

PROPOSED ORDINANCE NO. 2019-1

AN ORDINANCE FOR MANDATORY SOLID WASTE  
COLLECTION AND DISPOSAL IN THE  
CITY OF CENTER POINT

WHEREAS, pursuant to Sections 11-47-130 *et seq.* and Sections 11-45-1 *et seq.* of the *Code of Alabama 1975* the City of Center Point, Alabama (the "City") is authorized to maintain the health and cleanliness of the City and adopt ordinances and regulations deemed necessary to ensure good sanitary conditions in public spaces or on private premises; and

WHEREAS, Section 22-27-3 of the *Code of Alabama 1975* authorizes the City Council of the City (the "Council") to adopt a resolution or ordinance to make participation in the solid waste disposal program in the City mandatory for every person, household, or property generating solid wastes or garbage unless provided a certificate of exception as provided therein; and

WHEREAS, pursuant to Section 220 of the Alabama Constitution of 1901, the City has the power to contract with a third party and consent to providing residential solid waste collection and disposal services within the City; and

WHEREAS, the Council has heretofore caused to be published in the Alabama Messenger in its edition of November 21, 2018, a notice to the public announcing the holding by the Council of a public hearing at 6:15 p.m. on Thursday, December 6, 2018 in the Council Chambers at Center Point City Hall located at 2209 Center Point Parkway, Center Point, Alabama, for the purpose of receiving comments from interested citizens concerning the proposed ordinance to make participation in the solid waste collection and disposal program in the City mandatory; and

WHEREAS, any interested person appearing at the hearing of the Council was given the opportunity to make comments to the Council on the proposed ordinance to make participation in the solid waste collection and disposal program in the City mandatory and the Council has considered such comments as may have been made with respect thereto; and

WHEREAS, the Council does hereby ascertain, determine, declare and find that mandatory participation in the residential solid waste program in the City will serve a public purpose and is necessary and desirable, and in the best interest of the City and the health, safety and welfare of its inhabitants to maintain the health and cleanliness of the City and ensure good sanitary conditions in public spaces and on private premises.

**THEREFORE, BE IT NOW ORDAINED** by the Council of Center Point, Alabama, as follows:

**Section 1. Definitions.** As used in this article, the words listed below have the following meanings:

"City" means the City of Center Point, a municipal corporation acting through its Mayor and Council or other officials designated by the Mayor or Council, as the case may be.

"Fee" shall mean a charge for Garbage and Trash collection and disposal.

"Garbage" shall mean all solid or semisolid kitchen refuse subject to decay or putrefaction, tin cans, bottles, paper and cardboard boxes, and all market waste of animal or vegetable matter which was intended to be used as food.

"Health Department" shall mean the Jefferson County Department of Health having jurisdiction over the particular activity or geographical area involved.

"Solid Waste Collection and Disposal Services" shall mean collection and disposal of Garbage and Trash.

"Trash" shall mean materials to include leaves, grass clippings, shrubbery trimmings, light tree debris and small discarded household items to include boxes, small items of furniture, grills, etc., which can be handled in a conventional compaction vehicle.

**Section 2. Non-Containerized Garbage.** It shall be unlawful to place or permit to remain anywhere in the City any Garbage or other material subject to decay other than leaves or grass, excepting in the Garbage container provided by a contracted waste disposal provider, or the City, for residential customers. Leaves and grass shall be placed and sealed in plastic bags.

**Section 3. Wind-Blown Refuse.** It shall be unlawful to cause or permit to accumulate any Garbage or Trash such that it can be blown away by the wind anywhere in the City except in a covered container.

**Section 4. Deposits on Streets.** It shall be unlawful to deposit or permit to fall from any vehicle any Garbage or Trash on any public street in the City, provided that this section shall not be construed to prohibit placing Garbage or Trash in a container complying with the provisions of this ordinance preparatory to having such material collected and disposed of in the manner provided herein.

**Section 5. Consent of Owner.** It shall be unlawful to dump or place any Garbage or Trash on any premises in the City without the consent of the owner of such premises.

**Section 6. Disposal.** It shall be unlawful to dispose of any Garbage or Trash anywhere in the City except in a lawfully established Garbage, Trash or refuse dump. Such materials not so properly disposed of shall be placed in containers for collection by the City, or its contractor, as hereinafter prescribed.

**Section 7. Collection by City.** The City of Center Point acting independently, or by contract with a third party, shall collect, haul and dispose of Garbage in the City of Center Point one time per week, 52 weeks a year. Trash pickup will be provided on-call by the City acting independently, or by contract with a third party. The Fees for such collections shall be based on

the number of containers assigned to a residential customer and shall be paid quarterly. Fees shall be set by the City Council in accordance with the current agreement with the City's waste disposal provider. Any increase in Fees charged by the waste disposal provider will constitute a change in the current solid waste fees.

**Section 8. Garbage Containers; Placement of Trash.**

(a) *Garbage Containers.* The waste disposal provider will provide a minimum of one 95-gallon container with roll-out wheels and lid to each residential customer. All Garbage for collection by the City shall be placed in the provided containers. Empty garbage containers shall be promptly removed from the right of way after pick up.

(b) *Placement of Trash.* All Trash for collection by the City shall be placed at curbside. Leaves and shrubbery trimmings shall be placed in bags. Light tree debris shall be stacked in rows near the curb line, no more than five feet in length. This shall not include debris and materials resulting from the repair, excavating or construction of buildings or structures or from work performed for residential customers by commercial landscaping, tree service, plumbing and heating and other like businesses.

**Section 9. Construction of Vehicle Loads; Condition of Vehicles.**

(a) *Construction of Vehicle Loads.* All vehicles used in the removal, collection and transportation of Garbage, Trash, paper and rubbish in the City shall be constructed in such a manner that will prevent any portion of the Garbage, Trash, paper and rubbish from leaking, spilling, falling, or blowing out of such vehicles or onto any public highway, street, avenue, boulevard, alley or other public or private place. Such vehicle being operated or driven over the public ways or streets shall not be loaded above a point that will result in any portion of the contents being spilled therefrom.

(b) *Condition of Vehicles.* All such vehicles shall be kept in a clean and sanitary condition at all times and shall at all times be subject to inspection by the Public Works Director or his duly authorized representatives. If in their judgment a vehicle is found to be defective or unfit for use, they are hereby empowered to prevent the use of the same until put in proper condition to comply with the terms of this article.

**Section 10. Services Mandatory.** The Garbage and Trash collection services and Fees provided for herein are mandatory for each residence in the City. Said account shall be established in the name of:

(a) The legal title owner of the real property; and/or

(b) The person, persons, entity or entities who own the real property receiving such services as shown on the property records of the county tax assessor;

provided, however, any residents of the City that were sharing residential Solid Waste Collection and Disposal Services prior to the adoption of this ordinance may continue to share said services

for a period of at least six (6) months without filing for a certificate of exception as provided by this ordinance.

**Section 11. Certificate of Exception.** Only owners and residents of the City who have obtained a certificate of exception under Section 22-27-3(g) of the *Code of Alabama 1975* shall be exempt from the requirement for mandatory services.

**Section 12. Hardship.** Alabama Public Health Laws, Section 22-27-3(a)(3) of the *Code of Alabama 1975*, provide that any household whose sole source of income is social security benefits shall be granted an exemption from the payment of any fees required under this ordinance, provided that household seeking to claim the exemption shall present proof of income to the Health Department no later than the first billing date of any year which the exemption is desired. Any resident who qualifies under the provisions of Section 22-27-3(a)(3) who desires this exemption should contact the City for an application for exemption to be submitted to the Health Department. Once the application has been received and reviewed by the Health Department it will be forwarded to the Public Works Director or Council.

**Section 13. Bills.** All bills for Garbage and Trash service herein provided for shall be rendered quarterly. Each bill shall be due and payable and shall become delinquent if not paid within 30 days thereafter. Payment for the receipt of residential Solid Waste Collection and Disposal Services shall be the joint and several liability of:

(a) The legal title owner of the real property; and/or

(b) The person, persons, entity or entities who own the real property receiving such services as shown on the property records of the county tax assessor;

provided, however, payment for the receipt of residential Solid Waste Collection and Disposal Services shall not be required unless such services were actually received.

**Section 14. Penalty.** Any person(s) violating any provision of this article except for provisions thereof requiring payment of Fees shall be fined not less than \$50.00 nor more than \$200.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The fact that Garbage or Trash remains on any occupant's premises in the City in violation of this article shall be prima facie evidence that the occupant of such premises is responsible for the violation of the article occurring.

**Section 15. Other Remedies.** If the fees, charges or rates for the services furnished shall not be paid within 30 days after the same shall become due and payable, the City may, at the expiration of such 30-day period, suspend such services or may proceed to recover the amount of any such delinquency with interest in a civil action, or both, together with court costs and reasonable attorneys' fees as allowed by the court if the City be successful in such action.

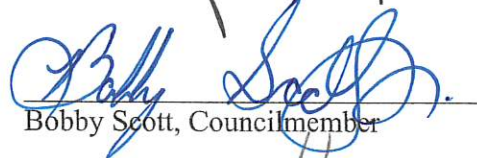
**Section 16. Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Center Point, Alabama, which are inconsistent with the provisions of this ordinance, are hereby expressly repealed.

**Section 17. Severability.** The provisions, sections, paragraphs, sentences, clauses, phrases, and parts thereof of this ordinance are severable, and if any provision, section, paragraph, sentence, clause, phrase, or part thereof of this ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, then such ruling shall not affect any other provision, section, paragraph, sentence, clause, phrase, or part thereof, since the same would have been enacted by the Council without the incorporation of any such unconstitutional or invalid provision, section, paragraph, sentence, clause, phrase, or part thereof.

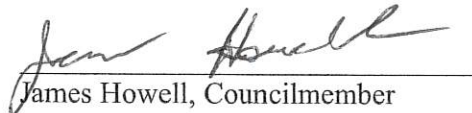
**Section 18. Effective Date.** Upon adoption by the City Council of the City of Center Point, approval by the Mayor, and after publication or posting as required by law, this ordinance shall take effect and be in force on April 1, 2019.

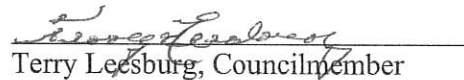
**ADOPTED** this 10<sup>th</sup> day of January, 2019.

  
Roger A. Barlow, Council President

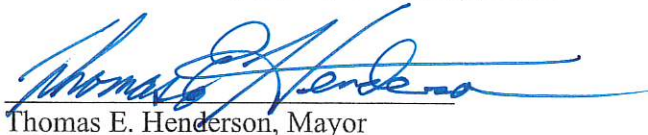
  
Bobby Scott, Councilmember

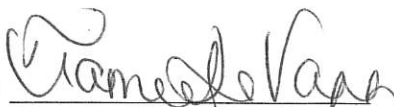
  
Linda Kennemur, Councilmember

  
James Howell, Councilmember

  
Terry Leesburg, Councilmember

**APPROVED** this 10<sup>th</sup> day of January, 2019.

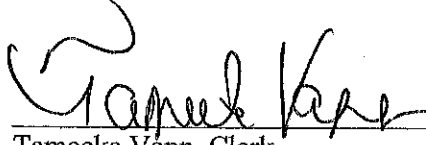
  
Thomas E. Henderson, Mayor

**ATTESTED:**   
Tameeka Vann, City Clerk

**CERTIFICATION:**

I, Tameeka Vann, as Clerk of Center Point, Alabama, hereby certify that the above and foregoing copy of Ordinance Number 2019-1 is a true and correct copy of such ordinance that was duly adopted by the Council of Center Point, Alabama, on the 10<sup>th</sup> day of January, 2019, as same appears in the official records of said City.

Posted at Center Point City Hall, Center Point Senior Center, and U.S. Post Office, Center Point, Alabama this the 10<sup>th</sup> day of January, 2019.

  
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Tameeka Vann, Clerk