

ORDINANCE NO. 125-17

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OPELIKA BY REPEALING CHAPTER 10 ENTITLED "GARBAGE AND TRASH" IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW CHAPTER 10 ENTITLED "SOLID WASTE DISPOSAL"; ESTABLISHING A PURPOSE, ADOPTING DEFINITIONS, REQUIRING SERVICE, ESTABLISHING LIMITATIONS AND PROHIBITED ACTIVITIES, ESTABLISHING PROCEDURES FOR SOLID WASTE COLLECTION, PROVIDING FOR CUSTOMER RESPONSIBILITIES, ESTABLISHING USE OF SPECIAL CONTAINERS, ESTABLISHING FEES, AND CHARGES FOR THE COLLECTION OF SOLID WASTE, PROVIDING FOR TERMINATION OF SERVICE, PROVIDING PENALTIES, PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALING CLAUSE, PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 2017.

BE IT ORDAINED by the City Council (the "City Council") of the City of Opelika, Alabama (the "City") as follows:

Section 1. **Replacement of Chapter 10 of the Code of Ordinances, adopting Sections 10-1 through 10-114.** That current Chapter 10 of the *Code of Ordinances* of the City of Opelika, Alabama, entitled "Garbage and Trash" is hereby repealed in its entirety and replaced with new Chapter 10 entitled "Solid Waste Disposal," consisting of Sections 10-1 through 10-114, which said Chapter shall read as follows:

CHAPTER 10—SOLID WASTE DISPOSAL

ARTICLE 1. General

Sec. 10-1. – Short Title.

This Chapter shall be known as and may be referred to as the "Solid Waste Disposal Ordinance of the City".

Sec. 10-2. – Findings.

The City Council has ascertained and does find, determine and declare as follows:

- (1) That the removal, storage, transportation, utilization and disposal of solid waste are matters of serious public concern affecting the public health and welfare;
- (2) That the health, safety and welfare of the people of the city require efficient waste removal and disposal service and also proficient utilization of acceptable waste, with such removal, disposal and utilization being under controlled conditions.

Sec. 10-3. – Statutory Authorization.

This Chapter is adopted pursuant to the statutory authority in Alabama Code, §§11-45-1, 11-45-9, 11-47-130, 11-47-131, 22-27-3 and 22-27-5. The City has the power under existing law (including, without limitation) *Code of Alabama*, 1975, Title 22, chapter 27 (*Code of Alabama*, 1975), §22-7-1, et. seq., to regulate the storage, removal, collection, transportation and disposal of solid waste as provided in this chapter.

Sec. 10-4. – Purpose.

This Chapter is adopted for the purpose of protecting the public health, welfare and safety; preventing the spread of disease; preventing the creation of nuisances; preserving natural resources; and protecting the City's water, air and land resources. This Ordinance meets the purposes, goals and policies of the City's Solid Waste Plan. Nothing in this chapter is intended or shall be construed to supersede or interfere with the authority of the Alabama Department of Environmental Management, the United States Environmental

Protection Agency or any other public agency that may have jurisdiction over the subject matter of this chapter.

Sec. 10-5. -- 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:

“ADEM”: The Alabama Department of Environmental Management.

“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 commercial container supplied by a private hauler or any other person other than the city which has been approved for refuse collection by the Environmental Services Director or his designated representative of the city.

“Bulky items”: Discarded non-putrescible waste of a size and form which cannot be easily deposited in, or removed by City personnel from containers provided by the City for the collection and disposal of solid waste, including, but not limited to the following items: furniture, carpet, mattresses and clothing. Bulky items do not include white goods, any motor vehicle or any subassembly, component or part thereof.

“City”: City of Opelika, Alabama.

“City garbage collection system”: The method, procedures and policies whereby the City provides and makes available to certain premises within the City routine garbage collection services.

“Construction and demolition waste”: Lumber, roofing and sheathing scraps, dirt, stones, bricks, ceramics, rubble, broken concrete, plaster, conduit, pipe, wire, insulation, carpet or carpet padding, gutters, sheetrock, siding, HVAC, etc.

“Curbside”: shall mean and refer to the area in front of the premises and immediately behind the curb of the street, and where there is no curb, the area in front of the premises nearest and most convenient to the travelled portion of the street, the use of which will not block, hinder or obstruct vehicular, pedestrian or other traffic lawfully using the street or sidewalk.

“Curbside collection”: The method by which the city collects refuse from approved ninety-five-gallon roll-out carts or 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.

“Disposal charges”: shall mean the tipping fee charged at the landfill or transfer station based on the tonnage of solid waste delivered for disposal.

“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. Tree cuttings shall be less than six inches (6”) in diameter and five feet (5’) in length. Does not include construction or demolition material.

“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.

“Environmental Services Department”: That Department of the City charged with the responsibility of operating the City garbage and trash collection system in accordance with the terms and conditions of this chapter and other City policies.

“Environmental Services Director or Director”: The individual that manages the garbage, trash and recycling and specifically administers Chapter 10 of the Code of Ordinances.

“FEMA”: The Federal Environmental Management Agency.

“Garbage”: The putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, including waste from markets, storage facilities, handling and sale of produce and other food products and, in general, from food from human consumption and non-putrescible waste matter, such as glass, plastic, paper, cartons, boxes and cardboard. Provided, however, the term “garbage” shall not include any household sewage, livestock or poultry waste, hazardous waste or materials and properly disposed of or unprotected medical waste, dead animals or the carcasses of deer or other large animals, ashes, trash, street or highway cleans, abandoned automobiles or appliances or industrial waste.

“Garbage service charge fee”: The amount due to the City by any person for services rendered in connection with the collection of garbage, trash or other refuse.

“Multi-family unit (generally)”: A house, building, structure or any multiple or combination of the same on a premises, where there exists four (4) or more family units.

“Non-residential units”: Any lot, property, building, premises or structure within the City generating garbage that is not a family unit or multi-family unit as herein described. Non-residential units shall include, but not be limited to, businesses, commercial establishments, public buildings, churches and non-profit organizations and any building, structure or part thereof used in connection with or for the foregoing, including the purpose of carrying on any business, trade, occupation or profession for which a business license is required by the City.

“Plastic bag or plastic container”: A plastic bag or holder of trash of sufficient fitness and strength to be lifted and loaded without tearing or leaking and being capable of being securely closed or tied shut, utilized for the purpose of containing trash only.

“Recycling materials”: Includes, but is not limited to, newspapers, aluminum, steel, plastic and cardboard placed at curbside or placed in containers for pickup by the City or placed in bins or areas designed by the City for recycling.

“Recycling”: The process of collecting and turning used products into new products by reprocessing or manufacturing them.

“Refuse”: All putrescible and non-putrescible solid waste (except body waste), including garbage and waste.

“Refuge cart”: A watertight plastic cart provided by the city with a ninety-five (95) gallon capacity, equipped with an attached, hinged, close-fitting lid. Ninety-five (95) gallon carts are equipped with handle and wheels for roll-out service at the curb. Carts are resistant to disturbance by animals and insects.

“Refuge container or container”: A watertight plastic receptacle provided by the City in either three hundred (300) gallon or ninety-five (95) gallon capacity, equipped with an attached, hinged, close-fitting lid. Containers are resistant to disturbance by animals and insects.

“Sanitary landfill or transfer station”: 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 Environmental Services Director to perform duties within Opelika Environmental Services ascribed to the Sanitation Officer in this chapter.

“Solid waste”: All garbage, rubbish, yard waste or trash, debris, “white goods”, construction and demolition waste or other discarded material or refuse.

“Solid waste superintendent”: A person designated by the Environmental Services Director to perform duties within Opelika Environmental Services ascribed to the Solid Waste Superintendent in this chapter.

“Special event cart”: Refuse carts that may be placed at special events with forty-eight (48) hours notice.

“Trash”: All tree and lawn trimmings, leaves, pine straw, trash that has been burned, rocks, bricks, dirt, ashes, lumber, concrete, bushes and demolition type waste generated by family units, except the term shall expressly not include any paper, cartons, cardboard, refuse, garbage, litter, rubbish, sludge, liquids or toxic or hazardous waste. Trash includes only those items of waste that are capable of being collected by equipment of the City utilized for that purpose and accepted for deposit at the landfill.

“Waste”: Any paper, cartons or other refuse thrown away or rejected for further use.

“White good”: Refrigerators, freezers, stoves, dishwashers, clothes washers, clothes dryers, water heaters, air conditioners, other large appliances, etc.

Sec. 10-6. – Authority to promulgate rules and regulations/variances.

(a) The Environmental Services Director or his or her designated representative is authorized to promulgate and issue any rules, regulations and/or policies not inconsistent with the provisions of this chapter, and in furtherance of and reasonably necessary to facilitate the administration and collection of garbage, refuse, trash and other waste within the corporate limits of the City. Without limiting the generality of the foregoing, the Director and his or her designated representative is specifically authorized to place, post and/or affix notices to any premises, structure or business within the corporate limits of the City in regard to the administration of municipal ordinances and departmental policies pertaining to garbage, recycling, refuse, litter and/or trash collection, disposal and management.

(b) In those isolated instances in which the Director determines that a strict enforcement of the provisions of this chapter pertaining to the method and manner of collection will, due to the physical or topographic circumstances, render strict adherence to all of the provisions of this chapter impossible or otherwise impair or impeded the efficient collection activities of the City, then he may authorize a variance from the provisions hereof, but only to the limited extent necessary or required. All the other provisions of this chapter shall remain in full force and effect. All variances granted by the Director shall be in writing, documenting the reasons and justifications therefore, identifying the location and specific regulation to which the variance applies, be signed and authorized by the Director, kept on file by the Department and a copy forwarded to the Mayor. The Mayor shall have the right to approve or disapprove the granting of the variance. A variance may be repealed, amended or modified pursuant to the same procedure.

Sec. 10-7. – Penalties.

(a) Any person who violates or fails or refuses to obey or comply with any provision of this chapter shall, upon conviction, be punished, as provided by the court, as follows:

- (1) For a first conviction: a fine of \$100.00
- (2) For a second conviction: a fine of \$200.00
- (3) For a third conviction: a fine of \$300.00

- (4) For a fourth and subsequent conviction: a fine in an amount not exceeding \$500.00 or imprisonment of not more than six (6) months, or both such fine and imprisonment, at discretion of the municipal judge trying the case.
- (5) Each day of violation of this chapter is a separate offense.

(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.

Sec. 10-8. – Presumption.

If any article of solid waste bearing a person's name is discovered on any public property not designated for the throwing, dumping or depositing of solid waste, including public streets, sidewalks, gutters, alleys, bodies of water, drainage ditches, storm sewers, sanitary sewers, or other property over or with respect to which the City has an easement, or on private property of another without such person's permission, a rebuttable, prima facie presumption shall arise that the person whose name appears on the article threw, dumped, attached, placed, deposited or otherwise caused the article to be thrown, dumped, attached, placed or deposited at the place where it was found; however, this presumption, if un rebutted at trial, shall not serve as a basis for a conviction for a violation of this chapter in absence of other evidence of such nature and degree as required by law.

Sec. 10.9. -- Maintenance of premises.

All persons, firms and corporations within the corporate limits of the City of Opelika are required to keep their premises in a clean and sanitary condition, free from accumulation of solid wastes.

Sec. 10-10. – Litter and dumping.

(a) It shall be unlawful for any person to throw, dump, place, leave or deposit litter, refuse, paper, rubbish, debris, brush, tree removal debris, boxes, tools, scrap iron, machinery, construction or demolition waste, scraps or waste material, or other trash or debris on public property, including but not limited to a city right-of-way, road or other public thoroughfare, or on private property within the City, irrespective of whether such private property is owned by such person; however, the owner or person in control of such private property may utilize authorized private containers in such a manner that such material will be prevented from being carried or deposited by the elements onto any street, sidewalk or other public place or private property; however, such material shall be permitted on such public or private property when it is properly placed for collection, as provided by this chapter.

(b) It shall be unlawful for the owner or any person in control of any private property within the City to fail to maintain the premises free of litter, scrap or waste material.

(c) It shall be the duty of any persons owning or occupying a building or lot within any business district of the City to sweep or clean the sidewalks and alleys adjacent to such building or lot so as to remove all solid waste or filth and to maintain the cleanliness of the premises.

(d) It shall be unlawful for any person to throw, dump, place, leave, deposit or dispose of solid waste at any site other than a facility permitted by ADEM to accept the type of waste being offered for disposal or to store, collect, transport, process, dispose of, sell

or offer for sale solid waste or disposal materials so as to create a nuisance or unless properly licensed to perform this type of work.

Sec. 10-11. -- Depositing solid waste on streets and gutters.

It shall be unlawful for any person to sweep or deposit into the public streets, sidewalks, gutters or alleys of the City, or other property of the City over or with respect to which the City or the public has an easement, any solid waste or any other material or article that would tend to impede the flow of water in such gutters or along such streets, sidewalks, alleys or other property; to clog the storm drainage system; or to be an obstruction to traffic or pedestrians.

Sec. 10-12. -- Depositing solid waste in ditches or sewers.

It shall be unlawful for any person to throw, sweep, dump or otherwise deposit in or around the public drainage ditches, storm sewers or sanitary sewers of the City any solid waste or any other article or material that would tend to impede the flow of water or would tend to clog such ditches, storm sewers or sanitary sewers.

Sec. 10-13. -- Litter in bodies of water.

(a) It shall be unlawful for any person to throw, sweep, dump or otherwise deposit in or around any public lake, stream or body of water of the City any solid waste or other article or material that would tend either to impede the flow of water or clog such bodies of water or otherwise detract from the environmental quality or aesthetics of the area.

(b) It shall be unlawful for any person to throw, drop, dump or deposit litter or any foreign material in any fountain, pond, lake, stream, bay or other body of water in or adjacent to a public park or elsewhere within the City.

Sec. 10-14. -- Demolition and construction waste.

(a) It shall be unlawful for any construction or demolition contractor to fail to provide on-site containers for loose debris, paper, building material waste, scrap building material, and other trash produced by those working on the site. The Environmental Services Director or his or her designee shall have the authority to determine the number of containers necessary to provide proper containerization.

(b) Dirt, mud, demolition and construction waste, and other debris, whether located upon public or private property, shall be removed on a continuing basis as produced on the premises or in relation to a demolition or construction project; and in no case shall such waste remain on or near the premises or in relation to a demolition or construction project for a period longer than thirty (30) days. Construction sites and demolition and construction materials and waste on such sites shall be kept in a clean, litter-free and orderly condition at all times. The occupant of such premises or the contractor of a construction or demolition project shall collect and remove or arrange for the collection and removal of all demolition and construction waste produced on such premises or in relation to a demolition or construction project. In cases where the occupant or contractor arranges for the collection and removal of demolition and construction work, such collection and removal must be conducted by a solid waste collector utilizing a solid waste collection vehicle licensed by the City for such collection. Such demolition and construction waste shall be disposed of at a facility permitted by ADEM to accept the type of waste being offered for disposal, whether such facility is operated by the City or privately. Any solid waste collector licensed for the purpose of offering collection service for demolition and construction waste may offer such services in accordance with the schedule of charges such collector determines to be appropriate. No person shall transfer responsibility or financial liability for the disposal of demolition and construction waste by depositing the waste upon any public street or other public place or private parcel, lot premises, litter receptacle or refuse receptacle, except as otherwise provided in this chapter.

- (c) All construction and demolition debris shall be contained in a manner so as to prevent blowing or scattering.
- (d) Building contractors must collect, transport and dispose of all refuse generated from the work. All construction and demolition debris shall be hauled by a licensed commercial hauler, or by the person generating the waste. The building contractor must safely transport such waste and properly dispose of such waste in an approved landfill. The contractor must keep a copy of the disposal ticket provided by the landfill and provide a copy of the ticket to the City upon request. A certificate of occupancy for a newly constructed or renovated building will not be issued until all refuse and litter caused by the construction or remodeling is removed from the site.
- (e) No construction or demolition debris shall be deposited on any roadway.
- (f) No construction or demolition debris shall be deposited on any real property within the City without a permit from the Alabama Department of Environmental Management.
- (g) No construction or demolition debris shall be burned.
- (h) No person shall operate or permit the operation on his or her property of a disposal site in the City for the disposal of solid waste from construction or demolition activities unless such person shall have first applied for and received a permit from the Alabama Department of Environmental Management.

Sec. 10-15. – Prohibited acts and practices.

- (a) It shall be unlawful for any person to place or cause to be placed, any waste upon any street, highway, road, right-of-way, waterway, stream or other body of water, or upon public or private property except in accordance with the provisions of this chapter.
- (b) It shall be unlawful for any person to dispose of any acid, explosive material, flammable liquids, motor oil or any dangerous or highly corrosive material in any container which might cause harm or injury to any person. Special handling arrangements for such items shall be made pursuant to the rules and regulations of the Alabama Department of Environmental Management and the Federal Environmental Protection Agency.
- (c) It shall be unlawful to bury, burn or dispose of waste, except by use of a garbage disposal unit, or in accordance with the provisions of this chapter, or as permitted by the Alabama Department of Environmental Management and the Federal Environmental Protection Agency..
- (d) It shall be unlawful for any person to remove waste from containers placed for removal, except the collector, its authorized employees and agents.

Sec. 10-16. -- 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.

Sec. 10-17. – Entry powers.

The Environmental Services Director, the sanitation officer and any police officer, or their authorized representatives, in order to protect the health and safety of the citizens of the City, shall have the power and authority to enter at any reasonable time in, or upon, public and 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.

Secs. 10-18—10-30. - Reserved.

ARTICLE II. – STORAGE AND COLLECTION

Sec. 10-31. – Garbage collection systems, mandatory participation.

Every person in possession, charge or control of any premises within the City where solid waste is created or accumulated shall subscribe to and participate in a system of garbage collection and disposal pursuant to the provisions of this article, unless granted a certificate of exemption in accordance with Alabama *Code* §22-27-3(g), 1975, or otherwise exempt by the provisions of this article.

Sec. 10-32. - Residential garbage collection.

The City provides and makes available a City garbage collection system, pursuant to the provisions of this chapter, within the corporate limits of the City. Except as otherwise provide in sections 10-33 and 10-34, and as provided in subsections (a) and (b) of this section, every person in possession or control of any residential premises wherein solid waste is created or accumulated shall participate in and subscribe to the City garbage collection and disposal system pursuant to the provisions of this article and pay to the City such fees and charges for such services as established in this chapter. Except as provided herein, garbage removal from occupied single-family residential units shall be made exclusively by the City garbage collection system. Participation in the City's removal or collection by single-family residential customers is mandatory for all residents of the City. Once weekly, the City will collect from each such residential premises garbage deposited in one or more ninety-five-gallon refuse carts and properly placed for collection in accordance with the provisions of this article. Fees for garbage collection are assessed for the availability of the service. No commercial firm engaged in garbage collection within the corporate limits of the City shall collect garbage from residential premises as herein defined, except those to whom the City does not make available garbage collection services.

(a) Persons disposing of their own solid waste pursuant to the *Code of Alabama* 1975, §22-27-3(g), shall cause all such materials to be placed in approved receptacles.

(b) If an owner or property management company (or their agent) in possession, charge or control of any premises designed or intended for multiple occupancy where waste is created or accumulated, and which contracts with licensed private haulers shall cause all such material to be placed in approved receptacles.

(c) All roads inside mobile home parks shall be maintained to City standards. Failure to do so may result in the City not providing curbside collection. City will have option to provide 300-gallon carts or front-end loader containers provided by a private hauler with residents still paying the monthly residential fee.

Sec. 10-33. – Multi-family garbage collection.

The owners, occupants and/or residents of all multi-family residential units must participate in and subscribe to either the City garbage collection system in accordance with the provisions of this chapter, including all applicable fees and charges assessed by this chapter or a garbage collection system provided by a private garbage collection firm duly licensed by the City for the collection and disposal of garbage. The Solid Waste Superintendent shall determine the best method of service for multi-family units and shall have sole discretion to require service by a private hauler. The City shall have the option to provide service through a private collection firm and bill the residents individually on their power bill. All such service by the City shall be by means of approved refuse containers provided by the City. The number, type and size of the containers will be determined by the Solid Waste Division of the Department of Environmental Services. The use of refuse containers serving more than one residential unit shall be limited to duplexes, apartments or other multi-family dwellings. The determination of such shall be at the sole discretion of the Environmental Services Director.

The owners, occupants and/or residents of all non-participating multi-family residential units as herein defined within the corporate limits of the City shall not be provided garbage collection services by the City, but rather participate in and subscribe to a garbage collection system provided by a duly licensed commercial firm, which utilizes dumpster containers. Such dumpster containers shall be placed in reasonable proximity to said multi-family units in accordance with all City ordinances and policies. The residents of such multi-family units shall place garbage only in the dumpster containers for collection and disposal. It shall be unlawful and constitute a public nuisance for any owner, occupant or resident of a non-participating multi-family unit to utilize or place for collection at curbside or anywhere else upon the public right-of-way any garbage can, box, cart, bag or receptacle containing garbage and/or for any person, firm or corporation to collect or attempt to collect such garbage so placed or containerized. Commercial firms engaged in garbage collection within the corporate limits of the City shall collect garbage from multi-family units only in accordance with the terms and conditions of this chapter.

Sec. 10-34. – Mobile home park collection.

The owners, occupants and/or residents of all mobile home parks must participate in and subscribe to either the City garbage collection system in accordance with the provisions of this article, including all applicable fees and charges assessed by this chapter, or a garbage system provided by a private garbage collection firm licensed by the City for the collection and disposal of garbage. The Solid Waste Superintendent shall determine the best method of service for mobile home parks and shall have sole discretion to require service by a private hauler. The City has the option to contract with a private hauler to provide service in mobile home parks and bill the residents individually. Opelika Environmental Services shall not collect garbage or other solid waste from any area within a mobile home park where the private streets or roadway do not meet the minimum standards prescribed in article V of Chapter 26, §§26-167, et. seq. The owners of all mobile home parks must sign an Access Agreement & Release For Use Of Private Drive For Solid Waste Collection. All garbage service by the City shall be by means of approved refuse containers provided by the City. The number, type and size of the containers will be determined by the Solid Waste Division of the Department of Environmental Services. The Superintendent may require the placement of 300 gallon refuse containers at the entrance of the mobile home park where the private streets and roads inside the park are substandard. All mobile home parks will have one central location for trash collection This location must be agreed on by the trailer park owner and Opelika Environmental Services..

Sec. 10-35. -- Commercial and other non-residential premises garbage collection.

All non-residential premises, including churches, non-profit premises, commercial or business establishments, public buildings or any other premises within the corporation limits of the City where solid waste is created or accumulated shall participate in and subscribe to either the City's garbage collection system in accordance with the provisions

of this article, including all applicable fees and charges assessed by City ordinance, if such garbage collection services are made available, or a garbage collection system provided by a private commercial collection firm duly licensed by the City for the collection and disposal of garbage if garbage collection services are not made available by the City. Once or more weekly the City will collect from participating non-residential premises garbage deposited in containers approved by the City and properly placed for collection in accordance with the provisions of this article and at the time scheduled for collection as established by the City for the area. If a non-residential premises elects to no longer subscribe to the City's garbage collection system or if the premises generates or accumulates more than the maximum amount of garbage that can be contained totally within the City approved containers, after fourteen (14) days' notice, the City's garbage collection services shall be terminated and the owner or occupant of such premises shall immediately make arrangements with a private commercial disposal firm duly licensed by the City for the collection and disposal of garbage. No large containers for bulk collection of garbage and refuse shall be allowed on public streets or sidewalks of the City but must be located on private property at the rear of the establishment at a place easily accessible to the garbage collection or adjacent to a public or private alley commonly used to serve such establishment. All commercial and other non-residential refuse generators shall maintain their alleys and the area surrounding the refuse carts or containers free from refuse and other potential hazards to the public health, safety or welfare. Opelika Environmental Services will only collect waste inside the refuse carts or containers. All other waste will be collected only at an agreed upon rate. The City shall not be liable for any damage caused to the driving surface on commercial or non-residential property. All commercial and non-residential customers must sign an Access Agreement & Release For Use Of Private Drive For Solid Waste Collection.

Sec. 10-36. – Industrial Service.

The City does not provide refuse collection services to any industrial establishment and the owner, operator, person in charge and/or manager of an industrial premises shall participate in and subscribe to a refuse collection system provided by a duly licensed commercial firm.

Sec. 10-37—10-49. - Reserved.

ARTICLE III. - CITY GARBAGE COLLECTION SYSTEM; PLACEMENT AND HANDLING OF TRASH

Sec. 10-50. – Garbage containers, use and placement, etc.

(a) Mandatory use of City containers. The owners or occupants of every residence participating in the City's garbage collection system in accordance with the provisions of this article shall utilize only the City's refuse carts and containers as herein defined. Only City containers properly maintained and in good working order may be utilized for garbage collection by the City system. The City will not collect garbage from any other type or kind of garbage container or receptacle, can, bag or box, etc. (non-conforming receptacles). The use or placement of such non-conforming receptacles for the collection of garbage by the City is unlawful and shall constitute a public nuisance which shall be abated in accordance with the law.

(b) Curbside collection of City containers. The owner or occupant of any premises participating in the City's garbage collection system shall deposit garbage in a City container with the lid firmly closed and place the container at curbside as herein provided on the date and at the time established by the City for garbage collection in the area. Residents who habitually have overflowing carts will be provided a second residential cart at the rate of \$10.00 per month. After each scheduled garbage collection in that area, the containers shall be removed from curbside and City right-of-way by the owner or occupant of the premises. It shall be unlawful and create a public nuisance for any person, firm or corporation participating in the City's garbage collection system to allow or permit a container to remain at curbside or upon the City right-of-way no later than the end of the scheduled day of collection.

(c) The City will not collect any garbage placed outside of the enclosed refuse cart or container provided by the City for the collection of garbage.

Sec. 10-51. – Service not provided by City.

The City does not provide service for the removal or collection, from any premises, of

- (1) Construction and demolition waste or materials resulting from the construction, demolition or removal of buildings or structures, such as earth, gravel, rocks, sand, plaster, mortar and roofing materials. All building materials shall be unacceptable for collection;
- (2) Materials resulting from commercial-related activities, work performed by a contractor, or work requiring a building permit;
- (3) Tree limbs and trimmings resulting from land clearing or from tree service contractors or other commercial workers;
- (4) Rocks, dirt or other debris resulting from a commercial landscaping or construction;
- (5) Hazardous materials or other waste that are determined by law or by the Solid Waste Division to be hazardous to the health or safety of collection personnel;
- (6) Dangerous materials or substances such as ashes, cinders, poisons, acids, caustics, infected materials and explosives and other similar noxious matter;
- (7) Any solid waste resulting from industrial processes;
- (8) Material which cannot be reduced by compaction, such as iron, automobile engines and tires;
- (9) Trees with a diameter that is greater than six (6) inches. Opelika Environmental Services will quote a rate to remove such trees or for the customer shall contract with a private licensed hauler to remove said trees.

Sec. 10-52. – Loading containers/carts.

City containers and/or carts shall only be utilized for the disposal of garbage as defined herein subject to the limitations of this article. City refuse carts and containers shall not be loaded with concrete, bricks, dirt, scrap metal, rocks or other heavy waste or demolition-type material and in no event shall a container be loaded to exceed 200 pounds. Refuse carts and containers may be utilized for depositing of trash for collection by the City if such trash is in compliance with all requirements set out in this article. Garbage that will not fit in the cart should not be placed outside the cart. Only materials stored inside the cart will be collected. All garbage must be contained within the cart, with lid closed.

Sec. 10-53 – Placement location.

It shall be unlawful to place containers for collection of garbage, refuse or other waste at any place other than immediately adjacent to the curb (or the edge of the roadway on non-curb streets) in front of the premises where such waste was accumulated unless prior approval is, upon showing of need, obtained from the Solid Waste Division for placement at some other location. Refuse carts and containers should be placed within two (2) feet of the street and must not be placed within five (5) feet of a vehicle, mailbox or other obstruction as determined by the Director. After each scheduled garbage collection in the area, refuse carts and containers shall be removed from curbside to the owner's, occupant's or resident's side yard, carport, garage, backyard or screened area so that the cart or container is not visible from the street. Customers who fail or refuse to remove cart or container from the curb or street within the time period specified in Section 10-54 shall be issued a warning for the first occurrence. After the initial warning, City personnel will remove the refuse cart or container from the curb or

street as specified in this section and the customer shall be assessed a \$10.00 service charge for this service. The service charge will be added to the customer's next bill. To fail to comply with these provisions after notification by the Solid Waste Division will cause service to be discontinued until correction has been made. At no time will collection personnel enter houses, buildings or fences for the purpose of the collection of garbage, refuse or other waste; however, the Director of Opelika Environmental Services shall promulgate rules pertaining to special off-street services for persons with disabilities who are without assistance and cannot place containers at the curb, but no outbuilding shall be entered without permission.

Sec. 10-54. – Placement time; removal time.

It shall be unlawful to place or permit the placement of garbage containers immediately adjacent to the curb (or the edge of the roadway on non-curb streets) before 5:00 pm on the day preceding the day designated by the Solid Waste Division for collection or leave such container on the placement site no later than the end of the scheduled day of collection. Containers must be properly placed for collection no later than 6:30 a.m. on the scheduled day of collection.

Sec. 10-55. – Bulky items.

All bulky items to be removed by the Solid Waste Division from private residences shall be placed adjacent to the curb (or the edge of the roadway on non-curbed streets) or in an accessible place approved by the Solid Waste Division. Bulky items shall be collected weekly. All such waste not collected by the City must be delivered by the owner to an authorized receiving facility. Placement location in Section 10-53 shall apply to bulky items.

Sec. 10-56. – White goods.

(a) White goods will be collected at curbside, provided that each white good item has a sticker attached. White good stickers may be purchased at the Opelika City Hall located at 204 South 7th Street. Curbside pickup of white goods is available only to residential premises. The fee for a sticker to be attached to a refrigerator, freezer, air-conditioner or any other type of white good item containing Freon is \$15.00. The fee for a sticker to be attached to all other white good items (for example, stoves, water heaters, washing machines, etc.) is \$5.00.

(b) White good items may be delivered by the owner without charge to an authorized receiving facility.

Sec. 10-57. – Residential trash collection.

The City will provide residential trash collection services once a week in accordance with the provisions of this article and pursuant to the rules and regulations promulgated by the Department of Environmental Services. Participation in the City residential trash collection system is voluntary. However, failure to participate in the City trash collection system shall not authorize or permit the occupants of any premises within the City to unlawfully accumulate trash or other debris.

The following rules are hereby established pertaining to the method and placement and handling of trash, as herein defined, on or near the street for pick-up by the Solid Waste Division:

(a) All trash items capable of being containerized, such as grass clippings, shrubbery trimmings and loose trash that may be blown away shall be boxed or bagged in adequate strength plastic bags securely closed and tied shut and shall be placed on the curbside in front of the premises on regular collection days. All plastic bags so placed shall be in good condition without tears or leaks and securely tied or fastened. The City will not collect trash on collection days which is not bagged or containerized as required in this section. Residential customers may, on a voluntary basis, have the City provide a 95-gallon cart for yard waste at a rate of \$10.00/month. Residential customers who fail or refuse to bag or containerize grass and shrubbery trimmings will

be issued a warning for the first occurrence and will be assessed a \$10.00 service fee for each occurrence thereafter on the customer's next bill.

(b) Limbs, brush, shrubbery and other wood items not capable of being bagged as provided in subsection (a) above shall be cut in lengths not exceeding five (5) feet and widths no greater than six (6) inches in diameter. Limbs, brush, shrubbery and other wood items shall be placed on curbside in front of the premises.

(c) From November 1 of each year until March 1 of the next succeeding calendar year, unbagged leaves shall be kept separate from other yard waste and shall be placed in piles within five (5) feet of the curb or the edge of the roadway on non-curbed streets so as to be accessible to the City's leaf collection machines. Limbs and other yard waste shall not be mingled with the leaves. It shall be unlawful to blow, place, dump or deposit leaves or other loose yard waste on the street surface. If trash is placed on the street, trash must be bagged or containerized. Residents shall also have the option to bag or box leaves.

(d) The owner or occupant of each residential unit shall be limited to a combined volume of trash of five (5) cubic yards per week. When the combined volume of trash exceeds five (5) cubic yards per week and the owner or occupant requests that all trash be collected and removed on the same collection day, after the initial five (5) cubic yards is collected, the owner or occupant will be charged \$75.00 per load plus disposal charges. Otherwise, Opelika Environmental Services will collect and remove approximately five (5) cubic yards of such trash per week until the entire amount is removed.

(e) No collection of trash shall be made from any residential unit that does not subscribe to the City garbage collection system.

(f) City will only collect tree trimmings and other yard waste from within 100 feet of the house and only in the maintained area of the yard. Waste from outside the maintained area of the yard will be treated as special trash and yard waste as described in Section 10-63.

(g) Any lawncare service must place their yard waste in front of the resident's house unless approval has been given by Opelika Environmental Services to place the yard waste elsewhere. Annually when applying for a business license, the owner of each lawncare service doing business in the City shall procure a permit at a cost of \$100.00 that allows such business to bring its yard waste to the Jeter Recycling Center for disposal. Grass and shrubbery clippings must be bagged.

(h) Section 10-53-Placement location shall apply to residential trash collection.

Sec. 10-58. – Non-residential and commercial trash collection.

(a) Except as provided in this section, no collection of trash shall be made by Opelika Environmental Services from any commercial or non-residential premises when the owner or person in possession does not subscribe to and receive garbage services from the City.

(b) The owners and persons in possession, charge or control of commercial and other non-residential premises are responsible for the removal of all trash and bulky items from such premises and for its delivery to an authorized receiving facility.

(c) The owners and persons in possession, charge or control of commercial and non-residential premises may contract with the City or a private commercial collection firm for the collection and removal of trash.

(d) Opelika Environmental Services will collect and remove trash and bulky items from commercial and non-residential premises on an as needed basis for \$75.00 per load plus disposal charges. Quotes will be given on any loads less than a full load.

(e) It shall be unlawful and constitute a public nuisance for the owners and the persons in possession, charge or control of any non-subscribing commercial or non-residential premises to place or deposit trash and bulky items at curbside or within ten (10) feet of the street for collection by the City.

(f) Section 10-53-Placement location shall apply to non-residential and commercial trash collection.

Sec. 10-59. – 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 this article to keep an approved container on or about his/her premises, or for any employee, servant or agent of 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.

Sec. 10-60. – 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. Animals exceeding seventy-five (75) pounds in weight shall be removed by the Solid Waste Division, upon request on an actual cost basis.

Sec. 10-61. – 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. Any person who knowingly intentionally destroys, alters or mutilates any garbage container shall be guilty of a misdemeanor. Replacement cost shall be \$75.00.

Sec. 10-62. – Cleanliness and orderliness of container site.

It shall be unlawful for any person in charge or control of any premises to allow or permit garbage or trash containers to be open or uncovered, and it shall be unlawful for such person to permit or allow an accumulation of garbage, trash or litter in the vicinity of any garbage or trash container serving such premises.

Sec. 10-63. – Special trash and yard waste.

Waste that has not been containerized, cut to proper lengths or stored that has been authorized for collection in accordance with the provisions of this article may be collected by the Solid Waste Division by making arrangements for a special collection or other means of disposal. Residents disposing of building or construction debris (which is not the result of commercial-related activity and which does not result from the work of a general contractor) which is determined by the Solid Waste Director to be impractical to contain may arrange for a special collection. In cases where no arrangements for special collection have been made with respect to waste that has not been containerized, cut to proper length or stored and is authorized for collection in accordance with the provisions of this article, such waste may be collected by the Solid Waste Division and shall be considered a special collection. Fees for these special collections are in addition to the customer's normal monthly rate for containerized service. Materials resulting from the repair or replacement of driveways or concrete slabs are excluded from special collections. Opelika Environmental Services will collect and remove special trash and yard waste for \$75.00 per load plus disposal charges. Quotes will be given on any loads less than a full load.

Sec. 10-64. – Segregation of garbage from other waste.

(a) It shall be the responsibility of the customer to segregate uncollectable waste from garbage, yard waste and other permitted household and commercial refuse. It shall be unlawful for any person to deposit or permit to be deposited waste unacceptable for collection in any approved refuse cart or container provided or intended for garbage waste.

(b) It shall be the responsibility of the customer to segregate yard waste from garbage and other permitted household and commercial refuse. It shall be unlawful for any person to combine yard waste and garbage in any approved container provided or intended for garbage collection.

Sec. 10-65. – Solid waste rules and regulations.

The following rules and regulations are hereby established pertaining to the handling of garbage, trash and recycling as herein defined.

Commercial Garbage Service

1. Customer may require additional 95-gallon or 300-gallon carts. Rate on additional carts will be the same as first cart. The City has the option to use 300-gallon carts in place of multiple 95-gallon carts. The City may provide a front-end loader container provided by a private hauler at the same rate City is charging for multiple 95 or 300-gallon carts. Customer may only use private hauler if approved by Opelika Environmental Services.
2. Clear access to pick up the cart will be the responsibility of the owner, occupant, or person in charge of any commercial or non-residential property. If carts are blocked and cannot be serviced, business may bring their garbage for that week to the Jeter Recycling Center and placed in a 300-gallon garbage container.
3. The City will have the option when dealing with mobile home parks to bill individual residents or send a single bill to the mobile home park owner. The City will only pick up, tree trimmings, small yard clippings, grass (bagged), leaves and pine straw at agreed upon central location. Any other items will be picked up for a rate agreed to by both parties. If excessive waste is put out due to move in, move out, or remodeling the City will pick up trash/bulky waste at a rate of \$75.00 per load plus disposal charges. Quotes will be given on any loads less than a full load.
4. Cart lids must be completely closed to be serviced. If carts are frequently overflowing, Opelika Environmental Services may require an additional cart. If agreement cannot be reached on level of service, customer will be required to use a private hauler.
5. All waste placed inside the 95- or 300-gallon cart shall be bagged to help minimize litter on our city streets. No boxes shall be placed in the carts unless they have been broken down or cut up so they will not cause the garbage to become stuck in the cart when the cart is being picked up.

Residential Garbage Service

1. Lids on carts must be closed or the cart will not be picked up. There will be an exception to this rule during the week after Thanksgiving Day and Christmas Day .If overloading the cart becomes a recurring problem and the Environmental Services Director determines a second cart is required, the resident will be charged an additional \$10.00 per month for the second cart.
2. All waste placed inside the 95-gallon cart shall be bagged to help minimize litter on our city streets. No boxes shall be placed in the carts unless they have been broken

- down or cut up so they will not cause the garbage to become stuck in the cart when the cart is being picked up.
3. Residents will be responsible to keep their carts washed and cleaned.
 4. Cars or other objects blocking carts will be the responsibility of the resident. If carts are blocked and cannot be serviced, residents may bring their bagged garbage to the Jeter Recycling Center and place in a 300-gallon garbage cart.
 5. All carts that have to be replaced due to customer abuse will be replaced at a charge of \$75.00 and will be added to the next power bill from Opelika Power Services or paid in advance by the customer.
 6. The Environmental Services Director, or his designee, will inspect home based businesses to determine if their waste is consistent with normal residential waste. If not, the resident will be charged an additional agreed upon rate. If an agreement cannot be reached, the resident may be required to use a private hauler for solid waste collection services.
 7. Any resident requesting handicap hand pick-up must have a written doctor's excuse and there must not be another person living or working at the residence that is capable of pulling the cart to the street. Residents must bag this waste.
 8. Any resident that is unable to be serviced at a public street must sign a Private Access Agreement provided by Opelika Environmental Services and private roadway must meet city approval.

Trash/Yard Waste

1. Residents may bring yard waste to the Jeter Recycling Center. Tree parts shall not exceed 6 inches in diameter or 5 feet in length.
2. The city is not required to pick up any tree parts exceeding 6 inches in diameter or 5 feet in length. If the resident requests collection of tree parts exceeding these limits, the resident will be charged \$75.00 per load plus disposal charges.
3. The city will only pick up tree trimmings from trees located in the manicured section of residential yards. The city will not pick up tree trimmings from natural areas of the residence. If the resident requests this service, the resident will be charged \$75.00 per load plus disposal charges.
4. Tree removal/trimming companies are required to remove all their waste from the residence. Trees exceeding 6 inches in diameter cut down by residents and placed at the street will be charged \$75.00 per load plus disposal charges. Resident may contract with a private hauler if desired.
5. All grass and shrubbery trimmings shall be bagged or boxed. This also applies to all lawn care companies. Residential customers not bagging grass and shrubbery trimmings will be issued a warning for the first occurrence and will be assessed a \$10.00 service fee for each occurrence thereafter on their next bill.
6. Residents shall not place loose trash at the curb that may blow when being transported by Opelika Environmental Services. This waste shall be bagged or it will not be

picked up. All styrofoam must be bagged or boxed. Residential customers not bagging loose waste will be issued a warning for the first occurrence and will be assessed a \$10.00 service fee for each occurrence thereafter on their next bill.

7. All trash shall be placed within three feet of the curb or edge of the road. No loose trash should be thrown into any storm sewer, gutter, sidewalk or street within the city. Any trash placed on a street should be bagged, boxed or tied in bundles.
8. No construction or demolition material will be picked up as part of regular service. This includes carpet, carpet padding or tile replacement. Anyone requesting this service will be charged \$75.00 per load plus disposal charges. . Quotes will be given on any loads less than a full load.

Recycling:

1. If glass or any other unapproved material is placed in the recycling cart the City may cancel the recycling service after giving one warning.
2. If habitual problem with placing bags or bagged material in the recycling cart, recycling service may be cancelled after giving one warning.

Other:

1. Any charges for additional services may be added to the power bill or billed and paid in advance at the direction of the Environmental Services Director.
2. Any fees assessed to a resident may be added to the power bill or billed and paid in advance at the direction of the Environmental Services Director.
3. Cars blocking garbage or trash shall be the responsibility of the residential or commercial customer.
4. No liquids, such as paint, are allowed in the garbage or trash. Paints or other liquids must be solidified by using sand, oil dry or kitty litter before placing in garbage cart. Residents who place paint or any other liquid that has not been properly treated in their garbage cart or in their trash will be charged a \$25.00 service fee. Residents may bring paint to the Jeter Recycling Center or the Northside Recycling Center. Residents should first check with the store where they purchased the paint to see if the paint retailer will accept the unused paint.

Sec. 10-66. – Discontinuation of garbage and trash collection services. (Posting of Notices).

(a) The Solid Waste Division may refuse to collect on any occasion and/or permanently discontinue garbage and/or trash services from any premises within the City where the owner, occupant or other person in control thereof fails or refuses to comply with any provisions of this article, or any other ordinance of the City or policy of the Department in regard to the collection, storage, handling of garbage or refuse at such premises.

(b) Prior to a discontinuance of such services to any premises, the Director of the Department shall give the owner or occupant thereof as indicated by the records of the City, at least five (5) days' written notice of the City's intention to discontinue service. The Director of such Department and/or his/her designated representative is authorized to post and attach and/or affix notices to the premises or structures located thereon in regard to any such failures to comply and/or to mail or otherwise notify such persons in violation of such City regulations concerning the collection, storage or handling of garbage, trash or refuse. After the lapse of the period specified in the written notice, if

the account has not been paid in full, Opelika Environmental Services, notwithstanding any deposit as referred to in section 10-108, may then discontinue service without further notice.

(c) At any time prior to 4:30 p.m. on the day preceding the discontinuation of service date, the customer may request in writing an administrative hearing before the Director or his designee. No hearing shall be necessary if the customer does not request a hearing in writing. Upon such request, the Director or his designee shall, as soon as practicable, fix day and time for the administrative hearing. In any event, all disputes shall be heard by the Director or his designee before the customer's service is discontinued. The hearing shall offer the customer reasonable opportunity to be heard on any dispute concerning the amount of his/her bill or any other matter relating to the termination of the customer's service. The customer may appear at the hearing in person or through a designated representative. The final decision of the Director or his/her designee shall be made in writing, and a copy of the decision shall be delivered to the customer either personally or by certified mail, return receipt requested. If the decision shall be to terminate the customer's service, the date of termination shall be stated therein. All such decisions shall be final and binding upon the parties, subject, however, to such remedies as any aggrieved party might have in law or equity.

Sec. 10-67—10-79. - Reserved.

ARTICLE IV -- RECYCLING

Sec. 10-80. – Purpose.

The City's single stream recycling program is established for the purpose of reducing the associated costs of solid waste disposal, conserving landfill space and conserving natural resources. Single stream recycling refers to a recycling system in which all materials, including paper, plastics and metals, are mixed within the collection truck. These materials are then handled separately throughout the collection process. Single stream recycling systems are designed in order to handle a mixture of recyclables.

Sec. 10-81. – Collection of residential recyclable materials.

(a) Participation the City's residential curbside recycling program is optional. Every person in possession or control of any residential premises may participate in and subscribe to the City's curbside single stream recycling program by paying to the City such fees and charges for such services as established in this chapter.

(b) For residential customers wishing to participate in the City's recycling program, the City will provide a container that is clearly distinguishable from the container provided for household garbage collection.

(c) No person shall deposit or cause to be deposited, in any recycling container, anything other than the approved recyclable materials.

(d) Residential recyclable materials placed inside a recycling container shall not be bagged or contained and shall conform to all residential recycling program guidelines consistent with this article.

Sec. 10-82. – Recyclable materials.

The following types of refuse placed inside a recycling container and collected as part of the City's recycling program:

(a) Plastic containers, including milk, juice, water containers, beverage bottles and detergent bottles. All containers must be washed and top removed. This does not include toys, furniture or styrofoam. No bags allowed.

- (b) Metal food or drink cans. This does not include cookware, hangers or aerosol cans. Cans must be washed.
- (c) Newspapers and magazines.
- (d) Cardboard. Cardboard must be cut in small pieces no larger than 12'x12"x24' and cannot jam the cart when it is being picked up.
- (e) Paper. Typically, this includes all grades and colors. It does not include carbon paper, plastic wrap or the cover of a hardback book.

Sec. 10-83. – Frequency of recyclable material collection.

The frequency of recyclable refuse collection shall be every other week. The Director of Environmental Services will designate specific collection days.

Sec. 10-84. – Recycling program non-participants.

Non-participating customers may also deliver recyclable materials to recycling drop-off sites maintained by the City. All recycling rules and regulations must be followed.

Sec. 10-85. – Placement and collection of curbside recycling cart.

The location, placement and time of collection of recycling containers shall be in conformity with sections 10-53 and 10-54 of this chapter.

Sec. 10-86. -- Business recycling program.

The City may provide recycling services to business and commercial establishments as part of its solid waste collection program, subject to the following provisions:

- (a) The size, color and type of City-owned recycling containers provided to business and commercial establishments shall be determined by the Director of Environmental Services.
- (b) Participants in the business recycling program shall be subject to the rules and regulations promulgated by the Director, consistent with the provisions of this chapter.
- (c) Participating business and commercial establishments shall subscribe to the recycling program and pay to the City such fees and charges for such services as established in this chapter.

Sec. 10-87. – Scavenging and unauthorized collection of recyclable materials.

- (a) Recyclable materials placed at curbside for collection, or any recycling receptacle placed by the City, are the property of the City. It is a violation of this article for any person not authorized by the City to collect or pick up or cause to be collected or picked up any such recyclable materials or receptacles.
- (b) Nothing in this section is intended to prevent any occupant of residential or commercial property from donating or selling recyclable material from its own refuse.

Sec. 10-88. – Destroying, scattering recyclable materials.

It is unlawful for any person to burn, break, scatter or salvage recyclable materials placed at curbside for pickup or in any bins or areas designated by the City for recycling.

Sec. 10-89—10-100. - Reserved.

ARTICLE V – FEES, RATES AND CHARGES

Division I. Generally.

Sec. 10-101. – Solid waste fees established.

There are established, for the collection, hauling and disposal of acceptable solid waste by the City, the fees, rates and charges prescribed in this article.

Sec. 10-102. – Billing procedures.

All bills for solid waste collection service shall be rendered monthly on the same statement rendered by Opelika Power Services for electric service. Opelika Power Services (“OPS”) is hereby designated as the agent for the collection of refuse fees. All bills for services rendered hereunder shall be due and payable monthly and the fees charged as set out on the utility bill for electricity mailed out by the City. Delinquent accounts are subject to the same penalties as are imposed by OPS in connection with a delinquent account for electric service rendered by the City.

Sec. 10-103. – Service charges and fees mandatory.

Service charges for the availability of solid waste collection services are mandatory. Failure to pay the charges prescribed in this article shall constitute a violation of this chapter and shall be unlawful. Solid waste collection service, as provided for in this chapter, is mandatory for all residential premises, occupants or persons in the City upon which garbage or other refuse or rubbish is produced or accumulated and the occupant or other persons, as the case may be, shall pay to the City, in accordance with the provisions of this article, monthly service charges for solid waste collection services rendered or made available by the City for the collection of garbage and other refuse from such premises.

No person, occupant, family unit or other entity that is required by this chapter to receive and pay for garbage collection services by the City as herein provided shall be permitted to refuse such services by the City and the failure of any person, occupant or other entity to receive such service by reason of such refusal or otherwise shall not exempt any of the aforesaid from payment of the service charges or fees provided for in this article; provided, however, that such mandatory service and fees shall not apply to the following:

- (a) Multi-family, residential, commercial, non-residential and industrial premises utilizing the services of a private solid waste collection firm duly licensed and permitted under this chapter.
- (b) A household, business or any property owner having obtained a certificate of exemption pursuant to §22-27-3, *Code of Alabama*, 1975 or amendments thereto.
- (c) Any person or occupant of the City in which no garbage or refuse collection services are provided by the City for the entire area.
- (d) Where the occupant or other person responsible for the premises or family unit for garbage collection services can establish to the reasonable satisfaction of the City that said premises or family unit, etc., as the case may be, did not produce or accumulate garbage or other refuse, nor utilize City solid waste collection service for the entire billing cycle. The Director of Environmental Services is authorized to promulgate rules and regulations for the administration of this provision.

Sec. 10-104. – Exception to service charge.

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 allow 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 premises is not served by City electric or water) is registered in the name of the applicant. The grant of any exemption provided under the provisions of this section shall become effective upon the approval of each application by the Mayor or his designee.

Sec. 10-105. – Duty to pay when City fails to render service.

The failure of the City to collect garbage or other refuse from any premises, which failure results from the violation, by the owner or occupant of such premises, of any provision of this chapter or any rule or regulation of the governing body governing the storage, preparation, handling or disposal of garbage and other refuse, shall not relieve such owner or occupant of the duty to pay the garbage service charges imposed by this article, nor shall an inadvertent or temporary failure or omission on the part of the City or any of its employees to make any collection of garbage or refuse relieve any person from the duty to pay such charges.

Sec. 10-106. – Deductions not allowed for interruption of service beyond City's control.

No deduction for monthly charges provided for in this article shall be made or allowed by reason of any failure of the City to make collection of garbage as frequently as provided, due to anything beyond the control of the City or due to stoppage of work by employees of the City or due to weather conditions.

Sec. 10-107. – Delinquencies; discontinuance of service for non-payment.

Pursuant to §22-27-5(e), *Code of Alabama*, 1975, or other applicable law, if the fees, charges and rates imposed by this article for garbage and refuse services of the City are not paid within ninety (90) days after the same shall be due and payable, the City may, at the expiration of said ninety-day period, suspend such services and may proceed to recover the amount of such delinquency with interest in a civil action. Opelika Environmental Services shall give the customer at least five (5) days' written notice of its intention to discontinue service. After the lapse of the period specified in the written notice, notwithstanding any deposit referred to in section 10-108, if the account has not been paid in full, Opelika Environmental Services may then discontinue service without further notice. At any time prior to 4:30 p.m. on the day preceding the discontinuance of service date, the customer may request in writing an administrative hearing pursuant to the provisions of section 10-66(c). The hearing shall be conducted pursuant to the provisions of section 10-66(c).

Sec. 10-108. – Penalty for non-payment.

(a) Bills will be rendered monthly and shall be paid by the due date or delinquent date specified on the bill. If any bill is not paid on or before the date shown on the bill, there will be added to the bill an additional late charge equal to five percent (5%) of the bill. Payments due on the weekend or holiday will be due the next business day. The Director shall have the authority to extend the time of payment of any account and/or waive any penalty or late fee in the event of undue hardship or in exceptional circumstances. The Director shall also have the authority to waive late fees for customers who have made arrangements to pay past due balances.

Sec. 10-109. – Deposit fee.

(a) A deposit may be required from an applicant to guarantee the payment of bills and the protection of the City's refuse carts and containers on the customer's premises. For residential customers, the deposit will be in the form of cash. For commercial customers, the deposit will be in the form of cash, approved surety bond or irrevocable letter of credit. Deposits may be required according to the customer's credit rating. Deposits are not billable. Deposit amounts are established in accordance with the provisions of Section 28-406. When service is terminated, the deposit may be applied by the City against any unpaid bills of the customer. The balance, if any, shall be refunded to the customer.

(b) If a current customer fails to pay the solid waste collection fee for two (2) consecutive months, then the customer must pay the deposit set out in subsection (a) before the service will be continued.

Sec. 10-110. – Move-in and Move-out fee.

Whenever a new customer applies for solid waste collection service, the customer shall be charged a prepaid move-in and move-out fee of twenty-five dollars (\$25.00). This fee is in addition to the deposit fee prescribed in Section 10-109 and the fee will cover the cost of additional waste produced when the resident moves in and moves out.

DIVISION II. RESIDENTIAL SERVICE CHARGES.

Sec. 10-111. – Residential charges and fees.

For each residential dwelling unit, there is a mandatory minimum charge in the amount of twenty-two dollars (\$22.00) per month. Beginning October 1, 2017, and continuing monthly thereafter, the following charges shall be paid to the City by every residential customer for the collection, hauling and disposing of refuse:

Curbside Service	Monthly Service Charge
Rate Effective October 1, 2017	\$22.00
Rate Effective October 1, 2018	\$23.00
Rate Effective October 1, 2019	\$24.00
Rate Effective October 1, 2021	\$25.00
Rate Effective October 1, 2023	\$26.00

Every other year following October 1, 2023, the rate on refuse carts will increase \$1.00/month on October 1st. Recycling rates may be adjusted from time to time, depending on market availability, market rates, number of customers.

Additional ninety-five (95) gallon refuse carts may be requested and/or required for the second and each additional such refuse cart. Residential charges for the additional cart shall be ten dollars (\$10.00) per month. Commercial charges for additional carts will be the same as the original cart.

Customers subscribing to the City’s curbside recycling program shall pay an additional monthly fee of ten dollars (\$10.00).

An additional ninety-five (95) gallon cart may be requested for the disposal of yard waste in at a monthly fee of \$10.00.

DIVISION III. COMMERCIAL AND BUSINESS CHARGES AND SERVICES.

Sec. 10-112. – Commercial and business charges and fees.

(a) The owner or proprietor of any commercial or business establishment in the City may contract to receive City garbage and trash collection services. 95-gallon garbage carts shall be used where possible.

Commercial and businesses utilizing City garbage service shall pay to the City the rates listed below for the collection, hauling and disposal of garbage:

Rates effective October 1, 2017

Description of Service	Monthly Service Charge
One (1) 95-gallon cart, once per week	\$22.00
One (1) 95-gallon cart, twice per week	\$44.00
Two (2) 95-gallon carts. Once per week	\$44.00
One (1) 300-gallon cart, once per week	\$55.00
One (1) 300-gallon cart, twice per week	\$110.00
Two (2) 300-gallon carts, once per week	\$110.00
Two (2) 300-gallon carts, twice per week	\$220.00

In subsequent years, beginning October 1, 2018, rates shall be adjusted annually on the first day of October of each year. Rates for 95-gallon carts will increase \$1.00 for each weekly pickup. Rates for 300-gallon carts will increase \$2.50 for each weekly pickup. For example, effective October 1, 2018 commercial rates shall be adjusted as follows:

Description of Service	Monthly Service Charge
One (1) 95-gallon cart, once per week	\$23.00
One (1) 95-gallon cart, twice per week	\$46.00
Two (2) 95-gallon carts. Once per week	\$46.00
One (1) 300-gallon cart, once per week	\$57.50
One (1) 300-gallon cart, twice per week	\$115.00
Two (2) 300-gallon carts, once per week	\$115.00

In subsequent years, beginning October 1, 2018, rates shall be adjusted annually on the first day of October of each year.

A rate chart for various service levels will be posted annually on October 1st on the City of Opelika website, www.opelika.org, or may be obtained by contacting Opelika Environmental Services.

At the request of the customer or at the direction of the Environmental Services Director, additional carts will be issued and they shall be charged based on a per container per dump charge.

Failure to pay any service charge within thirty (30) days after the due date shall be grounds for terminating service by the City.

Sec. 10-113. - 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 and residents in the downtown business district, the City may enter into a contract with a private hauler and bill the commercial and residential customers for the cost of such services. The refuse collection service charge billed to such commercial customers in the downtown business district shall be calculated by the sanitation officer based on the history of comparable businesses in accordance with the fees set forth in Section 10-112. Businesses serving full meals shall be charged the equivalent of the rate for one (1) 300-gallon cart picked up three times per week. Other businesses serving food will be charged the rate for one (1) 300-gallon cart picked up one or two times per week, depending on the estimated volume.

Sec. 10-114. – Miscellaneous rates and charges.

There is hereby adopted by the City the following schedule of miscellaneous rates and charges:

- | | | |
|-----|--|---|
| (a) | Failure to remove refuse cart or container from curb as prescribed in sections 10-53 and 10-54 | \$10.00 service charge |
| (b) | White goods sticker for items containing Freon as prescribed in section 10-56(a) | \$15.00 |
| (c) | White goods sticker for all other white goods as prescribed in section 10-56 | \$5.00 |
| (d) | Failure to bag grass, shrubbery clippings or loose trash as prescribed in section 10-57(a) | \$10.00 |
| (e) | Failure to bag garbage placed in 95- or 300-gallon Cart as prescribed in Section 10-65. | \$10.00 |
| (f) | Paint Contamination | \$25.00/occurrence |
| (g) | Event Carts (Minimum of 5) | \$10.00/each |
| (h) | Excess volumes of trash as prescribed by section 10-57(d)

After the initial five (5) cubic yards |

\$75.00/load plus disposal charges. |
| (i) | Removal of trash and bulky items from commercial and non-residential premises on as-needed basis as prescribed by section 10-58(d). Quotes will be given on loads less than a full load. | \$75.00/load plus disposal charges. |
| (j) | Removal of dead animals exceeding 75 pounds as prescribed by section 10-60 | Actual cost of removal |

Sec. 10-115 Fuel Cost Surcharge.

(a) Applicability. This Fuel Cost Surcharge (FCS) is applicable to and becomes a part of the residential and commercial service charges as defined in sections 10-111 and 10-112.

(b) General.

(1) The FCS reflects increases in the average cost of diesel fuel from the City's sources.

(2) The service charges as defined in sections 10-111 and 10-112 shall be adjusted on October 1 of each year, starting October 1, 2018, based on the average cost of diesel fuel as of July 1 of that year.

(3) If the average cost of diesel fuel reaches \$3.50 per gallon on July 1 of each year a fuel surcharge will be assessed monthly for all 95 gallon and 300 gallon carts.

For 95 gallon carts

Cost per gallon As of July 1	Monthly surcharge increase per container
\$3.50	\$.25
\$4.00	\$.50
\$4.50	\$.75
\$5.00	\$1.00
\$5.50	\$1.25
\$6.00	\$1.50

For 300 gallon carts

Cost per gallon As of July 1	Monthly surcharge increase per container
\$3.50	\$.50
\$4.00	\$1.00
\$4.50	\$1.50
\$5.00	\$2.00
\$5.50	\$2.50
\$6.00	\$3.00

If fuel cost exceed \$6.00 per gallon, FSC will continue to increase at the same rate stated above.

(c) The Fuel Cost Surcharge shall be added to each customer's monthly bill. The monthly Fuel Cost Surcharge shall be effective for bills rendered on or after October 1, 2018.

Sec. 10-116. Disposal Cost Surcharge.

(a) **Applicability.** This Disposal Cost Surcharge (DSC) is applicable to and becomes a part of the residential and commercial service charges as defined in sections 10-111 and 10-112.

(b) **General.**

(1) The DCS reflects increases in the tipping fee charged to the City at the landfill or transfer station based on the tonnage of solid waste delivered for disposal.

(2) The service charges as defined in sections 10-111 and 10-112 shall be adjusted on October 1 of each year, starting October 1, 2018, based on the Disposal Charge (tipping fee) paid by the City as of July 1 of that year.

(3) If the Disposal Charge (tipping fee) reaches \$27.00 per ton for disposal on July 1 of each year, a Disposal Cost Surcharge will be added monthly for all 95 gallon and 300 gallon carts as follows:

For 95 gallon carts

Disposal Charge per ton As of July 1	Monthly Surcharge Increase per container
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\$30.00	\$.25
\$31.00	\$.50
\$32.00	\$.75
\$33.00	\$1.00
\$34.00	\$1.25
\$35.00	\$1.50
\$36.00	\$1.75
\$37.00	\$2.00

For 300 gallon carts

Disposal Charge per ton As of July 1	Monthly Surcharge Increase per container
\$30.00	\$.50
\$31.00	\$1.00
\$32.00	\$1.50
\$33.00	\$2.00
\$34.00	\$2.50
\$35.00	\$3.00
\$36.00	\$3.50
\$37.00	\$4.00

If disposal cost exceeds \$34.00 per ton, DSC will continue to increase at the same rate stated above.

(c) The Disposal Cost Surcharge shall be added to each customer's monthly bill. The monthly Disposal Cost Surcharge shall be effective for bills rendered on or after October 1, 2018.

(d) The Disposal Cost Surcharge shall be in addition to the Fuel Cost Surcharge and not in lieu thereof.

Section 2. **Severability Clause.** If any section, clause, sentence or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the remaining portions of this Ordinance.

Section 3. **Repealer Clause.** The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the subject matter as covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance, are hereby expressly repealed to the extent of any such inconsistency or conflict.

Section 4. **Effective Date.** This Ordinance shall become effective as of October 1, 2017.

Section 5. **Publication.** The City Clerk of the City of Opelika is hereby authorized and directed to cause this Ordinance to be published one (1) time in a newspaper of general circulation published in the City of Opelika, Lee County, Alabama.

Section 6. **Codification.** Codification of this Ordinance in the *Code of Ordinances* of the City of Opelika is hereby authorized and directed.

ADOPTED AND APPROVED this the 19th day of Sept., 2017.



 PRESIDENT OF THE CITY COUNCIL OF THE
 CITY OF OPELIKA, ALABAMA

ATTEST:



CITY CLERK

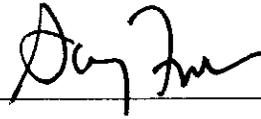
TRANSMITTED TO MAYOR on this the 20th day of Sept., 2017.



CITY CLERK

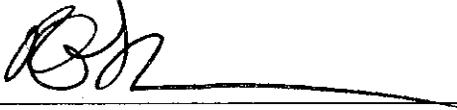
ACTION BY MAYOR

APPROVED this the 20th day of Sept., 2017.



MAYOR

ATTEST:



CITY CLERK