

ORDINANCE NO.: 2133-24

AN ORDINANCE AMENDING ORDINANCE NO. 1947; SEPARATING THE FEE FOR STORM WATER MANAGEMENT FROM THE FEE FOR DISPOSAL OF GARBAGE AND TRASH

WHEREAS, the City Council (the "Council") of the City of Prichard, Alabama (the "City") desires to amend Ordinance No. 1947, which fixes and collects reasonable fees and provides for the collection and disposal of garbage and trash and storm water management pursuant to Sections 11-47-13 and 11-89C-9, Code of Alabama 1975, as amended; and,

WHEREAS, the Council desires to separate the fee for storm water management from the other fees levied by Ordinance 1975; and,

WHEREAS, to accomplish this end, the Council desires to amend Ordinance 1975 to remove the storm water fee; and,

WHEREAS, this Ordinance accompanies a separate Ordinance providing for the storm water fee, and the levy and collection thereof.

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

SECTION 1. DEFINITIONS. The following words and terms, when used in this Ordinance, shall have the meaning respectively ascribed to them by this section unless the context clearly indicates otherwise.

- (a) "*Person*" shall mean and include a natural person, firm, corporation, partnership, association, trustee, executor, administrator, or other local entity, whether singular or plural, masculine or feminine, as the context may require. For the purpose of this Ordinance, the term Person shall also include an occupant of a dwelling, business, commercial, or industrial unit who generates garbage or trash.
- (b) "*Dwelling Unit*" shall mean a single family residence and each separate family apartment or housing accommodation in multiple family buildings generating solid waste.
- (c) "*Business Unit*" shall mean each separate business entity generating solid waste.
- (d) "*Solid Waste*" shall mean the following:
 - (i) *Garbage*: All putrescible waste including dead animals of less than 10 pounds in weight, except those slaughtered for human consumption; every accumulation of 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, fruit, grains or other animal or vegetable matter (including, but not by way of limitation, used in in cans and other food containers); and all putrescible or easily decomposable waste, animal, or vegetable matter that is likely to attract flies or rodents, generated by an occupant of a residential unit; except, however, in all cases any matter included in the definition of Bulky Wastes, Construction Debris, Hazardous Waste, Trash, or Stable Matter; and
 - (ii) *Trash*: All non-putrescible waste including wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings,

sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, 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, floor sweepings, glass mineral or metallic substances, and any and all other waste materials not included in the definition of Bulky Waste, Garbage, Hazardous Waste, or Stable Matter.

- (e) *Reserved.*
- (f) “*Bags*” shall mean clear plastic sacks designed to store Trash with sufficient wall strength to maintain physical integrity when lifted by the top, ____mil or higher. Total weight of the bag and its contents shall not exceed 50 pounds.
- (g) “*Bulky Waste*” shall mean stoves, water tanks, washing machines, furniture, and other waste materials other than Construction Debris, Dead Animals, Hazardous Waste, or Stable Matter with weights or volumes greater than those allowed for, as the case may be, in this Ordinance.
- (h) “*Cart*” shall also mean a receptacle provided by the City of Prichard, the Solid Waste Authority of the City of Prichard, or an entity authorized by and acting on behalf of the City of Prichard and/or the Solid Waste Authority, with a capacity of 95 gallons and having a lid capable of preventing entrance into the container by vectors.
- (i) “*Construction Debris*” shall mean waste building materials resulting from construction, remodeling, repair, or demolition operations.
- (j) “*Loose Trash*” shall mean shrub and brush trimmings, yard trimmings, newspapers, magazines, leaves, cartons, plastics, rags, furniture pieces or fragments, and like items.
- (k) “*Hazardous Waste*” shall mean waste, in any amount, which is defined, characterized, or designated as hazardous by the United States Environmental Protection Agency or appropriate State agency by or pursuant to Federal or State law, or waste, in any amount, which is regulated under Federal or State law. For the purpose of this Ordinance, the term Hazardous Waste shall also include tires, motor oil, gasoline, paint, and paint cans.
- (l) “*Stable Matter*” shall mean all manure and other waste matter normally accumulated in or about a stable, or any animal, livestock, or poultry enclosure, and result from the keeping of animals, poultry, or livestock.
- (m) “*Bundle*” shall mean tree, shrub, and brush trimmings or newspapers and magazines securely tied together forming an easily handled package not exceeding six (6) feet in length, twelve (12) inches in diameter, or 50 pounds in weight.

SECTION 2. FEES; SOLID WASTE DISPOSAL. In order to provide for the health, safety, and welfare of the citizens of the City of Prichard, there is hereby levied a service charge to defray a part of the collection and disposal of solid wastes and the administrative cost associated with such services; including the enforcement of this Ordinance in such areas as follows:

- (a) Upon every person who is the occupant of a dwelling unit and upon every occupant of a business unit the sum of \$15.00 per month per unit. Where water service is furnished to a dwelling unit by the Water Works and the Sewer Board of the City of Prichard, the term “Occupant” shall be taken to refer to the person in whose name such service is subscribed at such dwelling unit or business unit, regardless of whether or not such person resides in such dwelling unit or operates

such business unit. Where the dwelling or business unit is not served by the Water Works and the Sewer Board of the City of Prichard, the term "Occupant" shall be taken to refer to the person in whose name any public utility service (water, gas, or electricity) is subscribed at the dwelling or business unit, regardless of whether such person resides in such dwelling unit or operates such business unit.

- (b) Persons desiring to pay this fee on an annual basis may do so during the first fifteen (15) days of January of each year, and the annual charges for such service shall be the sum of \$ 180.00, which shall be in lieu of the payments otherwise due for the calendar year.
- (c) Persons desiring to pay this fee on a quarterly basis may do so during the first fifteen (15) days of the quarterly periods commencing January, April, July, and October of each year, and the quarterly charges for such services shall be the sum of \$ 45.00, which shall be in lieu of the monthly payments otherwise due for the quarter.
- (d) Except as to persons who have paid said fee on an annual or quarterly basis as heretofore provided, the fee provided by this Ordinance shall be due on the first day of each month for the service to be rendered during the month. A person becoming delinquent in payment of this fee shall pay and is hereby assessed in addition to this fee, a late charge of \$5.00 to apply toward the additional expense incurred by the City in handling such delinquent account. If any charges due hereunder shall not be paid within thirty (30) days after becoming delinquent, the person liable for such charges shall be in violation of this Ordinance and will be punished as hereinafter provided.
- (e) Payments due hereunder for occupants who are subscribers of the Water Works and the Sewer Board of the City of Prichard shall make their payments to said Board. Occupants who are not subscribers to said Board shall make their payments to the City.
- (f) Where initial service is commenced after the fifteenth (15th) day of the month, there shall be no charge for services during the month, but where such service is commenced on or before the fifteenth (15th) day of the month, the full monthly charge shall be due.

SECTION 3. RESERVED.

SECTION 4. AUTHORIZED CARTS. The occupant of each dwelling unit and business unit, who is current with the charges levied in Section 2 of this Ordinance, is hereby authorized to have, possess, and use one (1) Cart, as the same is defined in Section 1 of this Ordinance, at the location of the dwelling or business. The occupants of a dwelling unit or business unit may request authorization for possession and use of additional Carts from the City of Prichard.

SECTION 5. ADDITIONAL CARTS. In addition to the service charge levied in Section 2 of this Ordinance, the following service charge is hereby levied for additional carts:

- (a) Dwelling Units: a service charge of \$10.00 for each additional Cart authorized by the City of Prichard; and
- (b) Business Units: a service charge of \$15.00 for each additional Cart authorized by the City of Prichard.

SECTION 6. UNLAWFUL POSSESSION OF CARTS; PUNISHMENT. It shall be unlawful for any dwelling unit or business unit to possess or use more than one (1) Cart, unless authorized by the City of

Prichard, and any person or entity violating this provision shall be guilty of a misdemeanor and on conviction, shall be fined not less than \$100.00 nor more than \$150.00.

SECTION 7. TRASH COLLECTION; LIMITATIONS. Commencing immediately, the following ~~shall apply to the collection of trash in the City of Prichard~~

- (a) Trash Collection. The mayor of the City of Prichard is authorized to provide for trash collection services in the City of Prichard and to provide for collection times, routes, and schedules.
- (b) Limitations Upon Trash Disposal. Subsection 7(a) notwithstanding, dwelling units and business units shall comply with the following limitations upon trash disposal in the City of Prichard:
 - (i) Trash shall be placed at curbside for collection. Curbside shall mean that portion of the right-of-way adjacent to the paved or traveled portion of roadways but not in a manner that would interfere with or endanger the movement of vehicles or pedestrians along said roadway.
 - (ii) No dwelling unit, person, or entity, shall place out for collection trash exceeding a total of four (4) cubic yards, per collection day. When construction work is being performed in the right-of-way, trash shall be placed as close as practicable to an access point for the collection vehicles.
 - (iii) Single Limbs: a single limb or single trunk may be placed curbside for collection and shall be cut to a length of eight (8) feet or less with a diameter of no more than six (6) inches.
 - (iv) Multiple Limbs, Brush Trimmings, Newspapers, and Magazines: where more than one limb, brush trimmings, newspapers, and magazines are placed curbside for collection, they MUST be securely tied together forming an easily handled package not exceeding six (6) feet in length, twelve (12) inches in diameter, or 50 pounds in weight.
 - (v) Branches shall be removed from limbs and trunks.
 - (vi) Loose Trash shall be placed in a Bag, as herein defined, boxed, or otherwise containerized and no single bag, box, or container shall weigh more than 50 pounds. Loose Trash must be bagged, boxed, containerized, or bundled.
 - (vii) Bulky Waste shall be placed in a neat pile with no single item exceeding 80 pounds. Items containing CFUs (Colony Forming Units), i.e., refrigerators, freezers, air conditioners, etc., must have the CFUs properly removed by a certified technician who tags the item before it is placed out for collection.
 - (viii) No trash shall be placed at curbside for collection more than 48 hours before 6:00 AM of the day of scheduled collection.
 - (ix) No item of garbage may be placed upon a trash pile or within any Bag, box, or container placed at curbside for trash collection.
 - (x) No person, dwelling unit, or business unit shall cause or allow contractor-generated construction debris to be placed in or along the public right-of-way in the City of Prichard. For the purpose of the Ordinance, contractor-generated construction debris shall

include debris generated by contractors engaged in tree removal, tree trimming, and tree cutting.

- (xi) No person, dwelling unit, or business unit shall cause or allow Hazardous Waste to be placed in or along the public right-of-way.
- (xii) No person, dwelling unit, or business unit shall cause or allow Stable Matter to be placed in or along the public right-of-way.

SECTION 8. REPEAL. Ordinance 1947 is hereby repealed in its entirety.

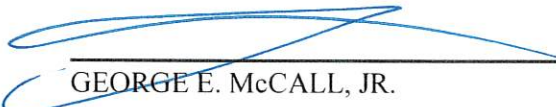
SECTION 9. SEVERABILITY. The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not effect the part or parts that remain.

SECTION 10. CONFLICTS. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 11. RIGHTS UNAFFECTED. Any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance shall be affected, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

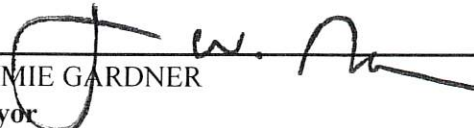
SECTION 12. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

ADOPTED this the 16th day of December, 2024.



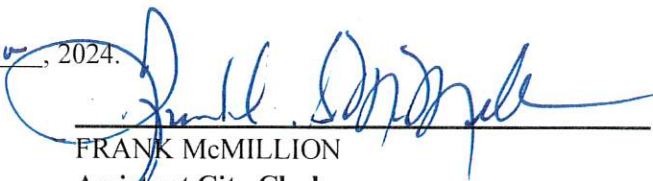
GEORGE E. McCALL, JR.
Council President

APPROVED this the 17th day of December, 2024.



JIMMIE GARDNER
Mayor

ATTEST this the 17th day of December, 2024.



FRANK McMILLION
Assistant City Clerk

Council President George E. McCall - Yes

All favored, none opposed, motion carried by unanimous vote

B. Resolution No.2222-24 A Resolution Authorizing PPW Service to disposal of certain vehicles that are deemed no longer useful to operation

Council President - I ask for a motion to table until January 9, 2025.

Council Norwood - Motion to table to January 9th

Council Williams – Second

Council President McCall - it's been properly motioned and second cast your vote,

Council Annie Williams - Yes

Council Stephanie Johnson Norwood - Yes

Council Derrick Griffin - Absent

Council Ossia Edwards - Yes

Council President George E. McCall - Yes

All favored, none opposed, motion carried by unanimous vote

12. NEW BUSINESS

A. Ordinance No 2133-24 An Ordinance Amending Ordinance No. 1947 Separating the Fee for Stormwater Management, from the Fee for Disposal of Garbage and Trash

Council President - I want to make a motion to introduce Ordinance 2133-24

Council Norwood – Second

Council President McCall - it's been properly motioned and second cast your vote,

Council Annie Williams - Yes

Council Stephanie Johnson Norwood - Yes

Council Derrick Griffin - Absent

Council Ossia Edwards – Yes

Council President George E. McCall - Yes

All favored, none opposed, motion carried by unanimous vote

Council Edwards - I make a motion to accept the ordinance. Number 2133 -24, in regard to the disposal of garbage and trash

Council Norwood – Second

Council President McCall - it's been properly motioned and second cast your vote,

Council Annie Williams - Yes

Council Stephanie Johnson Norwood - Yes

Council Derrick Griffin - Absent

Council Ossia Edwards – Yes

Council President George E. McCall - Yes

All favored, none opposed, motion carried by unanimous vote