**ORDINANCE NO.: _1947_**

**AN ORDINANCE TO FIX AND COLLECT REASONABLE FEES AND PROVIDE 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 TO REPEAL ORDINANCE NOS. 1931**

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**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, by not by way of limitation, used in tin cans and other food containers; and all putrescible or easily decomposable waste, animal or vegetable matter which 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 waste 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) "Illicit Discharge" shall mean any discharge to a municipal separate storm sewer that is not composed entirely of storm water, to include improper disposal of cooking grease, motor oils, foliage, debris and any other product improperly disposed of into the storm water sewer."

(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 a 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 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 in 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; STORM WATER MANAGEMENT. In order to provide for the health, safety and welfare c 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, Storm Water Management, 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 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 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 accounts. 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 Prichard Water Works and Sewer Board shall make their payments to said Board. Occupants who are not subscribers to said Water Works and Sewer Board shall make payment to the City of Prichard.

(e) Where initial service is commenced after the 15th of the month, there shall be no charge for service during the month, but where such service is commenced on or before the **15th** day of the month, the full monthly charge shall be due.

**SECTION 3.** ILLICIT DISCHARGE; VIOLATIONS; PENALTIES. Any person violating any provision of this ordinance by causing an illicit discharge shall, upon being found guilty, be fined as follows:

(a) Residential or Individual violators shall be assessed a fine of $50.00 per day.

(b) Commercial violators shall be assessed a fine of $200.00 per day.

(c) Said fines under this section will toll beginning on the 1st day of issuance of a citation by either the City of Prichard Environmental Officers, the Storm Water Management Officer, a member of the Prichard Police Department or such other person designated by the Mayor of the City of Prichard with the power and authority to enforce these provisions.

(d) After 10 days violators who have failed to come into compliance shall be referred over to the Municipal Court where additional fines and penalties may be assessed up to and including imprisonment, not to exceed six (6) months.

**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
(b) 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 unity 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 no 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 a 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 that 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 weight 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 a.m. 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 place 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**. TRASH COLLECTION; PENALTIES. Except as provided in Section 3 and Section 6 of this Ordinance, any person violating any provision of this ordinance shall, upon being found guilty, be fined as follows:

(a) Residential or Individual violators shall be assessed a fine of $50.00 per day.

(b) Commercial violators shall be assessed a fine of $200.00 per day.

(c) Said fines under this section will toll beginning on the 1st day of issuance of a citation by either the City of Prichard Environmental Officers, the Storm Water Management Officer, a member of the Prichard Police Department or such other person designated by the Mayor of the City of Prichard with the power and authority to enforce these provisions.

(d) After 10 days violators who have failed to come into compliance shall be referred over to the Municipal Court where additional fines and penalties may be assessed up to and including imprisonment, not to exceed six (6) months.

**SECTION 9.** Ordinance No. 1931 is hereby repealed on the effective date of this Ordinance.

**SECTION 10.** If any clause, sentence, section. subsection or other provision of this Ordinance is held invalid or inoperative, the remainder of the Ordinance shall not be effected thereby.

**SECTION 11.** The fees set in Sections 2 and 5 of this Ordinance shall become effective immediately.

**SECTION 12.** This Ordinance shall have full force arid effect upon its adoption and publication as required by law.

**ADOPTED** this the 1st day of November, 2007.

**APPROVED:**

RONALD K. DAVIS, Mayor

**ATTEST:**

Darlene P. Lewis

DARLENE PALMER-LEWIS, City Clerk