

ORDINANCE NO. 1784

AN ORDINANCE GOVERNING APPLICATION  
FOR NEW OR MODIFIED  
SOLID WASTE PERMITS

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

SECTION 1. The purpose of this Ordinance is to protect the public health and environmental quality and to serve the citizens of the City of Prichard by exercising the authority granted by the Alabama Legislature to municipalities of this State pursuant to Title 22, Chapter 27, Code of Alabama 1975, as amended, and to exercise responsibility for and to assure the proper management of solid wastes generated within the City of Prichard in accord with the Solid Waste Management Plan for the City of Prichard.

SECTION 2. For the purposes of this ordinance, unless otherwise indicated, wherever any term defined in Sections 22-27-2 and 22-27-20 Code of Alabama 1975, as amended, is used in this Ordinance, the said term shall be deemed to have the same meaning as that ascribed to it in Sections 22-27-2 and 22-27-20. The phrase "Solid Waste Management Plan for the City of Prichard" and the term "Plan" shall mean and refer to the Comprehensive Solid Waste Management Plan for Mobile County, Alabama as opted into by the City of Prichard and adopted and approved by the Mobile County Commission, the Mobile County Solid Waste Authority and the Alabama Department of Environmental Management, as from time to time may be amended.

SECTION 3. The City Council of the City of Prichard shall have the right to assign territories and to approve or disapprove disposal sites within its jurisdiction in accordance with the Plan. Such approval or disapproval of services or activities described in the plan shall be in addition to any other approvals required from other regulatory authorities and shall be made prior to any other approvals necessary for the provision of such services, the development of a proposed facility or the modification of permits for existing facilities.

SECTION 4. Each existing solid waste disposal facility seeking a modification of its solid waste disposal permit issued by the Alabama Department of Environmental Management and each proposed solid waste disposal facility seeking a new permit from the Alabama Department of Environmental Management for the disposal of solid waste, shall, unless exempted by state law, submit to the City of Prichard for approval or disapproval an application in the same form as prescribed by the Alabama

Department of Environmental Management for existing and proposed solid wastes disposal facilities and such other information as the City Council deems reasonable and necessary to carry out the purpose of this Ordinance. Each such application must be accompanied by an application fee of \$10,000.00.

**SECTION 5.** In determining whether to approve or disapprove the issuance of or modification of a new or existing solid waste management site, the City Council of the City of Prichard shall consider the following:

- (a) The consistency of the proposal with the solid waste management need as identified in the Solid Waste Management Plan for the City of Prichard;
- (b) The relationship of the proposal to existing development or the absence thereof in the City of Prichard, to major transportation arteries and to existing state primary and secondary roads;
- (c) The location of the proposed facility in relationship to existing industries in the state that generate large volumes of solid waste, or the relationship to the areas projected for development of industries that will generate solid waste;
- (d) Costs and availability of public services, facilities and improvements required to support a proposed facility and protect public health, safety and the environment;
- (e) The impact of a proposed facility on public safety and provisions made to minimize the impact on public health and safety; and
- (f) The social and economic impacts of a proposed facility on the affected community, including changes in property values, and social or community perception.

**SECTION 6.** The determination to approve or disapprove of the proposed issuance of or modification of a permit for a new or existing solid waste management site or the proposal to contract for any services described in the Plan shall be made by the City Council of the City of Prichard in a public hearing. Members of the public shall be afforded an opportunity to present data, comment, views and arguments for and against the application or proposal.

**SECTION 7.** Public notice of the public hearing on any application or proposal regarding any services described in the Plan shall be given by one publication in a newspaper of general circulation in the City of Prichard and in the official gazette, if any, of the City of Prichard. Such notice shall:

- (a) Be given at least 30 days but not more than 45 days prior to the proposed date of the hearing;
- (b) State the time, date and place of the public hearing;
- (c) Contain at a minimum a description of the proposed action to be considered, its relevance to and consistency with the Plan;
- (d) Provide that interested persons may contact the City Clerk of the City of Prichard to obtain additional information and that copies of both the Plan and the application or proposal to be considered may be reviewed in the Office of the City Clerk during normal business hours; and
- (e) Provide a statement that interested persons may submit written comment concerning the application or proposal to the City Council of the City of Prichard, in care of the City Clerk; provided, however, that any such written comment must be received by the City Clerk not later than 5:00 p.m. on the fifth business day prior to the public hearing.

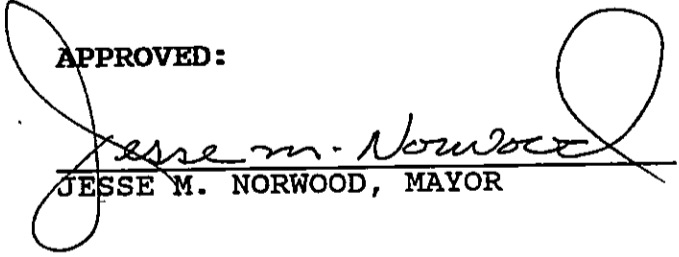
**SECTION 8.** Within 90 days of receiving an application or proposal, the City Council of the City of Prichard shall either approve the application or deny the application setting forth the reasons therefor. The failure of the City Council to act on the proposal within 90 days of receiving the application, unless otherwise agreed to by the City Council and the Applicant, shall constitute approval by the City Council.

**SECTION 9.** If any article, section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each article, section, sentence, clause, or phrase thereof irrespective of the fact that one or more articles, sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

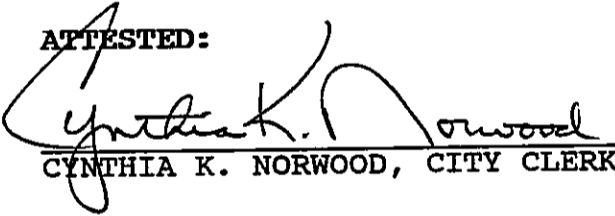
**SECTION 10.** This Ordinance shall be in full force and effect from and after its adoption and publication as required by law. This Ordinance applies to property within the city limits and police jurisdiction of the City of Prichard and shall be in full force and effect therein.

**ADOPTED THIS** 2nd day of November, 1993.

**APPROVED:**

  
JESSE M. NORWOOD, MAYOR

**ATTESTED:**

  
CYNTHIA K. NORWOOD, CITY CLERK