

Chapter 10

**GARBAGE AND TRASH\***

- Art. I.**     **In General, §§ 10-1—10-20**  
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**ARTICLE I. IN GENERAL**

**Sec. 10-1. 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:

*Appliances:* Any household device processed for recycling by the city. The devices or items currently processed are as follows: Washers, dryers, stoves, hot water heaters, air conditioners, refrigerators, freezers and any like devices. The devices utilizing or containing freon shall be designated as hazardous.

*Approved container:* A refuse container or a commercial container supplied by private refuse hauler or any other person other than the city which has been approved for refuse collection by the public works director or his designated representative of the city.

*Curbside collection:* The method by which the city collects refuse from approved ninety-five-gallon roll-out containers. Such containers will be serviced by the city on scheduled collection days at the curblin in front of the residence where it has been placed prior to collection by the resident and removed after collection by the resident.

*Garbage and trash:* All waste and discarded materials, including rubbish and debris, waste and discarded food, animal and vegetable matter (but not including liquid waste), waste paper, cans, glass, crockery, rags, ashes, cinders, brush, grass, weeds, and cuttings from trees, lawns, gardens, etc.

*Garbage can:* A watertight receptacle or container of substantial construction made of galvanized iron or other rustproof material of not less than ten (10) nor more than thirty-five (35) gallons in capacity, and not exceeding twenty-four (24) gauge, equipped with a close-fitting lid or cover with handle, and with one or more grips, handles or bail by which the same may be conveniently lifted or moved, or any other receptacle used to contain refuse.

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\***Cross references**—Theft of services, § 19-191 et seq.; litter, § 19-243.

**State law references**—Municipal authority to maintain health, cleanliness of city, its police jurisdiction, Code of Ala., § 11-47-130; power to provide for and regulate disposal of garbage, etc., Code of Ala., § 11-47-135.

*Premises:* Any dwelling, apartment, flat, rooming house, hotel, motel, restaurant, boarding house, eating establishment, shop or any other place of business or building, together with the lot upon which the same is situated.

*Public works director:* The individual designated by the mayor to manage the public works department and specifically to administer Chapter 10 of the Code of Ordinances.

*Refuse container or container:* A watertight plastic receptacle provided by the city in either three-hundred-gallon or ninety-five-gallon capacity, equipped with an attached, hinged, close-fitting lid. Ninety-five-gallon containers are equipped with handle and wheels for roll-out service. Both sizes of which are resistant to disturbance by animals and insects.

*Sanitary landfill:* The place for dumping or disposing of garbage or trash provided and supervised or designated by the city for such use.

*Sanitation officer:* A person designated by the director of public works to perform duties within the solid waste division ascribed to the sanitation officer in this chapter.

*Solid waste superintendent:* A person designated by the public works director to perform duties within the solid waste division ascribed to the solid waste superintendent in this chapter.

(Ord. No. 109-81, § 1, 5-5-81; Ord. No. 106-02, § 1, 2-19-02; Ord. No. 119-02, § 1, 7-16-02)

#### **Sec. 10-2. Implementation authority.**

The county health officer, the sanitation officer, the chief of police and the chief of the fire department of the city, or their authorized representatives, in order to protect the health and safety of the citizens of the city and its police jurisdiction, shall be authorized to implement the provisions of the chapter to sufficiently enable such officials to control the storage, collection and disposal of garbage and refuse within the city and its police jurisdiction, in harmony with and not inconsistent with the provisions of this chapter.

(Ord. No. 109-81, § 2, 5-5-81)

#### **Sec. 10-3. Accumulations around buildings.**

It shall be unlawful for any person owning or having possession of or occupying any store, residence or other building of any kind, or the alleys or lots adjoining such buildings, in the city, to permit garbage, offal or other refuse matter, or any other rubbish to accumulate on such premises or lots, or within the area of such building.

(Ord. No. 109-81, § 5, 5-5-81)

#### **Sec. 10-4. Littering.**

(a) It shall be unlawful for merchant, storekeeper, cafe operator or the operator of any business, or his servant or employee, to sweep trash, paper, rubbish or any other material from his premises onto any public street or sidewalk of the city.

(b) It shall be unlawful for any person to throw trash, dirt, leaves, twigs, glass, debris or other material into any storm sewer, gutter or street within the city.

(c) It shall be unlawful for any person to throw, deposit, sweep or leave in or upon any public street or sidewalk in the city any tacks, nails, tin cans, bottles, old iron, brush, boxes, tools, machinery, rubbish, brick, glass, jars or debris of any kind or character whatsoever. Convenient receptacles shall be provided and maintained by the city for the use of the general public for the depositing of such material, except as otherwise provided in this article.

(Ord. No. 109-81, §§ 8—10, 5-5-81)

#### **Sec. 10-5. Depositing building material on streets.**

(a) All applications for the use of street, or other public spaces of the city for the purpose of depositing building materials thereon, shall be made to the director of public works describing the grounds and the desired periods of occupation. Permits for the use of streets and other public spaces for the deposit of building material shall not be granted, in the first instance, for a longer time than four (4) months, but may be renewed from time to time at the discretion of the director of public works for not more than one month at any one time.

(b) The permit shall not authorize the preparation in the streets or spaces belonging to the city of materials which can be prepared elsewhere; material shall not be deposited in or over the gutter so as to prevent a free passage of water, nor extend beyond the middle of the street. The permit shall specify the ground to be occupied which must be in front of the premises to be built upon unless more space is absolutely necessary.

(Ord. No. 109-81, § 11, 5-5-81)

#### **Sec. 10-6. Use of suitable containers.**

The owner or the proprietor of any and all property described in section 10-8 herein is hereby required to use containers furnished by the city or approved by the city, to provide suitable and sufficient containers in which rubbish, garbage, offal or other refuse matter may be deposited pursuant to the provisions of this chapter. Suitable, approved containers does not include "garbage cans" unless such containers are approved by the sanitation officer, but does include approved containers.

(Ord. No. 109-81, § 7, 5-5-81)

#### **Sec. 10-7. Health hazards.**

Whenever any situation exists which constitutes a hazard to the public health and which requires immediate action in order to protect the public health, the public works director, the county health officer, the sanitation officer, the chief of police and the chief of the fire department of the city shall severally be authorized to issue a written order directed to the person responsible for the existence of such hazard to remedy such condition so as to dispose of such hazard, and it shall be the duty of such person immediately upon receipt of such order to take appropriate action to remove such hazard as is designated in the order and as required thereby. The failure of such person to take appropriate action to dispose of any such hazard

designated in such written order and as directed thereby shall be unlawful, and upon failure of such person to take such appropriate action said officials shall be authorized to enter in, or upon, the premises of such person and to take such action as may be deemed necessary in order to protect the public health, the cost of the same to be assessed against, and to become a lien upon, the entire property or premises upon such act is performed. In addition, any owner or person having in charge any such premises who having been served with a notice as provided herein shall fail to comply with said notice shall be guilty of a misdemeanor.

(Ord. No. 109-81, § 3(B), 5-5-81; Ord. No. 106-02, § 2, 2-19-02)

**Sec. 10-8. General authority of sanitation officers, firemen, police, etc.**

The city sanitation officers, members of the fire department and city police force shall have coordinate supervision over all residence and business property, buildings, alleys or lots adjoining such property in the city, and shall have the right to require the owner or person in possession of such property to keep the same clean and all rubbish, garbage, offal or other refuse matter removed from such lots, so as to remove the danger of fires, promote health conditions, sanitation and the appearance of such property.

(Ord. No. 109-81, § 6, 5-5-81)

**Sec. 10-9. Entry powers.**

Any designated authority as defined in section 10-2 shall have the power and authority to enter at any reasonable time in, or upon, public or private property for the purpose of inspecting and investigating conditions relative to the provisions of this chapter; provided, however, that such official shall before making entry identify himself to the person present or in charge of the premises and state the purpose of his visit and entry.

(Ord. No. 109-81, § 4, 5-5-81)

**Sec. 10-10. Violations.**

The public works director, the county health officer, the sanitation officer, the chief of police and the chief of the fire department of the city, or their duly authorized representatives, when it has been determined that there has been, or are reasonable grounds to believe that there has been, a violation of any provision of this chapter shall be authorized to give notice of such violation to the person or persons responsible or believed responsible therefore. Such notice may be given verbally or in writing and shall contain a concise statement of the alleged offense, shall designate a reasonable time for the performance of any act required in order to conform to the provisions of this chapter and may be given by attaching a tag to the refuse container of such person. If the act required to be performed in order to conform to the provisions of this chapter is not performed within a reasonable time after the giving of such notice, the garbage collector and/or the department of public works, solid waste division, shall be authorized at his/its option to either of the following:

- (a) Decline to collect or remove the garbage;

- (b) Order and execute the necessary act required to be performed, the cost of the same to be assessed against, and to become a lien upon, the entire property or premises upon which such act is performed.

In addition, any owner or person having in charge any such premises, who having been served with notice as provided in this section, shall fail to comply with said notice, shall be guilty of a misdemeanor. The duly designated agent of the mayor shall proceed to have issued to said person a non-traffic citation or misdemeanor warrant, if appropriate. The penalties for such citation shall be in accordance with the provisions of section 10-11.

(Ord. No. 109-81, § 3(A), 5-5-81; Ord. No. 106-02, § 3, 2-19-02)

**Sec. 10-11. Penalties.**

(a) Any person convicted of violating any provision of this chapter shall be punished as follows:

- (1) *For a first violation:* A fine of one hundred dollars (\$100.00).
- (2) *For a second violation:* A fine of two hundred dollars (\$200.00).
- (3) *For a third violation:* A fine of three hundred dollars (\$300.00).
- (4) *For a fourth and subsequent violation:* A fine in an amount not exceeding five hundred dollars (\$500.00), or imprisonment of not more than six (6) months, or both such fine and imprisonment, at the discretion of the municipal judge trying the case.

(b) Any person who has been charged with the violation of any provision of this chapter, except for a fourth or subsequent violation, may pay the fine prescribed above to the municipal court magistrate who is hereby authorized and instructed to receive such amount. Voluntary settlement shall not be permitted to any person who has been thrice convicted of the same offense prior to the date of the instant alleged offense and such person shall be required to stand trial in the municipal court. Offenses not settled as provided in this section prior to the court appearance date shown on the notice of violation will be disposed of in the same manner as any case appearing on the regular municipal court docket.

(Ord. No. 106-02, § 4, 2-19-02)

**Sec. 10-12. Each violation a separate offense.**

Each day of violation of this chapter is a separate offense.

(Ord. No. 106-02, § 4, 2-19-02)

**Secs. 10-13—10-20. Reserved.**

**ARTICLE II. COLLECTION AND PRE-COLLECTION  
PROCEDURES, PRACTICES, ETC.**

**Sec. 10-21. Disposal of garbage generally.**

(a) It shall be the duty of the proprietor or the person in charge or control of any dwelling, hotel, restaurant, delicatessen or store where food for human consumption is prepared or kept for sale, and every other place where garbage originates, to place or cause to be placed all garbage originating upon such premises in approved containers.

(b) It shall be unlawful for any person to willfully or wantonly cause or permit the disposal of garbage originating upon such premises otherwise than by depositing the same in approved containers.

(c) The lids or covers of such approved containers shall be kept tightly fitted thereon at all times except when garbage is being deposited therein or removed therefrom, and such approved containers shall be so kept and maintained as to prevent the access of flies or other insects therein and so as to prevent an unsanitary condition of the ground, floor or structure upon which the same is situated.

(d) At all apartment houses or multiple dwellings approved containers shall be used. The number of such containers shall be as prescribed by the department of public works, solid waste division.

(e) The location of approved containers shall be as provided and required in section 10-27.

(f) The type and size of containers to be used by residents, individually or jointly, will be determined by the department of public works, solid waste division. Individual households will be assigned specific containers, and only the assigned containers will be used by that household.

(Ord. No. 109-81, § 12, 5-5-81)

**Sec. 10-22. Residential refuse generators.**

(a) Residential trash or waste, other than household garbage, which cannot be placed in approved containers for collection on scheduled collection days, shall be placed in cardboard boxes, refuse cans or other acceptable containers having a gross weight not exceeding sixty (60) pounds, suitable for handling by two (2) collection employees.

Bulk rubbish and brush shall be placed adjacent to containable rubbish located in the manner hereinafter prescribed in subsection (b). No more than twenty (20) loose yards of brush shall be collected from a single residence on a scheduled brush collection. Plants hazardous to collection employees shall be contained in lengths of less than three (3) feet. All refuse described in this paragraph will be collected on scheduled collection days.

(b) The superintendent of the solid waste division may require any residential generator regularly exceeding ninety-five (95) gallons or one hundred twenty (120) pounds of refuse within a collection period, or any resident regularly generating refuse requiring special handling, to use a commercial disposal system or to make other approved disposal arrangements.

(c) Residential refuse generators assigned to three hundred-gallon containers shall place waste in the prescribed container before the scheduled collection date. Residential refuse generators with curbside pickup shall place ninety-five-gallon containers at the curb line no sooner than the day before pickup and the container shall be removed from the curb line after service no later than the end of pickup day. Removal from curb line shall mean the placement of the can for weekly storage in the resident's side yard, carport, garage, backyard, or a screened area. The intent of this requirement is to preclude the containers being observed from

the right-of-way. Any placement variance for storage shall be at the sole discretion of the solid waste superintendent. Anyone violating this provision shall receive a warning by the placement of a tag on the can or at the resident's door. Noncompliance with the warning shall subject the resident or owner to the penalties allowed under sections 10-11 and 10-12.

(d) City-owned containers shall be distributed and positioned as scheduled by the solid waste division. The use of containers serving more than one residence shall be limited to duplexes, apartments, or other multifamily dwellings. The determination of such use shall be at the sole discretion of the solid waste superintendent.

(e) Residential refuse generators equipped with city-owned containers shall first place or cause to be placed in such containers all garbage followed by other containable rubbish.

(f) To insure optimal use of the three hundred-gallon containers and the ancillary equipment used therewith, the contents of the individual containers shall not exceed five hundred (500) pounds in weight.

(Ord. No. 109-81, § 13, 5-5-81; Ord. No. 106-02, § 5, 2-19-02; Ord. No. 119-02, § 2, 7-16-02)

#### **Sec. 10-23. Commercial refuse generators.**

(a) All commercial refuse generators shall maintain their alleys and the area surrounding the refuse containers free from refuse and other potential hazards to the public health, safety, or welfare. Where unusual or inordinate waste material is generated, special collections shall be arranged therefor with the city.

(b) Commercial establishments may, by contract, receive city refuse collection services and city-owned containers. These containers shall be positioned by the city no more than three hundred (300) feet from an entrance to the commercial structure as designated by the commercial refuse generators; provided, however, that collection employees shall at all times have convenient accessibility to said containers.

(c) Any commercial refuse generator utilizing the city's automated service containers (ninety-five-gallon size) shall be required to place their container no sooner than the day before pickup and the container shall be removed from the curb line after service (pickup) no later than the end of pickup day. Removal from the curb line shall mean the placement of the can for storage in an appropriate area of the business such as: side of building, behind building, maintenance shop or room, or a screened area. Any placement variance for storage shall be at the sole discretion of the solid waste superintendent. Any violation of this provision shall be subject to the penalties allowed under sections 10-11 and 10-12.

(Ord. No. 109-81, § 14, 5-5-81; Ord. No. 106-02, § 6, 2-19-02; Ord. No. 119-02, § 3, 7-16-02)

#### **Sec. 10-24. Containers for bulk collection.**

Large approved containers for bulk collection of garbage and refuse may, with approval of the sanitation officer of the city be used by hotels, restaurants, boarding houses, eating establishments, apartment houses, schools, hospitals, department stores and in the business district of the city; provided, however, that no containers for bulk collection shall be allowed on

the public streets or sidewalks of the city but must be located either on private property at the rear of the establishment at a place easily accessible to the garbage collector or adjacent to a public or private alley commonly used to serve such establishment. Any violation of this section shall be subject to penalties described in sections 10-11 and 10-12.

(Ord. No. 109-81, § 15, 5-5-81; Ord. No. 106-02, § 7, 2-19-02)

**Sec. 10-25. Segregation of garbage from other waste.**

It shall be the responsibility of the refuse generator to segregate uncollectible material from garbage and other permitted household and commercial refuse. It shall be unlawful for any person to deposit or knowingly permit to be deposited in any approved container provided or intended for garbage and matter unacceptable for collection.

(Ord. No. 109-81, § 16, 5-5-81)

**Sec. 10-26. Refuse matter not acceptable for collection.**

(a) The following named refuse matter shall be considered as being unacceptable for collection by the department of sanitation of the city:

- (1) Dangerous materials or substances such as ashes, cinders, poisons, acids, caustics, infected materials, and explosives; and also human or animal excreta, and other similar noxious matter.
- (2) Materials resulting from the repair, excavation or construction of buildings or structures, such as earth, gravel, rocks, sand, plaster, mortar and roofing materials. All building materials shall be unacceptable for collection.
- (3) The solid wastes resulting from industrial processes.
- (4) Materials, which cannot be reduced by compaction such as iron, automobile engines and tires.

(b) All waste that is unacceptable for collection by the city shall be disposed of in accordance with all federal, state and local regulations. It shall be the responsibility of the owner and/or resident to dispose of this waste in an appropriately permitted landfill.

(Ord. No. 109-81, § 17, 5-5-81; Ord. No. 106-02, § 8, 2-19-02)

**Sec. 10-27. Location of approved containers and rubbish.**

(a) All trash, rubbish leaves, brush and tree trimmings cut to not more than three (3) feet in length and placed in city containers in such a way that the lid is able to close completely.

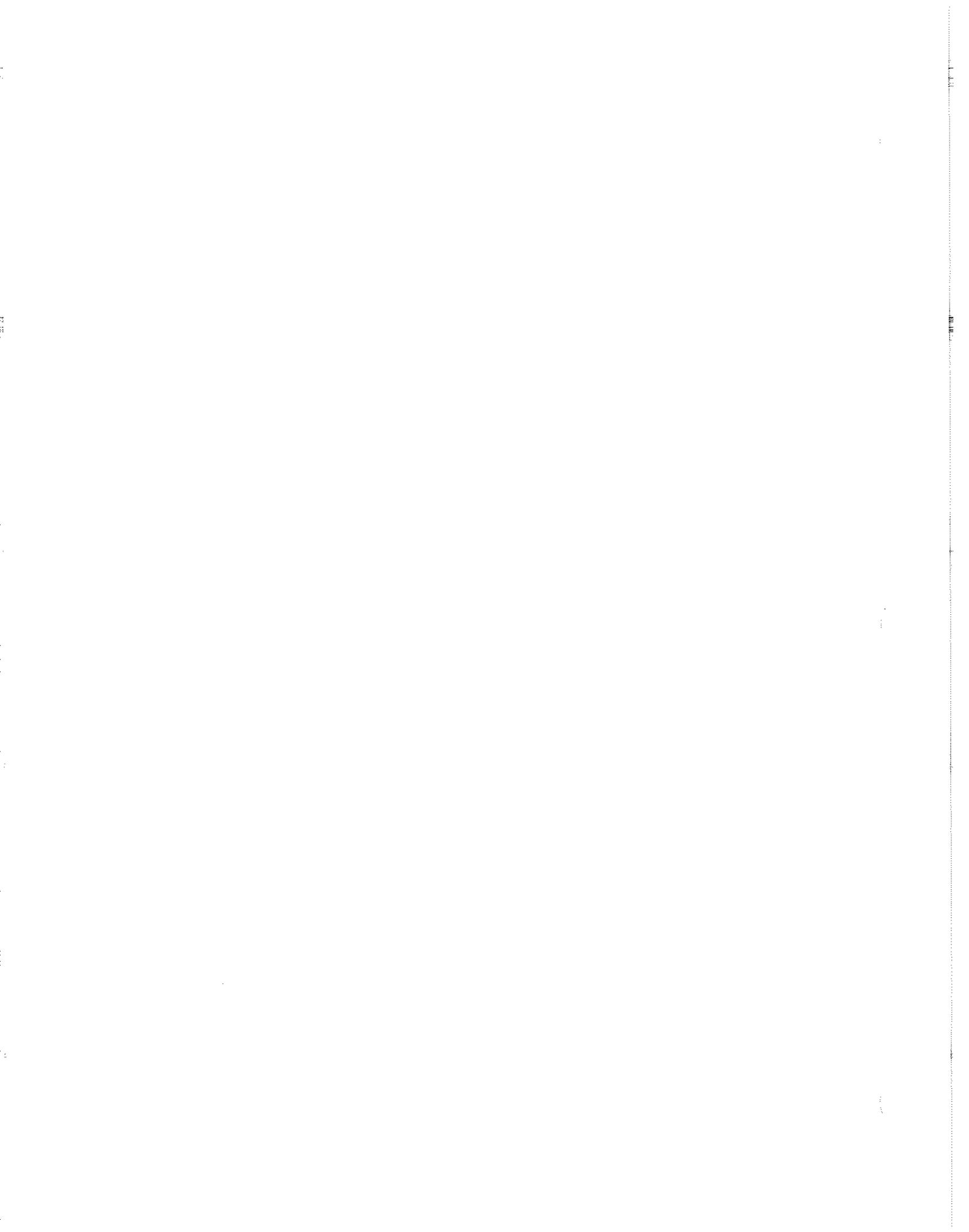
(b) No person shall place or cause to be placed upon the public streets or sidewalks any can or container containing garbage, trash, refuse or like matter, except as herein provided.

(c) It shall be the duty of the proprietor or manager of each store, hotel, cafe, boardinghouse or other place of business located either in the general business district or elsewhere in the city to provide and place approved containers as provided in section 10-23 at the rear or side of the premises or adjacent to a rear alley which is accessible to the garbage collector.

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(d) In business establishments not having access to a rear alley the approved containers must be kept within the premises until thirty (30) minutes prior to the time appointed by the sanitation officer of the city for collection of garbage, at which time containers may be placed on the sidewalk in front of the establishment where it shall be collected by the garbage



collector. The containers must be removed from the sidewalk and placed within the premises or other approved area within thirty (30) minutes after the collection of the garbage is accomplished.

(e) The frequency of collection of refuse and collection schedules therefor shall be determined and arranged with establishments not having rear alleys by and through consultation between the sanitation officer of the city and proprietors of such establishments.

(f) Business establishments not having city provided containers or access to a rear alley and having to provide inside storage for garbage, trash, paper or refuse of any kind must provide approved containers of sufficient quantity and capacity and of a type that will meet the approval of the county health officer and the fire inspector of the city.  
(Ord. No. 109-81, § 18, 5-5-81)

**Sec. 10-28. Placement for collection on Sunday.**

It shall be unlawful for any person to place refuse for collection on Sunday by the solid waste division.  
(Ord. No. 109-81, § 19, 5-5-81)

**Sec. 10-29. Improper use of public trash receptacles.**

It shall be unlawful for any person operating any place of business in the city, who is required by the article to keep an approved container on or about his premises, or for any employee, servant or agent of any such person, to place or deposit garbage, trash, paper, rubbish or other waste material in any trash basket or waste receptacle provided and maintained by the city on a public street or sidewalk for the use of the general public.  
(Ord. No. 109-81, § 20, 5-5-81)

**Sec. 10-30. Opening, disturbing garbage or refuse containers.**

It shall be unlawful for any person to remove any trash, litter, garbage or refuse or like matter from any container or other receptacle after it has been placed therein, except by direction of an officer, agent or employee of the solid waste division of the city or the county health department.  
(Ord. No. 109-81, § 21, 5-5-81)

**Sec. 10-31. Place to dispose of garbage.**

It shall be unlawful for any person to dump or dispose of garbage, trash, refuse or materials of any kind at any place within the city and/or the police jurisdiction thereof except at the sanitary landfill provided or designated by the city or other locations specifically designated by the solid waste division, department of public works, for the purpose.  
(Ord. No. 109-81, § 22, 5-5-81)

**Sec. 10-32. Removal of dead animals.**

Small dead animals not exceeding seventy-five (75) pounds in weight which die in the normal course of community activity, excluding condemned animals or animals from a slaughterhouse, shall be removed by the department of sanitation of the city upon request. Such animals exceeding seventy-five (75) pounds in weight shall be removed by the solid waste division, department of public works of the city, upon request on an actual cost basis. (Ord. No. 109-81, § 23, 5-5-81)

**Sec. 10-33. Fee for use of landfill.**

There is hereby established in the city a garbage and trash tipping fee. Any person desiring to deposit or dump garbage, trash, or other solid waste at any municipal landfill owned or maintained by the city shall be required to pay the city a fee based upon the weight of such garbage, trash or other solid waste deposited in the municipal landfill according to the following schedule:

- (1) Twenty dollars (\$20.00) per ton of waste for all loads or deposits of garbage and trash.
  - (2) The minimum tipping fee shall be ten dollars (\$10.00) for all loads or deposits of garbage and trash of one-half (½) ton in weight or less.
- (Ord. No. 109-81, § 24, 5-5-81; Ord. No. 125-83, § 1, 8-16-83; Ord. No. 115-84, § 1, 10-2-84; Ord. No. 106-02, § 9, 2-19-02)

**Sec. 10-34. Destruction, alteration or mutilation of garbage containers.**

It shall be unlawful for any person to destroy, alter or mutilate any garbage container provided by the city. The replacement cost of any such garbage container shall be assessed against and become a lien upon the property or premises of the person committing such act. In addition, any person who knowingly and intentionally destroys, alters, or mutilates any garbage container provided by the city shall be guilty of a misdemeanor. (Ord. No. 109-81, § 25, 5-5-81)

**Sec. 10-35—10-45. Reserved.****ARTICLE III. CITY COLLECTION SERVICE****Sec. 10-46. 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:

*Curbside collection:* The words "curbside collection" shall refer to the method by which the city collects refuse from approved ninety-five-gallon roll-out containers.

*Garbage and trash:* All waste and discarded materials, including rubbish and debris, waste and discarded food, animal and vegetable matter (but not including liquid waste), waste paper, cans, glass, crockery, rags, ashes, cinders, brush, grass, weeds, and cuttings from trees, lawns, gardens, et al.

*Premises:* Any dwelling, apartment unit, flat, mobile home, trailer, church, school, hospital, club, rooming house, hotel, motel, restaurant, boardinghouse, eating establishment, shop, or any other place of business or buildings, together with the lot upon which the same is situated.

*Refuse container or container:* A watertight plastic receptacle provided by the city in either three hundred-gallon or ninety-five-gallon capacity, equipped with an attached, hinged, close fitting lid.

(Ord. No. 108-81, § 1, 4-21-81; Ord. No. 106-02, § 10, 2-19-02)

#### **Sec. 10-47. Residential service charges and service.**

(a) There is hereby established in the city a garbage and trash curbside collection service to be operated by the department of public works, solid waste division of the city. The collection, hauling and disposal of garbage and trash shall be made by the department of public works on a periodic basis as necessary to maintain clean and sanitary conditions and the charges herein prescribed are based on such periodic collection and disposal. Service charges as established herein shall be assessed against the occupants of each residential premises for the availability of the collection service regardless of actual use to the service by said occupants. The mayor and/or his designee may extend the time of payment or abate the payment of service charges to any residential premises in the event of undue hardship or because it is not cost effective for the city to provide service at such premises. The abatement of any service charge shall be fully documented by the mayor or his designee.

(b) Beginning December 1, 2005, and continuing monthly thereafter, a garbage and trash service charge for each residential premise is hereby established in the sum of sixteen dollars (\$16.00) per month.

(c) Beginning May 1, 2002, the head of any household who is over sixty-two (62) years of age shall be entitled to a reduction (exemption) from the monthly service charge in the amount of four dollars (\$4.00). In order to obtain the benefit of the exemption herein allowed, the head of the household must make written application under oath to the mayor or his designee giving the name and date of birth of the applicant and the location of the residential premises occupied by the applicant. The mayor or his designee shall also require proof of age from each applicant. In no case shall such exemption herein allowed apply to more than one (1) person in each household nor shall said exemption apply to any person unless the electric meter or water meter (or garbage account if the premises is not served by the city electric or water) is registered in the name of the applicant. The grant of any exemption provided under the provisions of this subsection shall become effective upon the approval of each application by the mayor or his designee.

(d) The solid waste superintendent shall determine the best method of service for apartment buildings and multifamily complexes and shall have sole discretion to require service by private hauler. The owner or proprietor of such apartment building may contract to receive garbage and trash collection from a private hauler. If the city provides garbage and trash collection services to any apartment building, a service charge for each individual apartment unit is hereby established in the sum of sixteen dollars (\$16.00) per month and the occupants of each unit shall be responsible for said service charges.

(e) The residential garbage and trash service charge established herein shall apply to each mobile home and trailer in the city and the occupants thereof shall be responsible for such service charge. The solid waste superintendent shall determine the best method of service for mobile home and trailer parks and shall have sole discretion to require service by private hauler. The owners of said parks shall be responsible for the contract and payment of service fees to the private hauler. Parks utilizing this method of service shall not be subject to the city's residential garbage and trash service charge.

(f) A deposit shall be required for all residential and commercial premises. The deposit fee shall be twenty-five dollars (\$25.00). The deposit shall be required of all new accounts beginning May 1, 2002. Any service that is delinquent by sixty (60) days shall be subject to discontinuance of service as determined by the utility business office or its equivalent entity responsible for the collection of the city's service charge.

(g) Service shall not be provided to businesses utilizing private hauler or any vacant property. The services shall be provided only to premises that are paying the garbage and trash service charge.

(h) Beginning May 1, 2002, there is hereby established an appliance pick-up fee the purpose of ensuring the proper collection, processing, and recycling of appliances. This fee shall be in addition to the monthly curbside collection charge. The resident requesting pick-up service for appliances shall purchase pick-up stickers from the revenue department and the revenue department shall notify the solid waste division to schedule pick-up. The resident shall place the purchased sticker on the appliance requiring pick-up.

(1) The fee for appliances that contain no hazardous material shall be five dollars (\$5.00).

(2) The fee for appliances that contain Freon or other hazardous material shall be fifteen dollars (\$15.00).

(Ord. No. 108-81, § 2, 4-21-81; Ord. No. 129-89, § 1, 11-21-89; Ord. No. 121-91, § 1, 8-6-91; Ord. No. 106-98, § 1, 4-7-98; Ord. No. 106-02, § 11, 2-19-02; Ord. No. 123-05, § 1, 11-15-05)

#### **Sec. 10-48. Commercial and business charges and service.**

(a) The owner or proprietor of any commercial or business establishment in the city may contract to receive city garbage and trash collection services.

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(b) For all business and commercial establishments electing to receive city garbage and trash collection services, beginning December 1, 2005, and continuing monthly thereafter, the following charges shall be paid to the city by every such business or commercial establishment for the collection, hauling and disposing of garbage and trash:

(1) Two (2) 300-gallon containers, twice per week .....	\$192.00
(2) Two (2) 300-gallon containers, once per week .....	96.00
(3) One (1) 300-gallon container, twice per week .....	96.00
(4) One (1) 300-gallon container, once per week .....	48.00
(5) Two (2) 95-gallon containers, twice per week.....	64.00
(6) Two (2) 95-gallon containers, once per week .....	32.00
(7) One (1) 95-gallon container, twice per week.....	32.00
(8) One (1) 95-gallon container, once per week .....	16.00

The charges are based on sixteen dollars (\$16.00) per one (1) ninety-five-gallon container, dumped once per week. At the discretion of the solid waste superintendent, additional containers can be issued and they shall be charged based on a per container per dump charge. (Ord. No. 108-81, § 3, 4-21-81; Ord. No. 129-89, § 2, 11-21-89; Ord. No. 106-98, § 2, 4-7-98; Ord. No. 106-02, § 12, 2-19-02; Ord. No. 123-05, § 2, 11-15-05)

**Sec. 10-49. Industrial service.**

The city shall not provide refuse collection services to any industrial establishment in the city and all industrial establishments must contract with private haulers for the collection of industrial refuse.

(Ord. No. 108-81, § 6, 4-21-81)

**Sec. 10-50. Downtown service charges.**

If, in the discretion of the mayor or his designee, it is more feasible or cost effective to contract with a private hauler for the collection of refuse for a group of commercial customers in the downtown business district, the city may enter into a contract with a private hauler and bill the commercial customers for the cost of such services. The refuse collection service charge billed to such commercial customers in the downtown business district shall be based on prior refuse dumping history when customers were in service at the location of said business or shall be calculated by the sanitation officer based on the history of comparable businesses in accordance with the fees set forth in section 10-48.

(Ord. No. 108-81, §§ 4, 5, 4-21-81; Ord. No. 129-89, § 3, 11-21-89; Ord. No. 106-02, § 13, 2-19-02)

**Sec. 10-51. Adjustments to service charges.**

(a) The refuse service charges for residential and commercial customers as provided in sections 10-47 and 10-48 shall be reviewed and calculated on an annual basis by the public works director. The charges shall be based on all cost associated with the operations of the solid

waste division. These costs shall include but not limited to the personnel, operational, maintenance, and capital reinvestment costs associated with garbage, trash, yard debris, recycling and any other item associated with municipal solid waste.

(b) All adjustments shall be made within sixty (60) days of completion of the annual review by the public works director. The adjusted service charges shall not become effective until the mayor notifies the city council of the new schedule of rates and the mayor gives written notice of said rates by publication one (1) time in a newspaper of general circulation in the city. (Ord. No. 129-89, § 4, 11-21-89; Ord. No. 106-98, § 3, 4-7-98; Ord. No. 106-02, § 14, 2-19-02)

**Sec. 10-52. Payment, collection, etc., of rates, charges, etc.**

(a) Bills shall be rendered monthly to each customer. In the event garbage and trash collection service charges are rendered on the customer's statement for electric or water service, payments received by the city shall be applied first to the garbage and trash collection service charge and then to the payment of other utility charges. Any payment of a customer's bill for service not received by 4:30 [p.m.] on the tenth day from the due date shown on the bill shall be delinquent and penalties and late charges shall be assessed in accordance with the provisions of section 28-24.

(b) The utilities business office of the city is hereby designated as the agent for collection of garbage and trash collection service charges and all payments shall be made to the City of Opelika, Alabama. At the option of the utilities business office, bills for service may be rendered on the customer's statement for electric or water service.

(c) When it becomes necessary for the city to have a representative call at a residence or business establishment to compel payment of garbage service fees due, an additional charge of five dollars (\$5.00) shall be levied. For any bill not paid by the end of the month in which due, the garbage collector and/or the department of public works, solid waste division, of the city shall be authorized to decline to collect or remove garbage and trash from the premises of such person. The collection of garbage and trash not be discontinued for nonpayment until the owner or occupant of such premise is notified at least ten (10) days in advance of the city's intent to discontinue service. Such notice may be given verbally or in writing and may be given by attaching a tag to the refuse container of such person. The discontinuation of garbage and trash collection by the city shall not relieve any person affected thereby from a duty to maintain his or her premise in a clean and sanitary condition.

(d) If an election is made by the owner or proprietor of any apartment, apartment house, apartment complex, townhouse, mobile home park or business or commercial establishment to contract with a private hauler for refuse collection under section 10-47(d) or (e) or section 10-48 herein, then such person shall submit proof of such fact to the director of the department of public works of the city or his designated representative. (Ord. No. 129-89, § 5, 11-21-89; Ord. No. 121-91 § 2, 8-6-91; Ord. No. 110-00, § 1, 4-4-00)