicine or treatment and dispensed by a pharmacist, hospital or health care facility. Nothing in this ordinance bans prescription medicine or medicines dispensed by a hospital or health care facility.

SECTION FOUR: SELL, OFFER or DISPLAY

It shall be unlawful for any person(s) to purchase, barter, publicly display, sell, or offer for sale Tianeptine (as defined in Section Three) within the city limits of Riverside, Alabama, including but not limited to the following: Tianeptine Sulfate, Tianeptine Sodium Powder, Tiana, Tianna Green, Tianna Red, Tianna White, Coaxil, Salymbra, Stablon, Tatinol, Tianeurax, Tynept, Zaza Red, Zaza White, Zaza Silver, and Zinosal.

SECTION FIVE: PENALTY

Any person, firm, corporation or entity violating this Ordinance, as it exists or may be amended, upon conviction thereof, shall be fined a sum not exceeding \$500.00 (Five Hundred Dollars) and may be sentenced up to 60 (Sixty) days in jail. Conviction of this Ordinance may also result in the City of RIVERSIDE revoking any person, firm, corporation or entity's privilege of operating a business within the city limits of RIVERSIDE, Alabama. Each continuing day's violation under this Ordinance shall constitute a separate offense.

SECTION SIX:

The Alabama Department of Public Health has requested to amend the current controlled substances list to add Tianeptine and any salt, sulfate, free acid or other preparation of Tianeptine, and any salt, sulfate, free acid compound, derivative, precursor or preparation thereof which is substantially chemically equivalent or identical with Tianeptine as a schedule two controlled substance. If approved placing Tianeptine on schedule two would allow for use by prescription if, in the future, it were to be approved for human medical use by the Food and Drug Administration.

SECTION SEVEN:

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION EIGHT:

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Likewise, this ordinance shall be repealed upon the passage of Alabama 2021 HB2 Bill.

SECTION NINE: This Ordinance shall become effective when adopted and published as required by law.

ADOPTED AND APPROVED THIS THE 15th DAY OF March, 2021.

CERTIFICATION:

I, Candace Smith, as City Clerk of the City of Riverside, Alabama, hereby certify that the above Ordinance is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Riverside on the 15th day of March, 2021, as same appears in the official records of said City.

Posted at Riverside City Hall, Riverside Post Office, and Riverside Landing this the 16th day of March, 2021, in accordance with law.

Candace Smith
Candace Smith

COUNCIL ACTION	
INTRODUCED	03/01/2021
2ND READING	03/15/2021
AMENDED	
TABLED	
PASSED	03/15/2021
FAILED	
OTHER	

City of Riverside

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ORDINANCE NO. 2021 - 0503

AN ORDINANCE OF THE CITY OF RIVERSIDE, ALABAMA AMENDING ORDINANCE CHAPTER 82. ZONING ZONING MAP OF RIVERSIDE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVERSIDE, ALABAMA THAT:

WHEREAS, REQUESTED REZONING, by landowner WAYNE SMITH (Coosa Land Company LLC), of a portion of a parcel of the property located on the southwest end of McKesie Street from A-1 (Agricultural District) to R-1 (Single Family Residential District) and

WHEREAS, THE PARCEL is legally described as follows:

Parcel No. 22-08-28-0-001-006.000: BEGIN SOUTHWEST CORNER SOUTHEAST 4TH NORTH 2320' WEST 1260' NORTH 190' WEST 180' NORTHERLY ALONG RIGHT-OF-WAY 170' EAST 2825' SOUTH 2645' WEST 1350' TO POINT OF BEGINNING LESS RIGHT-OF-WAY WEST 90.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVERSIDE, ALABAMA, under the authority granted by Code of Alabama of 1975, Section 11-52-78 as amended, that:

SECTION 1. Notice of Public Hearing to allow for public input regarding this Zoning Ordinance amendment as required by law was held on April 19, 2021 at 5:00 p.m. in the Council Chamber of City Hall.

SECTION 2. The Northwest 17.6 acres of the property described herein shall be rezoned from Agricultural District to Single Family Residential District and zoned as A-1 shall be rezoned to R-1 and classified on the Zoning Map of the City of Riverside accordingly.

SECTION 3. The amendments to the zoning ordinance presented for rezoning were approved by the Riverside Planning & Zoning Commission on April 7, 2021; approved by the City Council on April 17, 2021; and shall take immediately upon its adoption and subsequent publication as provided by law.

ORDAINED and ADOPTED this 17th day of April 2021.

CERTIFICATION:

I, Candace Smith, as City Clerk of the City of Riverside, Alabama, hereby certify that the above Ordinance is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Riverside on the 15th day of March, 2021, as same appears in the official records of said City.

Posted at Riverside City Hall, Riverside Post Office, and Riverside Landing this the 16th day of March, 2021, in accordance with law.

Candace Smith

Candace Smith

COUNCIL ACTION	
INTRODUCED	03/01/2021
2ND READING	03/15/2021
AMENDED	
TABLED	
PASSED	03/15/2021
FAILED	
OTHER	

City of Riverside

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ORDINANCE NO. 2021 - 0517

AN ORDINANCE OF THE CITY OF RIVERSIDE, ALABAMA WITH REGARDS TO SHORT-TERM RENTALS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVERSIDE, ALABAMA THAT:

WHEREAS, the Mayor and City Council desires to communicate that any person or entity providing short-term rentals as referenced in this Ordinance is required to obtain a business license with the City of Riverside, and;

WHEREAS, the Mayor and City Council desires to set forth requirements for owners and/or managers of real property, who intend to rent said property on a short-term basis;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVERSIDE, ALABAMA, under the licensing power granted by Code of Alabama of 1975, Section 11-51-90 as amended, that:

SECTION ONE. Amendment of Riverside Business License Ordinance. That the Definitions section set forth in Section 2 of the City of Riverside Business License Ordinance is hereby amended to add:

SHORT-TERM RENTAL. A dwelling unit, dwelling of any type, room, building, house or other structure or the part of a structure, including a manufactured home, that is or can be utilized as a transient sleeping place by one or more persons for less than one-hundred and eighty (180) consecutive days per rental period primarily engaged in providing short-term lodging (except hotels, motels, casino hotels, and bed-and-breakfast inns), with only one rental residence allowed per parcel, where business and/or commercial events and activities are prohibited. To fall under NAICS code 721199 and Riverside Code number 721 Schedule C.

SHORT-TERM RENTAL MANAGER. The owner of the dwelling proposed to be covered under the business license or possession of a letter from the dwelling's owner designating the person or entity as the owner's designated agent for such purpose. Proof of ownership is required at time of licensing. Any person or entity that arranges the rental, cleaning, listing, advertising, management, or otherwise assists in the operation of a Short-term rental for a profit. Short-term rental manager does not include listing services or online platforms for Short-term rental listings.

SECTION TWO. Amendment to City of Riverside Code of Ordinances. That Chapter 14 Building and Building Regulations of the City of Riverside Code of Ordinances is hereby amended to add Section 14-4 "Requirements for the Issuance of a Business License to Provide a Short-Term Rental" set forth as follows:

Section I. Short-term Rentals –Generally.

- a) A valid City of Riverside Business license must be obtained for each separate short-term rental location and the business license number must be stated on any advertisement or listing for each short-term rental.
- b) To obtain a Short-term rental Business license or renewal thereof the person or entity applying for same must submit a notarized affidavit to the City of Riverside Revenue Department attesting that the requirements of the Section have been met.
- c) License may be revoked by the Building Inspector in the event that (i) three (3) or more

substantiated nuisance complaints are received by the City within a calendar year, or (ii) for failure to maintain compliance with any of the regulations set forth within this section.

Section II. Building code compliance required; Safety features.

a) Each Short-term rental must meet applicable building and fire codes and be equipped with the following:

- 1) Off-street parking shall be provided on the premises.
- 2) Operational smoke and carbon monoxide detectors.
- 2) One (1) 2.5 lb. Class A-B-C fire extinguisher per floor.
- 3) Prominently displayed and legible 9-1-1 address on building exterior.

b) The name and telephone number of a local responsible party shall be conspicuously posted within each short-term rental. The local responsible party shall answer and respond to calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short-term rental period to address problems or complaints associated with the short-term rental.

Section III. Other Regulations.

a) Properties located in subdivisions with current subdivision covenants supersede municipal permissive uses for Short-Term Rentals and should therefore be followed.

b) Owner must remit all applicable taxes as necessary and required by law.

SECTION THREE. Amendment to City of Riverside Zoning Ordinance. That Section 55 of Riverside Zoning Ordinance shall be amended to include:

A. Use By Right [R]. Allowed as of right; applicant need only submit the necessary plans for review to the Building Inspector.
B. Conditional Use [C]. Further review and special permission is required from the board of adjustment as per Section 152.04.
C. Not Permitted [N]. Use not allowed in this district.
D. Planning Commission Approval [P].
E. Subject to Supplemental Use District Regulations [*].

USES	DISTRICTS							B3	M1	M2
	A1	R1	R2	R3	R4	R5	INST1			
Commercial										
Short-Term Rental	R	R	R	R	R	R	N	P	N	N

SECTION FOUR. Existing Law. All other provisions and sections set forth in the City of Riverside Code of Ordinances not specifically amended herein shall remain in full force and effect.

SECTION FIVE. Severability. The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

SECTION SIX. Effective Date. The Ordinance shall be effective within the corporate limits and police jurisdiction of the City of Riverside following its adoption and publication as required by law.

ORDAINED and ADOPTED this 7th day June of 2021.

CERTIFICATION:

I, Candace Smith, as City Clerk of the City of Riverside, Alabama, hereby certify that the above Ordinance is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Riverside on the 7th day of June, 2021, as same appears in the official records of said City.

Posted at Riverside City Hall, Riverside Post Office, and Riverside Landing this the 16th day of June, 2021, in accordance with law.

Candace Smith

Candace Smith

COUNCIL ACTION	
INTRODUCED	05/17/2021
2ND READING	06/07/2021
AMENDED	
TABLED	
PASSED	06/07/2021
FAILED	
OTHER	

A-261

City of Riverside

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PARKS & RECREATION

ORDINANCE NO. 2022 - 0321

**AN ORDINANCE TO AMEND ORDINANCE 2017-0814 OF
THE CITY OF RIVERSIDE, ALABAMA, REGARDING**

PROHIBITED CONDUCT ON MUNICIPAL PROPERTY

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

SECTION ONE: Section 46-4 of the Code of Ordinances of the City of Riverside, Alabama state:

- CURRENT ORDINANCE -

Sec. 46-4. Prohibited Conduct on City Owned Property.

No Person shall engage in any of the following conduct in a City of Riverside Facility:

1. Occupy or use any portion of a City of Riverside Facilities for purposes of overnight camping except where approved by City Council.
2. Possess any type of firework(s) or explosives within any portion of a City of Riverside launching facility or public park area.
3. Allow a pet to run loose at any time within any portion of a City of Riverside park, launching facility or property. For the purpose of this Ordinance, "allow a pet to run loose" shall mean that the pet is neither on a leash held by, nor otherwise under the immediate voice control of, the person in custody of the pet.
4. Damage, destroy, deface, or remove any tree, shrub, plant, building, fence, sign, table, bench, marker, or any other equipment or structure within a City of Riverside Facility, unless necessary for the maintenance of the area as determined by the City of Riverside Council.
5. Light or maintain a fire within a City of Riverside Facility except where approved by City Council and as is necessary for the maintenance of the park or recreation area or as determined by the City of Riverside Council.
6. Cause any litter to remain in a City of Riverside Facility, including, but not limited to, any fecal matter generated by any pets or animals under the control of said person within a City of Riverside Facility.
7. Leave unattended any launched or moored watercraft at any time unless parking or retrieving the motor vehicle with trailer used to launch the watercraft.
8. Engage in the Maintenance of watercraft.
9. Leave a trailer without a motor vehicle, without proof of boat launch permit for longer than 2 hours.

Any alleged violation of section 46-1, 46-2, or 46-4 of this Ordinance may be reported to any City of Riverside employee. The City of Riverside employee may then take the proper steps to have a citation or an appearance ticket for a violation of this Ordinance.

(Ord. of 4-15-1997)

SECTION TWO. The City Council authorizes Section 46-4 of the Ordinances of the City of Riverside, Alabama to state:

Sec. 46-4. Prohibited Conduct on City Owned Property.

No Person shall engage in any of the following conduct in a City of Riverside Facility:

1. Occupy or use any portion of a City of Riverside Facility for purposes of overnight camping except where approved by City Council.
2. Occupy or use any portion of a municipal owned facility or property, for any activity in which a product or service is used for financial gain, without prior City Council approval and signed agreement.
3. Possess any type of firework(s) or explosives within any portion of a City of Riverside launching facility or public park area.
4. Allow a pet to run loose at any time within any portion of a City of Riverside park, launching facility or property. For the purpose of this Ordinance, "allow a pet to run loose" shall mean that the pet is neither on a leash held by, nor otherwise under the immediate voice control of, the person in custody of the pet.
5. Damage, destroy, deface, or remove any tree, shrub, plant, building, fence, sign, table, bench, marker, or any other equipment or structure within a City of Riverside Facility, unless necessary for the maintenance of the area as determined by the City of Riverside Council.
6. Light or maintain a fire within a City of Riverside Facility except where approved by City Council and as is necessary for the maintenance of the park or recreation area or as determined by the City of Riverside Council.
7. Cause any litter to remain in a City of Riverside Facility, including, but not limited to, any fecal matter generated by any pets or animals under the control of said person within a City of Riverside Facility.
8. Leave unattended any launched, docked, or moored watercraft at any time unless parking or retrieving the motor vehicle with trailer used to launch the watercraft.
9. Engage in the maintenance of watercraft.
10. Leave a trailer without a motor vehicle, without proof of boat launch permit for longer than 2 hours.

Any alleged violation of section 46-1, 46-2, or 46-4 of this Ordinance may be reported to any City of Riverside employee. The City of Riverside employee may then take the proper steps to have a citation or an appearance ticket for a violation of this Ordinance.

(Ord. of 4-15-1997)

SECTION FIVE: Should any section or provision of this ordinance be held invalid, such holding shall not affect the validity of any other section or provision hereof, which is not of itself invalid shall remain in full force.

SECTION SIX: All ordinances or parts of ordinances, or resolutions inconsistent with any portion of the foregoing ordinance are hereby declared invalid and are repealed.

SECTION SEVEN: This Ordinance shall become effective when adopted and published as required by law.

ADOPTED AND APPROVED THIS 4th DAY OF April, 2022.

CERTIFICATION:

I, Candace Smith, as City Clerk of the City of Riverside, Alabama, hereby certify that the above Ordinance is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Riverside on the 7th day of June, 2022, as same appears in the official records of said City.

Posted at Riverside City Hall, Riverside Post Office, and Riverside Landing this the 16th day of June, 2022, in accordance with law.

Candace Smith

Candace Smith

COUNCIL ACTION	
INTRODUCED	03/21/2022
2ND READING	04/04/2022
AMENDED	
TABLED	04/04/2022
PASSED	
FAILED	
OTHER	A-263

City of Riverside

CITY OF RIVERSIDE
COUNTY OF ST. CLAIR
STATE OF ALABAMA

379 DEPOT STREET • RIVERSIDE, ALABAMA • 205.338.7692

ORDINANCE NO. 2022 – 0801

AN ORDINANCE OF THE CITY OF RIVERSIDE, ALABAMA AMENDING CODE OF ORDINANCES CHAPTER 74 TRAFFIC AND VEHICLES.

ENGINE COMPRESSION RELEASE BREAKS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVERSIDE, ALABAMA THAT:

WHEREAS, the City of Riverside has a major highway that runs through the center of the city; and,

WHEREAS, engine compression release brakes are devices that utilizes air compression and/or rapid release of compressed air in the cylinders of diesel engines to slow or retard vehicle speed to reduce the wear and tear on brake systems of large diesel trucks and improves operator control of the truck to stabilize highway traffic flow; and,

WHEREAS, some vehicles exhaust systems are defective or are modified to evade the guidelines of the Environmental Protection Agency Title 40 Code of Federal Regulations §205.52 regulating engine compression release breaks to emit less noise; and,

WHEREAS, the City of Riverside desires to provide a reasonably quiet environment for its citizens, businesses, and visitors, and finds that the practice of engine compression release brakes emit a loud, disturbing noise that is disruptive to our citizens, businesses, and visitor's peace, comfort, and convenience; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVERSIDE, ALABAMA:

It shall be unlawful for the operator of a motor vehicle to engage or allow to be engaged, operate, or use, an engine compression release brake on any public roadway within the city limits of Riverside, Alabama.

SECTION 1. Enforcement, Exceptions, Violations and Penalties.

Enforcement.

The Supervisor of the Street Department is authorized, but is not required, to place signs in appropriate locations within the city limits, that give notice of the enforcement of this regulation (ie: "Engine Brake Ordinance Enforced" or "No Engine Compression Brakes" or "No Jake Brakes"). The provisions of this ordinance shall be in full force and effect even if no signs are installed.

Exceptions.

This ordinance shall not apply to operators of a municipal public safety vehicle or any emergency vehicle as defined in §32-1-1.1, Code of Alabama (1975)..

It shall be a complete defense to a charge of violation if defendant proves that the use was necessary to avoid imminent danger (emergency) to avoid injury or accident.

Violations and Penalties.

Any person, firm or corporation violating this ordinance can plead guilty to the charge of a "Compression Brake Violation" before a Judge or a Magistrate with the Riverside municipal court. A guilty plea would be documented as a municipal ordinance violation. The penalty for violation of the ordinance would be: \$25 plus court cost. The non-traffic standard court cost would be collected along with the fine. "Compression Brake Violation" shall be added to the magistrate schedule and such charge can be paid online without a court appearance. The payment online of the violation would constitute a guilty plea

from the Defendant. Prior to payment, the Defendant would retain the right to come before a Municipal Judge for a trial if the defendant chooses to not plead guilty to the charge.

SECTION 2. Severability.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the city council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 3. Effective date.

This Ordinance shall become effective when adopted and published as required by law..

ADOPTED AND APPROVED THIS 15th DAY OF August, 2022.

CERTIFICATION:

I, Candace Smith, as City Clerk of the City of Riverside, Alabama, hereby certify that the above Ordinance is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Riverside on the 15th day of August, 2022, as same appears in the official records of said City.

Posted at Riverside City Hall, Riverside Post Office, and Riverside Landing this the 16th day of August, 2022, in accordance with law.

Candace Smith
Candace Smith

COUNCIL ACTION	
INTRODUCED	08/01/2022
2ND READING	08/15/2022
AMENDED	
TABLED	
PASSED	08/15/2022
FAILED	
OTHER	

City of Riverside

CITY OF RIVERSIDE
COUNTY OF ST. CLAIR
STATE OF ALABAMA

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ORDINANCE NO. 2022 – 0802

AN ORDINANCE OF THE CITY OF RIVERSIDE, ALABAMA AMENDING CODE OF ORDINANCES

FALSE ALARM NOTIFICATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVERSIDE, ALABAMA THAT:

WHEREAS, the City of Riverside finds that false alarms arising from alarm systems in the city constitute a hazard to the safety of Police Officers and Firefighters of the City of Riverside and the public in general.; and,

WHEREAS, false burglary and fire alarms enhance the dangers of Automotive and public safety vehicle collisions enroute to Burglary and Fire alarms, substantially increase public safety personnel manhour costs, and divert public safety personnel and equipment from availability for necessary police and fire protection; and,

WHEREAS, a **False Alarm Notification** is defined as an alarm signal transmitted or made by an alarm system, which indicates the existence of a fire or burglary in progress when, in fact, no such fire or burglary exists, and necessitating a response by public safety personnel of the City of Riverside including the Police or Fire Department or both; and,

WHEREAS, the City further finds that an audible-type alarm which emits a continuous audible sound for more than 15 consecutive minutes is hereafter considered a public nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVERSIDE, ALABAMA:

It shall be unlawful for any person to operate or maintain an alarm system on any premises owned by him or under his charge, control, or possession, which transmits or emits, within any calendar year, an excess of three (3) false alarms.

SECTION 1. Violations and Penalties.

Violations and Penalties.

The owner of the premises of the alarm that generates repeated false alarm notifications shall be charged a penalty as set forth below:

1. First thru Third FAN -	Warning only
2. Fourth thru Sixth FAN -	\$50 Fine per occurrence
3. Seventh and subsequent FAN -	\$100 Fine per occurrence

The penalty shall be due by the tenth day of the month following written notice of the violation. All service charges will be doubled after the twelfth false alarm received in a twelve-month period.

SECTION 2. Severability.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the city council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 3. Effective date.

This Ordinance shall become effective when adopted and published as required by law.

ADOPTED AND APPROVED THIS 15th DAY OF August, 2022.

CERTIFICATION:

I, Candace Smith, as City Clerk of the City of Riverside, Alabama, hereby certify that the above Ordinance is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Riverside on the 15th day of August, 2022, as same appears in the official records of said City.

Posted at Riverside City Hall, Riverside Post Office, and Riverside Landing this the 16th day of August, 2022, in accordance with law.

Candace Smith
Candace Smith

COUNCIL ACTION	
INTRODUCED	<u>08/01/2022</u>
2ND READING	<u>08/15/2022</u>
AMENDED	
TABLED	
PASSED	<u>08/15/2022</u>
FAILED	
OTHER	

City of Riverside

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ORDINANCE No. 2022-0919

AN ORDINANCE TO AMEND ORDINANCE NO. 2019-0917 PERTAINING TO BUSINESS LICENSES ISSUANCE FEE OF THE CITY OF RIVERSIDE, ALABAMA.

SECTION ONE:

WHEREAS, every five years, the Alabama Department of Revenue (ALDOR) is responsible for establishing and publishing adjustments to municipal business license issuance fees per Section 11-51-90, Code of Alabama 1975.

WHEREAS, based on the U.S. Department of Labor's Producer Price Index, municipal business license issuance fees remain or may be adjusted to a maximum amount of \$14, at the discretion of each municipality, for the license year beginning January 1, 2023.

BE IT ORDAINED, by the City Council of the City of Riverside, Alabama that Ordinance 2019-0917 of the City of Riverside, Alabama, shall be amended to reflect the following:

SECTION ONE:

SECTION 11. LICENSE TERMS – MINIMUMS.

The license term and the minimum amount for a business license are as follows:

(c) Issue Fee. For each license issued there shall be an issue fee collected of Fourteen Dollars (\$14.00), and said issue fee shall be collected in the same manner as the license tax.

The issue fee shall be reviewed and increased every (5) years by the Department of Revenue as prescribed in § 11-51-90(a)(2), Code of Alabama, 1975, as amended.

Except as revised by this amendment all other items in Ordinance 2019-0917 shall remain.

SECTION TWO:

Should any section or provision of this ordinance be held invalid, such holding shall not affect the validity of any other section or provision hereof, which is not of itself invalid shall remain in full force. All ordinances or parts of ordinances, or resolutions inconsistent with any portion of the foregoing ordinance are hereby declared invalid and are repealed.

SECTION THREE:

This Ordinance shall become effective when adopted and published as required by law.

ADOPTED AND APPROVED THIS 17th DAY OF October, 2022.

CERTIFICATION:

I, Candace Smith, as City Clerk of the City of Riverside, Alabama, hereby certify that the above Ordinance is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Riverside on the 17th day of October, 2022, as same appears in the official records of said City.

Posted at Riverside City Hall, Riverside Post Office, and Riverside Landing this the 18th day of October, 2022, in accordance with law.

Candace Smith
Candace Smith

COUNCIL ACTION	
INTRODUCED	09/19/2022
2ND READING	10/17/2022
AMENDED	
TABLED	10/17/2022
PASSED	
FAILED	
OTHER	A-268

City of Riverside

CITY OF RIVERSIDE
COUNTY OF ST. CLAIR
STATE OF ALABAMA

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ORDINANCE NO. 2022 – 1205

AN ORDINANCE OF THE CITY OF RIVERSIDE, ALABAMA TO AUTHORIZE THE OPERATION OF MEDICAL CANNABIS DISPENSARIES WITHIN THE CORPORATE LIMITS OF THE CITY OF RIVERSIDE

WHEREAS, on May 17, 2021, the Governor of the State of Alabama signed into law the Darren Wesley “Ato” Hall Compassion Act, codified at Ala. Code, 1975, § 20-2A-1, et seq. (the Act), authorizes the cultivation, processing, and sales of cannabis products for medical use by patients with a qualifying medical condition and a valid medical cannabis card; and

WHEREAS, the Act requires the Alabama Medical Cannabis Commission to adopt rules that ensure safety, security, and integrity of the operation of medical cannabis facilities and protect the health, safety, and security of the public, thus heavily regulating all aspects of the medical cannabis industry, including dispensary operations, (See §§ 20-2A-50 – 20-2A-68, Code of Alabama); and,

WHEREAS, a dispensary, including a dispensary under an Integrated Facility License, may only operate in a municipality if the municipality has passed an ordinance authorizing the operation of dispensaries within the municipality’s corporate limits; and

WHEREAS, the operation of a medical cannabis dispensary in the City of Riverside will provide new revenue through business licensing and other taxes; and,

WHEREAS, the Council finds that it is in the best interest of the public health, safety, and welfare to authorize the operation of medical cannabis dispensing facilities within the City of Riverside, subject to the strict regulation and oversight of the Act and the Alabama Medical Cannabis Commission.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Riverside as follows:

SECTION 1.

- (a) The operation of medical cannabis dispensaries within the corporate limits of the City of Riverside is authorized, subject to any applicable zoning restrictions the City may adopt pursuant to Ala. Code, 1975, § 20-2A-51(c)(3).
- (b) The operation of any facility, regardless of type, licensed by the Alabama Medical Cannabis Commission within the City of Riverside shall comply with the Commission’s strict regulation and oversight and shall comply with all laws and ordinances for the operation of a business within the City, including, but not limited to business licensing and other required taxes, and with all applicable ordinances and codes for location, construction, and sanitation of business premises within the City of Riverside.
- (c) This ordinance shall be interpreted with respect to the Darren Wesley “Ato” Hall Compassion Act, Ala. Code, 1975, § 20-2A-1, et seq. and the rules of the Alabama Medical Cannabis Commission, as either is now or may hereafter be amended.

SECTION 2.

A certified copy of this ordinance shall be submitted within seven days of its adoption to the Alabama Medical Cannabis Commission by the City Clerk, as provided in Ala. Code, 1975, § 20-2A-51(c)(2).

SECTION 3. SEVERABILITY. The provisions of this ordinance are severable. If any part of this ordinance is determined by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, such determination shall not affect any other part of this ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective when published as required by law.

ORDAINED and ADOPTED this 5th day of December , 2022.

CERTIFICATION:

I, Candace Smith, as City Clerk of the City of Riverside, Alabama, hereby certify that the above Ordinance is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Riverside on the 5th day of December , 2022, as same appears in the official records of said City.

Posted at Riverside City Hall, Riverside Post Office, and Riverside Landing this the 6th day of December , 2022, in accordance with law.

Candace Smith

Candace Smith

COUNCIL ACTION	
INTRODUCED	<u>11/21/2022</u>
2ND READING	<u>12/05/2022</u>
AMENDED	
TABLED	
PASSED	<u>12/05/2022</u>
FAILED	
OTHER	

