

AMENDED ORDINANCE

2022-4

AN ORDINANCE AMENDING THE SOLID WASTE ORDINANCE TO ESTABLISH AND PROVIDE FOR AUTOMATED CURBSIDE GARBAGE COLLECTION FOR RESIDENTIAL AND LIGHT COMMERCIAL ESTABLISHMENTS

WHEREAS, the City currently collects household and light commercial garbage from containers provided by residents and certain businesses by entering onto the premises of such residents and businesses and manually dumping garbage into the City's collection vehicles;

WHEREAS, automated curbside garbage collection is more efficient than the present method of collection; and

WHEREAS, it is in the best interest of the public's health and welfare for the City to establish and provide for automated curbside garbage collection for residential and light commercial establishments.

THEREFORE, BE IT ORDAINED BY THE CITY OF EUFAULA THAT THE FOLLOWING AMENDMENTS TO CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF EUFAULA, ALABAMA, ARE HEREBY ENACTED.

ARTICLE I. - IN GENERAL

Sec. 78-1. - 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:

Bulky waste means large items such as furniture, large auto parts, trees (in sections and being less than five feet in length and less than four inches in diameter), branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods, which includes the term "yard waste."

City shall mean the City of Eufaula, Alabama.

Code Enforcement Officer means the code enforcement /solid waste compliance specialist employed by the City or such other person or position designated by ordinance or resolution of the City Council to enforce the provisions of this Chapter.

Construction and demolition waste means waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, or other structures, but not inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, rock, concrete, or other similar nonhazardous material.

Containers shall mean and include the roll-out garbage containers authorized and provided by the City to each Customer. ~~a receptacle or can having the capacity of not more than 32 gallons of substantial metal or weather resistant plastic construction, with cans having a tight fitting lid or cover, with not less than one handle on the lid of cover and two handles on the side of the receptacle which can be conveniently lifted or moved. The total weight of the container and contents shall not exceed 60 pounds.~~

Customers means any residential units ~~and~~ or light commercial entities y located within the city limits which generates solid waste for collection by the City.

Garbage means dead animals of less than ten pounds in weight that have been slaughtered for human consumption; every accumulated waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter including, but not limited to, other food containers; and all putrescible or easily decomposable waste; animal or vegetable matter which is likely to attract flies or rodents, but excluding sewage and human waste.

Hazardous waste means any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the federal or state government to be hazardous, toxic, radioactive, volatile, corrosive, flammable, explosive, biomedical, infectious and/or bio-hazardous as those terms are defined by or pursuant to federal or state law or regulations.

Industrial waste means solid waste generated by industrial process and manufacturing.

Light commercial entity means a business entity within the city limits that generates a volume of municipal solid waste that can be adequately accommodated by one container.

Litter means any quantity of uncontainerized paper, metal, plastic, glass or miscellaneous solid waste or other objects which may be classed as trash, debris, rubbish, refuse, garbage or junk.

Medical waste means any solid waste which is generated in diagnosis, treatment, or immunization, of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste or those substances excluded from the definition of solid waste.

Mobile home park means a parcel of land containing two or more mobile homes or trailers and operated as a single operation under the same ownership and management.

Municipal solid waste means solid waste resulting from the operation of residential, commercial, industrial, governmental or institutional establishments that would normally be collected, processed and disposed of through a public or private solid waste

management service. Municipal solid waste never includes hazardous waste, special waste, medical waste or solid waste from mining or agricultural operations.

Private property includes but is not limited to the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots, recreation facilities and bodies of water, including ponds, pools, streams and lakes.

Public property includes but is not limited to the following exterior locations: streets, street medians, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, municipal housing project grounds, municipal vacant lots, parks, beaches, playgrounds, other publicly owned recreation facilities and publicly owned lakes, rivers, creeks, streams and other bodies of water.

Refuse means all nonputrescible waste.

Residential unit means a residence, dwelling, home, cottage, apartment, trailer, mobile home, manufactured home, duplex, or any other structure inhabited by one or more persons within the city, occupied for at least a portion of the relevant month by a person or group of persons. Each unit of an apartment or condominium dwelling consisting of four or less living units, whether of single-level or multilevel construction, shall be treated as a residential unit. A residential unit shall be deemed occupied when both water and power services are being supplied thereto. The fact that any residential unit is occupied shall be prima facie evidence that solid waste is being produced and accumulated upon the premises thereof.

Rubbish or trash means all waste wood, wood products (but not yard waste), chips, shavings, sawdust, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, glass, and mineral or metallic substances.

Solid waste.

- (1) The term "solid waste" means all solid and semi-solid garbage, refuse, and rubbish/trash.
- (2) But the term never means:
 - a. Hazardous waste or special waste;
 - b. The other items excluded under the exclusions paragraph of any contract under article II of this chapter;
 - c. Solid or dissolved materials in domestic sewage;
 - d. Solid or dissolved materials in irrigation return flows;
 - e. Industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act as amended (33 USCA. § 1342); or

- f. Source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954 as amended (42 USCA 2011 et seq.).

Special waste means solid waste that can require special handling and management, including whole tires, used motor oil, and lead-acid batteries; also, all treated/de-characterized (formerly hazardous) wastes, polychlorinated biphenyl ("PCB") wastes, industrial process wastes, asbestos containing material, chemical containing equipment, demolition debris, incinerator ash, medical wastes, off-spec chemicals, sludges, spill-cleanup wastes, underground storage tank (UST) soils, and wastes from service industries.

White goods means refrigerators, stoves and ranges, water heaters, freezers, swing sets, bicycles (without tires), scrap metal, copper, used and discarded mattresses, televisions, electronics, furniture and other similar domestic and commercial large appliances.

Yard waste means any and all vegetative matter resulting from private landscaping or regular yard maintenance. The term "yard waste" shall not include limbs which are greater than five feet in length or four inches in diameter. The term "yard waste" shall also not include debris from commercial/professional landscaping or excessive debris caused by storms or other inclement weather.

Sec. 78-2. - Enforcement.

In the following departments, designated personnel are authorized to enforce sections of this chapter as stated:

- (1) *Police department.* Regular officers are empowered to enforce any regulation of which violation may be observed in the normal course of patrol duty.
- (2) *Building department.* In pursuance of their normal work, inspectors in the building department are authorized to enforce the following sections:
 - a. Section 78-39, litter control at construction or demolition projects and appropriate collection or disposal.
 - b. Section 78-70, approval of solid waste disposal and storage facilities at new buildings.
- (3) *Fire department.* In pursuance of their normal work, inspectors in the fire department are authorized to enforce the following sections:
 - a. Sections 78-67(a) and (b) -and 78-68, wherever violations ~~of of household~~ solid waste containerization regulations constitute existing or potential fire hazards.
 - b. ~~Sections 78-67(b) and 78-69, wherever a similar situation prevails with regard to commercial solid waste containerization.~~
 - e. Sections 78-40 and 78-42 through 78-44, wherever violations of clean property sections constitute existing or potential fire hazards.

- (4) *Parks and recreation director.* Along with his regular duties, the parks and recreation director is authorized to enforce the following sections at parks, beaches and other recreation facilities over which the director has jurisdiction:
- a. Section 78-32(a), littering by pedestrians.
 - b. Section 78-34, littering with handbills, leaflets, etc.

Sec. 78-3. Rules and Regulations.

The Director of Public Works may promulgate necessary or desirable policies, rules and regulations not inconsistent with the provisions of this Chapter in order to aid in its implementation and administration and to ensure compliance and enforcement.

Article III. - SOLID WASTE COLLECTION AND DISPOSAL

Sec. 78-68. Automated Residential and Light Commercial Solid Waste Collection~~Household solid waste containerization, preparation for removal.~~

(a) The City will provide one roll-out container to each customer at no cost to the customer. A customer may obtain an additional container from the City for a fee of \$75.00. The City will service no more than two containers per customer.

(b) The container(s) provided by, or purchased from, the City will be the only containers authorized for use. The City will not collect any loose garbage or garbage in any can or other receptacle not issued by the City for use by the customer.

(c) Customers shall bag all solid waste items and loose garbage and place the bags in the containers. All animal waste and animal parts and carcasses must be double bagged. Total weight of the container and contents shall not exceed 250 pounds.

(d) Any garbage placed outside of the container will not be collected.

(e) All items of solid waste too large to fit into containers, such as bulky waste, white goods, appliances, furniture and mattresses shall be disposed of only by notifying the streets and sanitation department for pickup. Any such pickup shall be subject to an extra charge to be determined by the director of public works.

(f) Containers will not be collected on regular collection day due to (1) not being out at times of collection; (2) improper location; (3) not facing the street properly; (4) overloaded; (5) unacceptable contents; (6) contents lodged or frozen in container; or (7) for reasons otherwise determined by the director of public works. Notice will be given to the customer of the reason refuse was not collected and specifying which requirements of this Article were not met.

(g) It is the customer's responsibility to remove and dispose of any unacceptable refuse in an approved manner.

(h) Collection shall be made from curbside at the exact location as determined by the public works director. Containers must be located no more than three (3) feet from the edge of pavement or gutter unless specified otherwise by the public works director. Containers shall not be placed in the street or gutter. Containers must be three (3) feet from stationary objects such as mailboxes and utility poles and shall not be located under overhead obstacles such as power lines and canopies. Containers not placed in a manner as directed by the public works director, such as location, direction of container opening, etc. shall not be collected.

(i) Customers shall store the container(s) out of view of front and side streets either in an enclosed garage or behind or beside the residence or business. Customers are required to roll their container(s) to the location designated by the public works director by 2:00 AM on their scheduled collection day, but no earlier than 5:00 PM on the day before their scheduled collection day. Customers are required to return their container(s) to the storage location by 6:00 AM on the day after their scheduled collection day.

(j) Lids of containers shall be kept closed and watertight at all times other than when refuse is being deposited therein or removed therefrom.

(k) Each customer shall be responsible for cleaning their container(s). The public works department shall have no responsibility for cleaning containers.

(l) The public works department shall be responsible for repair or replacement of containers damaged or stolen through no fault of the customer. If any container is lost, stolen, or damaged by the customer, the customer shall reimburse the City its costs for a replacement container.

(m) All containers shall remain the property of the City and shall remain at the residence when residential customer moves or at the light commercial establishment if the establishment closes or moves. Any container removed from a residential unit or light

commercial entity will be considered stolen and the theft may be prosecuted through applicable courts of law.

- ~~(a) A residence or light commercial entity located in any area in which collection is by the city shall have no more than two sufficient containers to accommodate the normal volume of solid waste between collections. The size of the container, as prescribed by the streets and sanitation department, shall be not over 32 gallons in size.~~
- ~~(b) All items solid waste shall be bagged and placed in containers. All items too large to fit into containers, such as but not limited to white goods, appliances, furniture and mattresses, shall be disposed of only by notifying the streets and sanitation department for pickup. Such pickup shall be subject to an extra charge determined by the head of the sanitation department.~~
- ~~(c) All loose materials which normally fit into containers but which are excess as a result of special circumstances, such as holidays, shall be bundled and tied securely to prevent them from blowing or scattering and shall be placed beside the containers.~~
- ~~(d) Containers shall be kept covered at all times.~~
- ~~(e) Any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the streets and sanitation department. Failure to do so within five days of such notification shall constitute a violation of this section.~~

~~sec. 78-69. - Light commercial entity solid waste containerization, preparation for removal.~~

- ~~(a) All light commercial entities which generate solid waste for collection by the city shall abide by the container requirements prescribed by the streets and sanitation department. Containers shall not be more than 32 gallons in size.~~
- ~~(b) Containers shall be kept covered at all times.~~
- ~~(c) Any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the streets and sanitation department. Failure to do so within five days of such notification shall constitute a violation of this section.~~

Sec. 78-69 Non-Compliance

In the event a customer violates any provision of Sec. 78-68, the public works director or the code enforcement officer may issue a warning explaining the violation. In the event

the customer again violates any provision of Sec. 78-68 after a warning is given, the public works director or the code enforcement officer may give a second warning to the customer explaining the violation. In the event of a third violation of Sec. 78-68 after two prior warnings, the public works director or the code enforcement officer may cause a non-compliance fee of \$25 to be added to the customer's monthly bill. In the event of a fourth violation of Sec. 78-68 after two prior warnings and the assessment of a \$25 non-compliance fee, the public works director or the code enforcement officer may cause a non-compliance fee of \$50 to be added to the customer's monthly bill for said violation and each subsequent violation.

Sec. 78-73. ~~Trash~~ Yard Waste collection.

- (a) All trashyard waste, except limbs and hedge cuttings ~~less-more~~ than five feet in length and ~~less than~~ four inches in diameter, placed for collection, shall be in 32 gallon or larger bags (tied at the top) and shall be placed behind the curb. It shall be unlawful to sweep, blow, or pile yard trash, limbs, or leaves in the streets, gutter, or median.
- (b) During the period of October 1 through April 15 of each year, tree or shrubbery leaves are exempt from the requirement to be placed in bags. 32-gallon-bags-or containers. Tree or shrubbery leaves placed behind the curb in orderly piles or rows will be picked up. Trash service shall be rendered on scheduled days, Monday through Friday.
- (c) Brush, tree trunks and large limbs over five feet in length and four inches in diameter may be picked up on scheduled days, Monday through Friday. The minimum charge for this service shall be \$10.00, with a charge of \$150.00 if the load fills the entire trash wagon, together with appropriate tipping fees. The public works department will estimate the weight of loads that do not fill the entire trash wagon and prorated tipping fees for tonnage will be calculated and added to the charges applied to resident without further notice. When the load fills the entire trash wagon, the entire cost of the tipping fee will be assessed to the resident. Stoves, refrigerators, freezers, sofas, mattresses, hot water heaters, and other appliances or household furnishings will be picked up at a charge of \$10.00 per item.
- (d) Residents will be requested to keep separate limbs, leaves and grass from all other trash pickup items. Failure to do so could result in the street and sanitation department from serving a residence or business until such items comply with this section.
- (e) The street and sanitation department will not be responsible for picking up building materials left by private contractors and homeowners, or limbs and tree trunks left by commercial or nonprofit tree cutters.

Sec. 78-74. - Fees.

- (a) Effective June 1, 2022, ~~the~~ the following charges shall be paid to the city by every customer: ~~family unit and for business establishments that do not generate a large amount of refuse that would require a large dumpster container for the collection, hauling and disposing of refuse:~~
- (1) ~~For each single-family dwelling unit using one or two 32-gallon containers, the charge shall be \$14.00~~ For each residential unit or light commercial entity, the charge shall be \$19.00 per month for one container and \$10 per month for any additional container utilized; ~~the cans shall not exceed 32-gallon capacity each. For each additional 32-gallon container, the charge shall be \$1.00 per month, the containers not to exceed 32-gallon capacity each.~~
 - (2) ~~For each mobile home or apartment unit using one or two 32-gallon containers, the charge shall be \$14.00 per month; the containers shall not exceed 32-gallon container. For each additional 32-gallon container, the charge shall be \$1.00 per month, the containers not to exceed 32-gallons capacity each.~~
 - (3) For each single-family dwelling unit, mobile home, apartment unit or business, the charge shall be \$2.75 per month for the purpose of collecting trash, limbs, leaves and other miscellaneous nonputridable waste.
 - (4) ~~For businesses that do not generate a large amount of refuse that would require a large dumpster container, the rate structure shall be \$14.25 for establishments using two 32-gallon containers and one-half this amount for each additional 32-gallon container, such containers not to exceed 32-gallon capacity.~~
 - (5) ~~(3)~~ In addition to the fees stated in subsections (a)(1) ~~through and~~ (a)(4) ~~(2)~~ of this section, the city shall charge \$~~2.00~~ 5.00 per car tire and \$~~6.00~~ 10.00 per truck tire to remove such from the site of a residence, commercial or industrial facility.
- (b) ~~It shall be the duty of each commercial customer to advise the superintendent of the streets and sanitation department of the desired service. Should the superintendent of streets and sanitation determine at any time that the service being rendered is less or greater than that being paid for, it is the superintendent's duty to adjust the rate appropriately. It is the duty of the customer to notify the streets and sanitation department in writing of any desired change in service. Upon the receipt of this written request for a service change, the streets and sanitation department shall have up to 30 days to implement a billing change.~~
- (c) ~~(b)~~ Any person aggrieved by any determination of charges made or fees imposed by the ~~superintendent of streets and sanitation~~ public works director or the code enforcement officer shall have the right to appeal to the city council or to a committee which may be established by the city council for the purpose of hearing such appeals, by filing with the city clerk/treasurer a written statement setting forth the grounds for appeal. ~~application requesting a resurvey and computation of the volume of refuse produced upon the premises. Upon receipt of such application, it shall be the duty of the superintendent of streets and sanitation to promptly resurvey any premises and estimate the average monthly production of refuse upon the premises. However, no refund or extra charge shall be made for the month in which the application is filed. The superintendent shall have the~~

~~right at any time to recheck or resurvey any premises and to reduce or increase the charge for the following months according to the volume of trash found to be produced or accumulated upon the premises.~~

~~(d) For any commercial premises in which there shall be, in addition to the commercial establishment, one or more living units with kitchen facilities, in addition to the commercial rates described in this section, the residential rate shall be paid for each unit.~~

If this Ordinance conflicts with any other ordinance adopted by the City, the more stringent standard shall apply.

The provisions of this Ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

This Ordinance shall be in full force and effect beginning May 1, 2022.

ADOPTED AND APPROVED this ____ day of _____, 2022.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, Council President

ATTEST:

Joy White, City Clerk/Treasurer