

CHAPTER 12
ARTICLE FIVE
SOLID WASTES

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ORDINANCE NO. 2006-1596

**AN ORDINANCE CONCERNING WASTE
DISPOSAL IN THE CITY OF ATHENS, ALABAMA**

WHEREAS, the City of Athens provides collection services for garbage and trash within the city limits of the City of Athens;

WHEREAS, it has become desirable to bring various city ordinances and regulations regarding solid waste collection together as one city ordinance;

WHEREAS, the City Council has previously determined and continues to deem it necessary to the tranquility of a well ordered community, to secure the general comfort, health and general prosperity of the City and its citizens, that every person, household, business, industry or property generating garbage and trash shall participate in and subscribe to the City of Athens collection services unless granted a Certificate of Exception;

WHEREAS, it is and has been for many years a traditional governmental service of the City of Athens to provide garbage and trash collection pursuant to various state laws, including § 22-27-3 of the *Code of Alabama*;

WHEREAS, the City Council desires to ensure that all commercial enterprises in the City will be provided collection services, to limit the likelihood of illegal dumping, to ensure all commercial enterprises within the City will be provide collection services at the same price for the same service, to permit the City to offer as a part of a comprehensive and efficient program for waste collection of discarded appliances and like material and to minimize the health and sanitation hazards; and

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

Section 1. This ordinance shall be known as the “Solid Wastes and Trash Ordinance of the City of Athens Alabama.”

Section 2. Sections 130 through 142 of Chapter 12, Article 5 of the Code of Ordinances of the City of Athens, Alabama are hereby repealed and the following provisions are enacted and inserted into Chapter 12 as follows:

Sec. 12-130 Title; Mandatory Service

(a) Every person, household, business, industry or property within the city limits of the City of Athens generating solid waste shall participate in and subscribe to the waste collection services operated by the sanitation department. A person, household, business, industry or property shall not be subject to such mandatory participation if that entity is granted a Certificate of Exception or exemption pursuant to the Solid Wastes

Disposal Act, or was sharing services for a period of at least six (6) months as provided in the Solid Wastes Disposal Act.

(b) Any business, industry or other property within the City Limits of the City of Athens generating solid wastes that comes into existence or that operates at a new location shall, upon opening the same, immediately participate in and subscribe to the City of Athens Sanitation Department for the collection of such solid wastes.

Sec. 12-131 Definitions

The following words and terms when used in this Article shall have the meanings respectively ascribed to them by this section, unless the context clearly indicates otherwise.

Bulk container shall mean any dumpster or stationary storage facility placed for the containerization of solid waste at a business, multiple dwelling complex, industrial or construction site approved by the sanitation department.

Bulk trash shall mean items such as furniture, appliances, limbs and yard waste (bagged grass clippings, shrubbery trimmings), that is generated by the homeowner or tenant. Bulk trash shall not include contractor waste.

Cart shall mean a portable watertight receptacle or container required, approved and furnished by the sanitation department.

Commercial Customers shall mean those customers who receive sanitation services from the city with respect to any business, industry or commercial enterprise.

Contractor waste shall mean solid wastes generated by a contractor in connection with for work performed either directly or indirectly with respect to tree maintenance, landscaping, remodeling, construction, refurbishment, or other activity intended to construct, improve, maintain, or perform work related to any structure, premises, or real property. The term “contractor waste” shall also include, but shall not be limited to, material delivered, generated or excavated during a contractor’s construction practices; debris (such as concrete, lumber, landscaping, stumps, and limbs) from a contractor’s work.

Contractor shall mean anyone (licensed or unlicensed) who receives any type of compensation for work performed either directly or indirectly with respect to tree maintenance, landscaping, remodeling, construction, refurbishment, or other activity intended to construct, improve, maintain, or perform work related to any structure, premises, or real property.

Curbside shall mean that area in front of the house immediately behind the curb of the street; and where there is no curb and gutter, that area in front of the house nearest and most convenient to the traveled portion of the street, the use of which will not block,

hinder or obstruct, vehicular or other traffic lawfully using the street. Where alleys provide access suitable for solid waste pickup, the words "curbside" shall also mean that area in the rear of the house most convenient to the traveled portion of the alley, the use of which will not block, hinder or obstruct vehicular or other traffic lawfully using the alley.

Customer shall mean tenant, lessee, occupant, or owner of a premises that receives sanitation services from the city as provided herein.

Hazardous Waste shall mean a substance or object which may pose an unreasonable risk to health and safety or property, including those wastes defined in the Hazardous Waste Management Act of 1978, as amended (Section 22-30-21 et seq. of the *Code of Alabama*).

Person shall be defined as any individual, trust, firm, association, corporation, limited liability company, partnership, contractor, or other private or public legal entity.

Recycling Bins shall mean any container approved and furnished by the sanitation department with respect to the collection of recyclable materials.

Residential Customers shall mean those customers who receive sanitation services from the city with to residential property and dwellings.

Sanitation department shall mean the City of Athens Sanitation Department and/or refuse collection and disposal service supervised by the city sanitation department.

Sanitation manager shall mean the head of the City of Athens Sanitation Department, or his designated agent.

Solid Waste(s) shall have the same meaning as found in the Solid Wastes Disposal Act, both now and as hereafter amended. Solid waste does not include liquid waste.

Solid Wastes Disposal Act shall mean the Solid Wastes Disposal Act located at Article 1, Chapter 27, of Title 22 of the *Code of Alabama*, both now and as hereafter amended.

Sec. 12-132 Administration; Enforcement; General Offenses.

(a) The sanitation manager is assigned the primary responsibility of administration of this Article and, with the assistance of the Athens Police Department, is granted the authority expressly and impliedly needed and necessary for enforcement.

(b) It shall be unlawful and an offense against the City for any person to violate any provision of this Article.

(c) With respect to violations of this Article that are continuous with respect to time, each day shall constitute a separate offense. With respect to violations of this Article that are not continuous as to time, each act constitutes a separate offense.

(d) Nothing in this Article shall preclude the sanitation manager from seeking voluntary compliance with the provisions of this Article through notices to comply, warnings, or other informal devices designed to achieve compliance in the most efficient and effective manner under the circumstances.

(e) It shall be unlawful for any person within the corporate limits of the city that is in possession of, in charge of, or in control of any premises to keep or cause to be kept solid wastes in a manner that it is offensive or deleterious to the health or safety of persons, or will become offensive or deleterious to the health or safety of persons.

(f) It shall be unlawful for any person to illegally dump, or cause to be illegally dumped, any solid wastes upon any property within the corporate limits of the city.

(g) It shall be the responsibility of any person contracted to do work within the City Limit of Athens, Alabama to remove all residue and rubbish resulting from said work.

(h) The sanitation department is hereby authorized to promulgate additional rules and regulations concerning solid waste collection service that carry out this Article and do not contradict any of the provisions of this Article.

Sec. 12-133 Penalty for violations.

(a) Any person violating this Article shall be cited a fine of not less than \$50.00 nor more than \$200.00.

The City's law enforcement officers are authorized to issue a summons and complaint to any person charged with violating this Article in lieu of placing such persons under custodial arrest.

(b) Notwithstanding Section 12-133(a), any person convicted of a violation of Section 12-132(e), Section 12-132(f), and/or Section 12-134(d) shall be punished by a fine of not less than one dollar nor more than \$500.00, or by imprisonment for a period not exceeding six months, or by any combination thereof

(c) With respect to any violation of this Article, there shall be a rebuttable evidentiary presumption that a customer is responsible for any violation of this Article that occurs at the premises, property, business, or residential dwelling of that customer.

Sec. 12-134 General Solid Waste Collection Requirements

- (a) Solid waste collection for residential customers will be collected at the curbside-at the time(s) and date(s) scheduled by the sanitation department. Residential customers shall be subject to the rate schedule set forth in Section 12-142.
- (b) Solid waste collection for commercial customers will be collected at the time(s) and date(s) scheduled by the sanitation department. Commercial customers shall be subject to the rate schedule set forth in Section 12-143.
- (c) The sanitation department shall not pick up any contractor waste.
- (d) Contractors are hereby required to remove and properly dispose of any contractor waste.
- (e) When a contractor has been or is working for a customer, that customer shall not place or cause to be placed any contractor waste for collection by the sanitation department.
- (f) Solid waste shall be placed in an area that is free from hazards to the sanitation workers during the collection process.
- (g) No hazardous waste shall be collected by the sanitation department. All persons are required to dispose of hazardous waste according to all applicable state, federal, and local laws.
- (h) No appliances with compressors shall be left for collection by the sanitation department unless the compressor and any Freon or similar gas has been properly removed.
- (i) No solid wastes will be collected from a vacant lot.
- (j) Solid waste shall not be placed in any drainage system within the City Limits.
- (k) All customers (residential and commercial) must keep solid waste contained in containers approved by the sanitation department, unless otherwise specified herein.
- (l) Animals shall be leashed or in a fenced in area so as to prevent harm to employees of the Sanitation Department engaging in the collection of solid wastes pursuant to this Article.
- (m) All doors must be removed from any discarded household appliances before placed for collection.

Sec.12-135 Cart Service

- (a) Residential customers shall utilize the sanitation department's cart service for solid wastes collection.
- (b) Except as otherwise provided in this Article, no residential customer shall permit to accumulate upon his premises any solid wastes except in carts with lids closed at all times.
- (c) Pickup dates and times shall be determined by the sanitation department. Carts shall be placed at the curbside no sooner than the afternoon on the day before the pickup date scheduled by the sanitation department or later than 6:00 a.m. on the day of the pickup scheduled by the sanitation department. Carts shall be removed from the curbside by 8:00 a.m. on the day following your scheduled pickup.
- (d) All residential customers shall be provided one (1) cart for solid waste subject to removal by the sanitation department. The cart shall be assigned to the property owner (individual property owner or landlord) or his designee (tenant).
- (e) Commercial customers wishing to use cart service may do so at their election, but will pay for cart service based on commercial rates and will also be required to adhere to all provisions of this Article related to the use of cart service.
- (f) Except as otherwise provided in this Article, no solid waste will be collected that is not in cart(s) provided by the City.
- (g) Additional carts shall be stocked by the City and can be obtained upon request if one (1) cart is not sufficient to contain the amount of solid waste a customer generates. An additional cost per month will be added to the customer's monthly sanitation fee for each additional cart.
- (h) The cart shall not be removed from the premises to which it is assigned. The cart is the property of the City. Upon removal of the cart(s) from the premises to which it is assigned, the property owner shall be billed for a new cart(s). All carts shall be subject to the approval of the Sanitation Manager.
- (i) Every person shall dispose of solid waste in a clean and sanitary manner by placing it in bags before putting it in the cart. It is the responsibility of the residential customer to keep solid wastes contained in the cart.
- (j) No liquid waste shall be placed in the cart.
- (k) When there is any question as to where a cart(s) will be placed for service at the curbside, the Sanitation Manager shall determine the area considered to be the collection point for the location.

(l) Any residential customer who is disabled to the extent of being incapable of moving a cart and who obtains a physician's certificate as to this disability shall not be required to place the cart at curbside. This section shall not apply unless all of the persons in a residential unit above the age of twelve are disabled and obtain a physician's certificate. These certificates shall be mailed to the Sanitation Manager for appropriate notification of pickup crews.

(m) No collection personnel are permitted to enter houses or buildings, garages, fenced areas, carports or porches for collection of solid wastes.

(n) It shall be unlawful for any person to remove any solid wastes or recycling materials from the curbside after such has been placed for city pickup with the exception of the residential customer or under the orders of the Sanitation Manager or employees of the sanitation department.

(o) It shall be the responsibility of the residential customer to take proper care of the cart. If the cart is stolen or damaged from improper use or neglect, it shall be the responsibility of the residential customer pay for the replacement the cart. The Sanitation Manager shall have the authority to determine when a cart becomes unserviceable and advise the property owner of the appropriate action needed.

(p) No materials shall be placed in a cart that will cause damage to the cart. The following types of materials may cause damage to the cart and shall not be deposited in the cart: vehicle or motor parts, batteries, concrete blocks, tree stumps, ashes, charcoal, paints, solvents, or other flammable materials.

Section 12-136 Bulk Trash Collection Service

(a) The City will provide bulk trash collection service for residential customers to discard household items (such as furniture and appliances) and yard waste (such as bagged grass clippings and weeds, branches, shrubbery trimmings, and leaves) that (i) are generated from a residential customer's dwelling and residential property, (ii) will not fit in the cart or are not permitted to be placed into the cart, (iii) are otherwise not prohibited from pickup by this Article, and (iv) are not deemed too large or impractical for collection and handling by the sanitation department's resources according to the sanitation manager. Bulk trash may be placed at curbside for collection and no later than 6:00 a.m. on the day of the pickup scheduled by the sanitation department. Pickup dates and times for bulk trash collection service shall be determined by the sanitation department.

(b) This collection method is not available for items of over eight (8) feet in length and/or four (4) inches in diameter.

(c) Bulk trash collection service for each residential dwelling will be limited to

approximately 4 (four) cubic yards per week, approximately 12' long x 3' wide x 3' high. Residential customers can elect to have the sanitation department remove bulk trash in excess of 4 (four) cubic yards per week for a charge per half trailer load (said load being roughly equivalent to approximately 10 cubic yards), so long as the residential customer and the sanitation department make the needed arrangements and the residential customer pays said charges before the collection. If a residential customer has more than 4 (four) cubic yards of bulk trash per week but does not make such arrangements and election, then it will be the responsibility of the residential customer to properly dispose of bulk trash that is in excess of 4 (four) cubic yards. A residential customer will have 5 (five) calendar days to remove any bulk trash in excess of 4 (four) cubic yards from the property after being notified to do so by sanitation department.

(d) Bulk trash collection for commercial customers shall be based on the fee schedule in Section 12-143.

Section 12-137 Recycling Collection Service

The City will provide a recycling collection service for residential customers to discard certain recyclable items at curbside in recycling bins, as specified by the sanitation manager. The City will furnish one recycling bin at the request of the customer, subject to such rules as the sanitation manager may apply concerning the use and availability of the bins. Pickup dates and times shall be determined by the sanitation department. Recycling bins may be placed at curbside for collection no sooner than the afternoon on the day before the pickup date scheduled by the sanitation department and no later than 6:00 a.m. on the day of the pickup scheduled by the sanitation department. Recycling bins shall be removed from the curbside by 8:00 a.m. on the day following your scheduled pickup.

Sec. 12-138 Bulk Container Service

(a) Commercial customers shall utilize the sanitation department's bulk container service for solid waste collection.

(b) No commercial customer shall permit to accumulate upon his premises any solid wastes except in bulk containers with lids and doors closed at all times.

(c) Pickup dates and times shall be determined by the sanitation department.

(d) Commercial customers pay a monthly charge for bulk container service based on the size of the bulk container and the number of pickups per week. Commercial customers will also pay a set-up fee. The minimum service of one (1) pickup per week is required.

(e) Commercial customers located next to each other may share the use of a bulk container with the approval by the Sanitation Manager. In such cases, both commercial customers will be responsible for adhering to the regulations set forth in this Article.

(f) The commercial customer and/or the owner of the property on which the bulk container is located (including the owner's agent) will be responsible for the implementation of the following rules and regulations related to bulk container service:

1. Each bulk container must be located at a sufficient distance from the lot line as not to interfere with the safety or health of abutters or residents and situated so as not to obstruct the line of sight of traffic.
2. The Sanitation Manager may require that the property owner or authorized agent enclose or screen the bulk container site when deemed necessary to ensure proper containment of waste.
3. The bulk container must be maintained free of odors, scattered debris, overflowing, and all other nuisances.
4. Each bulk container must be of sufficient size and capacity to eliminate overflowing, and the property owner or authorized agent of the premises utilizing the service must take appropriate action immediately to empty contents when full.
5. Bulk containers cannot be overfilled. Bulk containers that are filled over the top will be subject to an automatic increase in the level of service at the discretion of the Sanitation Manager.
6. Bulk container enclosures cannot be used for storage.
7. Bulk container lids and doors must be kept closed.
8. Styrofoam "peanuts" shall be placed in bags to prevent spillage when the bulk container is emptied.

(g) The following items cannot be placed in bulk containers, and commercial customers shall be responsible for all damage caused by these items being placed in bulk containers:

1. Large household and industrial appliances
2. Furniture
3. Construction/demolition debris including dirt and stones
4. Hazardous waste

5. Liquid waste including paint and oil

- (h) It shall be the responsibility of the commercial customer and/or the owner of the property on which the bulk container is located (including the owner's agent) to control the use of the bulk container. Locking devices are available from the Sanitation Department for a one time fee.
- (i) It shall be the responsibility of the person(s) using the bulk container to clean and deodorize with sufficient frequency as to prevent objectionable conditions and odors. The Sanitation Department will provide cleaning of the bulk container upon request, at a fee to be set by the Sanitation Department.
- (j) The customer shall provide a service way sufficient to support heavy duty trucks at a weight of up to 40,000 pounds. The City will not send its trucks into areas where there is a danger of bogging or damaging the trucks.
- (k) The City shall not be liable for damage to parking lots or drive isles caused by normal service of commercial trucks.
- (l) The City shall not be liable for damage to improperly installed bulk container enclosures.

Sec. 12-139 Apartment Complexes and Similar Facilities

Owners of residential apartment buildings, mobile home park(s) or a group of residential apartment buildings in the same complex, wherein there are more than seven (7) living units either in a single building or complex treated as a unit, are hereby (i) deemed to be commercial customers (subject to all of the provisions of this Article relating to commercial customers) and (ii) required to install and maintain for each residential apartment building or mobile home park which contains more than seven (7) living units for each residential apartment or mobile home park group or complex, which group or complex contains in the aggregate more than seven (7) living units, bulk refuse containers according to the following specifications:

1. A minimum six (6) cubic yards' capacity bulk container for each residential apartment building or mobile home park which contains more than seven (7) and less than seventeen (17) units, and for each residential apartment group or mobile home park or complex which group or complex contains in the aggregate more than seven (7) and less than seventeen (17) living units.
2. A minimum of eight (8) cubic yards' capacity bulk container for each residential apartment building which contains more than sixteen (16) and less than twenty-five (25) living units, and for each residential apartment group or complex which group or complex contains in the aggregate more than sixteen (16) and less than twenty-five (25) living units.

3. Where a residential apartment building or a residential apartment group or complex contains in excess of twenty-four (24) living units, additional bulk containers are hereby required to be installed and maintained as a minimum in the same ratio as herein set forth in subsections (1) and (2) this section.

4. Where a government subsidy-housing group or complex exists, the Sanitation Manager or his representative shall have the authority to designate the use of bulk containers or carts.

5. Applicability to new construction: All of the provisions of this section shall apply to all new construction, alteration, or conversion of residential apartment buildings, and ~~any~~ residential apartment group, any mobile home park or complex where the residential apartment building or residential apartment group or mobile home park or complex of building will contain more than seven (7) living units; and no building permit shall be issued for construction, alteration, or conversion of a building or group or complex of buildings falling within the application of this section unless and until a plan approved in writing by the sanitation manager showing adequate provision for installation of containerization of refuse as required by this section, shall be furnished by the owner or developer; and no such residential apartment building or group or complex of residential apartment buildings to which this section applies shall be constructed, altered or converted after the adoption of this section without providing for the time and maintenance of bulk containers as required by this section.

6. The location of required bulk containers shall be so as to permit convenient and safe access by the servicing truck and equipment using all-weather streets or alleys of adequate strength to minimize as far as reasonable permitted excessive walking distances for tenants and occupants; and to be as aesthetically pleasing as the circumstances will reasonably allow, in order to conveniently permit servicing of such bulk refuse containers. The Sanitation Manager shall determine the location. However, no bulk container or detachable unit shall be stored in front of a business, residence, in front of a building line closest to the street or on a public right-of-way.

Sec. 12-140 Leaf and Grass Collection

(a) Loose leaf collection service will be provided beginning the second (2nd) Monday in November and continue through the last Friday in February. Leaves shall not be placed in any City of Athens drainage way or street.

(b) Grass clippings must be bagged or boxed. Grass clippings shall not be placed in any City of Athens drainage way or street.

Sec. 12-141 Dead Animals

Dead animals in the corporate limits of the city, and within the city's rights-of-way, not in excess of fifty (50) pounds in weight will be picked up by the sanitation department during normal business hours. All animals above fifty (50) pounds shall be the responsibility of the owner and must be removed and properly disposed of within twelve (12) hours.

Sec 12-142 Residential Fees

(a) The rate schedule for residential customers is as follows:

Year	Charge per dwelling
2005 - 2006	\$12.70
2006 - 2007	\$14.33
2007 - 2008	\$16.05
2008 - 2009	\$16.85
2009 - 2010	\$17.69
2010 - 2011	\$18.58
2011 - 2012	\$19.51
2012 - 2013	\$20.48
2013 - 2014	\$21.51
2014 - 2015	\$22.58

(b) Additional cart(s) may be obtained when needed, as provided in this Article. There will be a \$4.00 fee per additional cart added to the customer's utility bill.

(c) As provided in this Article, residential customers can elect to have the sanitation department remove solid waste in excess of 4 (four) cubic yards per week, in connection with bulk trash connection service, at a charge of \$150.00 per half trailer load.

Sec. 12-143 Commercial Fees

(a) Fees for commercial customers shall be as follows:

BULK CONTAINER / DUMPSTER CHARGES

	4yd	5yd	6yd	8yd
1 x per week	\$66.83	\$80.20	\$89.11	\$100.25
2 x per week	\$100.25	\$113.62	\$126.99	\$172.66
3 x per week	\$131.45	\$144.82	\$158.18	\$220.56
4 x per week	\$160.41	\$182.69	\$204.97	\$271.80
5 x per week	\$190.48	\$212.76	\$257.32	\$324.16
6 x per week	\$219.45	\$272.92	\$323.64	\$386.61

Extra Dump \$14.42 x size of dumpster

CARDBOARD BULK CONTAINER / DUMPSTER CHARGES

	8yd
1 x per week	\$40.00
2 x per week	\$80.00

COMMERCIAL CART SERVICE

	1 cart	2 carts	3 carts	4 carts
Price	\$18.94	\$32.31	\$45.68	\$59.05

Commercial Trash \$125.00 per hour
Minimum charge \$35.00

(b) The set-up charge for dumpsters shall be \$25.00.

(c) All fees for commercial customers will be annually adjusted, beginning October 1, 2006, to reflect a 5% increase each year.

Section 3. The following Ordinances (or portions thereof where noted) are hereby repealed because their effect is amended and/or replaced by the enactment of this Ordinance, or are recognized as having previously been repealed by this City Council:

Ordinance No. 2005-1558
Ordinance No. 2002-1399
Ordinance No. 2002-1398
Article VI of Ordinance No. 2002-1384
Sections 2(d) and 2(e) of Article II of Ordinance No. 2002-1384
Ordinance No. 97-1254
Ordinance No. 93-1165
Ordinance No. 93-1163
Ordinance No. 91-1122
Ordinance No. 89-1070
Ordinance No. 88-1019
Ordinance No. 1011
Ordinance No. 967
Ordinance No. 925
Ordinance No. 924
Ordinance No. 894
Ordinance No. 847
Ordinance No. 829
Ordinance No. 825
Ordinance No. 757
Ordinance No. 736
Ordinance No. 720

Section 4. This Ordinance shall become effective upon its adoption as provided by law.

Section 5. If any provision of this Ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this Ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance and such amendments and statutes are declared to be severable.

Section 6. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Athens as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

ADOPTED this the ____ day of _____, 2006.

RONNIE MARKS, CITY COUNCIL PRESIDENT

APPROVED this the ____ day of _____, 2006.

DAN WILLIAMS, MAYOR

ATTEST:

JOHN HAMILTON, CITY CLERK

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)

LIMESTONE COUNTY)

I, John Hamilton, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Athens, Alabama, on the ____ day of _____, 2006.

Witness my hand and seal of office this ____ day of _____, 2006.

John Hamilton, City Clerk