

**RESOLUTION OF THE  
CALHOUN COUNTY COMMISSION**

WHEREAS, the Calhoun County Commission (herein sometimes “Commission”) has received complaints from citizens about flooding, and illegal dumping and littering; and

WHEREAS, certain flooding is being caused by grass clippings, tree limbs, tree trunks, and other rubbish, garbage, ashes and solid wastes being discarded or left in ditches, next to Calhoun County (herein sometimes “County”) roads, that are part of the County road system and necessary for the proper drainage thereof, or part of the County drainage system; and

WHEREAS, flooding due to ditches being clogged causes flooding of certain portions of County roads used for travel and thus creates a potentially dangerous condition to those using the roads for travel, causes damages to the certain portions of roads used for travel, and causes the flooding of property of citizens causing damage thereto; and

WHEREAS, the Commission desires to the extent possible to provide for the safety of the traveling public, and to the extent possible to prevent flooding that may cause damage to property or a danger to persons; and

WHEREAS, illegal dumping and disposal of waste and littering causes not only a health hazard and potential danger to the public, but also an eyesore;

NOW, THEREFORE BE IT RESOLVED by the Commission that, pursuant to § 23-1-80, Code of Alabama 1975, and as otherwise authorized by law, the Commission directs that no person or entity discard, place and/or leave grass clippings, tree limbs, tree trunks, rubbish, garbage, ashes and/or solid wastes in the right-of-way of any County road, or in any ditch which is adjacent to and part of a County road right-of-way, or part of the County drainage system; and

FURTHER, BE IT RESOLVED by the Commission that it directs that the Calhoun County Environmental Enforcement Officer continue to issue warnings as appropriate, and if and as necessary and appropriate seek the enforcement of the Solid Wastes Disposal Act, and other laws, if and as allowed, to prevent the discarding, placing and/or leaving of grass clippings, tree limbs, tree trunks, rubbish, garbage, ashes and/or solid wastes in the right-of-way of any County road, or in any ditch which is adjacent to and part of a County road right-of-way or part of a County drainage system, and to cause the clean-up thereof, and that the Commission requests that the Sheriff of Calhoun County, and Deputies of the Sheriff of Calhoun County, and other law enforcement officers enforce applicable laws, as necessary and appropriate, to prevent persons or entities from discarding, placing and/or leaving grass clippings, tree limbs, tree trunks, rubbish, garbage, ashes and/or solid wastes in the right-of-way of any County road, or in any ditch which is adjacent to and part of a County road right-of-way, or part of a County drainage system, and to cause the clean-up thereof; and

FURTHER, BE IT RESOLVED, that this resolution does not revoke the resolution of the Commission, adopted October 12, 2000, concerning it not being permissible for persons or entities to use County road rights-of-way for commercial purposes, or any other resolution, rule or regulation heretofore adopted, established, or promulgated by the Commission concerning the use of, or design or requirements for County roads and/or road rights-of-way.

I, Kenneth L. Joiner, Administrator/Treasurer for the Calhoun County, Alabama, hereby certify that the above is a true and correct copy of a resolution adopted by the Calhoun County Commission at its regular, duly called meeting on Thursday, July 24, 2003.

Done this 24<sup>th</sup> day of July, 2003.

Kenneth L. Joiner,  
Administrator/Treasurer