

ORDINANCE NO 1649

AN ORDINANCE TO REPEAL ORDINANCE NUMBER 1580 AND ANY AMENDMENTS THERETO; TO PROVIDE FOR AND REGULATE THE COLLECTION AND DISPOSAL OF RESIDENTIAL GARBAGE, TRASH, REFUSE AND WASTE; TO PROVIDE FOR FEES FOR COLLECTION OF RESIDENTIAL GARBAGE, TRASH, REFUSE AND WASTE; AND TO PROVIDE FOR PENALTY FOR THE VIOLATION OF SAME.

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

SECTION I. Definitions.

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively prescribed to them by this Section, together with the usual meanings thereof, unless the context clearly indicates otherwise:

1. "City" shall mean the City of Talladega, Alabama, a municipal corporation, acting through the City Council, City Manager, City Clerk or City employees designated by the City Manager as the case may be.
2. "Contractor" shall mean a corporation, business or individual who agrees, for a stipulated sum, to perform the work or service, or to furnish materials or equipment, or both, in connection with the collection and disposal of garbage, trash, refuse and waste.
3. "Disposal Site" shall mean the location at which all collected refuse is disposed of by the Contractor, its agents, servants or employees, and which qualifies as a sanitary landfill operation approved by the City and all other County and State agencies who hold jurisdiction over such matters.
4. "Garbage" shall mean every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use in cooking and dealing in or storage of meats, fish, fowl, fruit or vegetable; any matter of any nature whatsoever, which is subject to decay and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ carrying insects; and any bottles, cans or other containers, which due to their facility to retain water, may serve as breeding places for mosquitoes or other insects.
5. "Garbage Containers" shall mean a 95-gallon wheeled container provided by the Contractor.
6. "Limited Trash" shall mean any material provided for in this ordinance as long as it does not exceed six cubic yards (6 cu. yds.) per collection point.
7. "Recycling/Recyclables" shall mean cardboard, newspaper, magazines, aluminum cans, tin cans and #1 and #2 plastics, but shall not include glass.
8. "Refuse" shall mean all trash, rubbish, paper, glass, metal and other discarded matter which is abandoned for disposal.
9. "Refuse Regulations" shall mean those regulations described and adopted by the City, or any other governmental entity or agency together with such administrative rules, regulations and procedures as may be established regarding the collection and disposal of all residential refuse, garbage, trash and waste.
10. "Resident" shall mean any adult person occupying a residential dwelling unit within the corporate limits of the City and any person occupying a residential dwelling unit within the police jurisdiction of the City who is receiving water service from the City.
11. "Residential Service" shall mean the municipal refuse collection service available to persons occupying residential dwelling units within the corporate limits of the City who have not contracted for commercial refuse collection service and all persons occupying residential dwelling units within the police jurisdiction of the City who are receiving water service from the City.
12. "Unlimited Trash" shall mean any material provided for in this ordinance with no restrictions with regard to bulk.
13. "Yard Waste" shall mean limbs cut into maximum six ft. (6') lengths with a maximum of ten inches (10") in diameter, bagged grass clippings, pine straw and bagged leaves.

SECTION II. Garbage Collection.

1. Every resident shall be required to use residential service and to pay the fees due therefor unless they have contracted for commercial refuse collection service and furnish evidence of such contract to the City Manager or the City Manager's designee. Each resident receiving residential service shall be furnished, by the City or its Contractor, a garbage container as approved by the City.
2. The City shall establish weekly scheduled residential service and may amend the schedule from time to time.
3. Each adult resident shall be responsible for placing all household garbage in the appropriate furnished garbage container and placing the garbage container beside the curb of the street, or adjacent to the street if no curb exists, of each residence for a period of up to and including two (2) days prior to the day designated (a total of three days per week) by the City for the pick-up of the resident's garbage.
4. It shall be unlawful to allow any garbage container or garbage to remain along the curb/street at any time other than the three days heretofore specified.
5. It shall be unlawful to place household garbage on top of or beside the furnished garbage container regardless if such garbage is placed in any other type container or bag.
6. It shall be unlawful for any person to remove the furnished garbage container from the property of that person to which it was furnished and it shall also be unlawful to damage, destroy, or disfigure any such garbage container provided for residential garbage service.
7. Any resident who due to disabling condition is unable to properly transport the furnished garbage container to the curb in front of the resident's respective residence, may apply for special rear door service. To be eligible for such service, the City must certify that all occupants of said residence are unable to transport said garbage container to the curb/street side in front of their respective residence.
 - (A). The City Manager's office shall prepare the necessary applications for said special service and the City Manager, or the City Manager's designee, shall approve all applications. Said applications may be approved for such period of time as may be proper to comply with the provisions hereof. In the event the City Manager denies any application for special rear door service, a majority of the City Council may grant said application.
 - (B). Any person submitting such an application for special service which contains false or misleading information shall be guilty of a violation of this Ordinance and shall be punished in accordance with the provisions thereof.
8. It shall be unlawful for any person to dump, spill or in any way intentionally cause the contents of any garbage container to be spilled or scattered outside the garbage container. Each such act shall be deemed a separate offense and punishable as provided herein.

SECTION III. Yard Waste/Trash/Refuse (Limited and Unlimited) Collection.

1. The City shall establish a weekly pick up schedule for refuse, yard waste, limited trash and unlimited trash. This scheduled pick up will be the same as scheduled for residential garbage. Residents (except as noted hereinafter) will be allowed to place refuse, yard waste and limited or unlimited trash beside curb of the street, or adjacent to the street if no curb exists, of each residence for a period of up to and including two (2) days prior to the day designated (a total of three days per week) by the City for the pick-up of the refuse, yard waste, limited trash and unlimited trash.
2. All residential refuse, yard waste, limited trash and unlimited trash shall be deposited for pick up by the City adjacent to, and within the right-of-way of, the public street upon which the resident's property abuts, but not in the paved, improved or traveled portion of a public street or gutter thereof.
3. All residential yard waste comprised of grass clippings, leaves and/or pine straw shall be contained for pick up by the City, as provided herein, and the containers thereof shall be deposited adjacent to, and within the right-of-way of, the public street upon which the resident's property abuts. The containers shall be suitable paper or plastic trash bags, which shall meet or exceed the following specifications:
 - (A). PC-SOS (square bottom bags, 16" x 12" x 35") 2/50 (two ply fifty pound wet strength; each ply natural craft wet strength paper with water repellent glue;) or

(B). Heavy Duty plastic trash can liners thirty gallon capacity or larger. All bags shall be tightly closed with suitable fastening devices.

4. Those citizens who do not wish to utilize bags, may purchase, directly from the contractor, an additional 95-gallon garbage container at the current rate. Grass clippings, leaves and/or pine straw may be placed in these containers. Such additional container shall be placed at approved curb site during the same 3-day period as approved for residential garbage pick-up for that location.

5. It shall be unlawful for any person to place any refuse, yard waste, limited trash and unlimited trash at or along the curb/street right-of-way except on the scheduled days.

6. It shall be unlawful for any person, property owner and/or contractor, undertaking any property or lawn maintenance, including, but not limited to: tree trimming/cutting, grass cutting, and shrub trimming, to place any yard waste, trash or debris generated from such work on the curb, street or City right-of-way. The owner and/or contractor is responsible for disposing of this material.

7. It shall be unlawful for any person owning or managing any rental property of any kind, including, but not limited to: housing projects, apartments, single residences and mobile home parks, to place refuse, yard waste, limited trash and unlimited trash accumulated when cleaning up their property vacated by a tenant, on the curb and/or City right-of-ways. The rental property owner/agent is responsible for properly disposing of this material.

8. It shall be unlawful for any person, property owner and/or contractor, undertaking any building, refurbishing, demolition or work of any kind upon any building or structure of any kind, to place any trash, building materials and debris which accumulates upon the premises where such work is being undertaken, on the curb, street or City right-of-way. The owner and/or contractor is responsible for disposal of this material as provided otherwise by law.

SECTION IV. Fees.

1. It shall be the duty of any person, firm or corporation receiving residential service to pay the charges for residential service whether billed or otherwise.

2. Commencing with the service to be rendered starting on the adoption of this ordinance, and continuing thereafter until amended, the following charges will be collected by the City of Talladega, Alabama, for the collection, hauling and disposal of residential refuse, yard waste, limited trash and unlimited trash as defined in this ordinance: The collection rate for residential service shall be as follows: \$18.95 per month for the term of the first year following the adoption of this ordinance; \$19.95 per month for the second year following the adoption of this ordinance; and \$20.95 per month for the third year following the adoption of this ordinance. Thereafter, the collection rate may be changed from time to time by the City Council by amendment to this ordinance.

3. Persons responsible for maintaining housing projects, apartment complexes with more than six units or dormitories or other like multiple residences may obtain commercial service as shall be approved by the City. Any such facility having obtained permission for the use of commercial service shall not be charged for the collection of residential garbage.

4. Any exemptions granted to any resident for the waiver of the charges as provided for herein, must be approved by the City Manager and a majority of the City Council.

SECTION V. Penalties for Violation.

1. Any person violating any of the provisions of this ordinance or any section or provision hereof, or any person doing any act or thing declared by this ordinance to be unlawful, shall be guilty of a misdemeanor; and upon conviction, shall be punished as follows: the first offense shall be a fine of \$25.00; the second offense shall be a fine of \$50.00; the third offense shall be a fine of \$100.00. Each violation shall be considered a separate offense.

SECTION VI. Miscellaneous.

1. All ordinances or parts of ordinances of the City of Talladega, Alabama, and any resolutions adopted by the City Council of the City of Talladega that conflict with provision of this ordinance are hereby repealed.
2. If for any reason any clause, sentence, section, sub-section or provision of this ordinance, or the application therefore, to any person or circumstance, is held invalid or inoperative or unconstitutional, the remainder of the ordinance and the application thereof to all other persons and circumstances shall not be affected thereby.
3. This ordinance is enacted in the exercise of the lawful police powers of the City of Talladega, Alabama, for the preservation of the public health and safety of the citizens of Talladega, Alabama, and shall become effective immediately after its publication as provided by law.

SECTION VII. Effective Date.

This ordinance shall take effect immediately upon its passage and publication as provided by law.

SECTION VIII. Repeal.

Upon the effective date of this ordinance, Ordinance Number 1580 and any amendments thereto are hereby repealed.

Member of Council

Member of Council

Member of Council

Member of Council

Member of Council

APPROVED this 24th day of November, 2008.

City Clerk