

ORDINANCE NUMBER 2003-3

AN ORDINANCE OF THE CITY OF HAMILTON TO ESTABLISH MANDATORY COLLECTION, CONTROL AND DISPOSAL OF SOLID WASTE AND THE PRESERVATION OF HEALTH, SANITATION AND SAFETY OF THE PUBLIC AND TO ESTABLISH A FEE OR LEVY FOR SAME AND THE COLLECTION OF SAID LEVY;  
TO PROVIDE FOR THE ENFORCEMENT OF SAID ORDINANCE; AND  
TO PROVIDE PENALTIES FOR ITS VIOLATION

BE IT ORDAINED by the City Council of the City of Hamilton, 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 indicates otherwise.

(1) SOLID WASTES. All putrescible and nonputrescible discarded materials, except household sewage and livestock and poultry wastes, including, but not limited to, garbage, rubbish, ashes, street and highway cleanings, dead animals, including offal, abandoned automobiles and such industrial wastes as are not controlled by other agencies.

(2) GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, including wastes from markets, storage facilities, handling and sale of produce and other food products and excepting such materials that may be serviced by garbage grinders and handled as household sewage.

(3) ASHES. The solid residue from burning of wood, coal, coke or other combustible material used for heating or from incineration of solid wastes, but excepting solid residue, the storage or disposition of which is controlled by other agencies.

(4) RUBBISH. Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves and similar materials. Noncombustible rubbish includes glass, crockery, metal cans, metal furniture and like materials which will not burn at ordinary incinerator temperatures, not less than 1600 degrees Fahrenheit.

(5) OPEN DUMP. Any officially recognized place, land or building which serves as a final depository for solid wastes, whether or not burned or buried, which does not meet the minimum requirements for a sanitary landfill, except approved incinerators, compost plants and salvage yards.

(6) UNAUTHORIZED DUMP?. Any collection of solid wastes either dumped or caused to be dumped on any property either public or private, whether or not regularly used, and not under the control and supervision of any person or agency. An abandoned automobile, large appliance or similar large item of solid waste shall be considered as forming an unauthorized dump within the meaning of this article, but now the careless littering of smaller individual items as tires, bottles, cans and the like. An unauthorized dump shall also mean any solid waste disposal site which does not meet the regulatory provisions of this article.

(7) SANITARY LANDFILL. A controlled area of land upon which solid waste is deposited and is compacted and covered with compacted earth each day as deposited, with no on-site burning of wastes, and so located, contoured and drained that it will not constitute a source of water pollution as determined by the Alabama Department of Environmental Management.

(8) LANDFILL. A method of compaction and earth cover of solid wastes other than those containing garbage or other putrescible wastes, including, but not limited to, tree limbs and stumps, demolition materials, incinerator residues and like materials not constituting a health or nuisance hazard, where cover need not be applied on a per day used basis.

(9) HAZARDOUS WASTES. Those wastes defined in the Hazardous Waste Management Act of 1978, as amended (Section 22-30-21 et seq.).

(10) INCINERATOR. A device designed to burn that portion of garbage and rubbish which will be consumed at temperatures generally ranging 1600 degrees Fahrenheit or over. The unburned residue from an incinerator, including metal, glass and the like shall be called ashes.

(11) COMPOSTING OR COMPOST PLANT. An officially controlled method or operation whereby putrescible solid wastes are broken down through microbic action to a material offering no hazard or nuisance factors to public health or well-being.

(12) HEALTH DEPARTMENT. An approved county or district health department, including the Alabama State Department of Public Health and the affected state and county boards of health.

(13) HEALTH OFFICER. The Marion County health officer or his designee.

(14) SINGLE FAMILY DWELLING UNIT. A single family dwelling unit shall include each individual unit of all apartments, duplexes, garage apartments, mobile homes or any other living unit designed or used for single family residential occupancy.

SECTION II. SERVICE. Due to the improper disposal of garbage within the city limits, the City hereby determines that a mandatory garbage collection within the city limits of the City of Hamilton is necessary. The service will be at least one pickup at each residence per week. In addition to the regular garbage service, the City will make periodic pickup service for leaves, limbs, trees and other items which can be burned in an "open dump" by controlled burning.

#### SECTION III. RESIDENTIAL REFUSE SERVICE AND COST. FEES OR LEVY.

(a) There is hereby established in the city a refuse collection, hauling and disposal service to be operated by the sanitation department or the city's contractor, or both, as the case may be. The collection, hauling and disposal of garbage shall be made by the sanitation department or the city's contractor not less than once each week in a residential area or district.

(b) In order to provide for the health and welfare of the citizens of the city, there is hereby levied a service fee to defray a part of the expenses of the collection, hauling and disposal of garbage, trash, rubbish and other refuse within the residential areas and districts, together with the costs and expenses incurred in the collection of fees provided for and the enforcement of this ordinance in such areas and districts, as follows:

Upon every person who is the occupant of a single family dwelling unit in the City of Hamilton, the sum of seventeen dollars (\$17.00) per month per single family dwelling unit.

The said charges shall be paid to the City by every person who is the occupant of a single family dwelling unit in the City of Hamilton for the collection, hauling and disposal of garbage and trash beginning with the service to be rendered for the month of June, beginning on the first day of such month and ending on the last day of such month and continuing monthly thereafter.

SECTION IV. BILLING. All bills for service shall be rendered monthly on the same statement rendered by the water department for water service. Each bill shall be due when rendered and shall become delinquent if not paid within ten (10) days thereafter. If any such bill shall not be paid within five (5) days after it becomes delinquent, the furnishing of refuse service shall thereupon be discontinued to the dwelling with respect to which such bill is so delinquent.

The water department is hereby designated as the agent for collection of said refuse fees, and said department shall remit the same to the city clerk periodically as the fees are collected. Provided however, that where the person liable for the fees prescribed has no water service furnished to him by said department such shall be paid to the Office of the Clerk of the City of Hamilton on a monthly basis and shall be delinquent after the tenth day of each month.

Failure to pay the charges herein provided shall constitute a violation of this ordinance and shall be unlawful.

SECTION V. EXEMPTIONS. Any household whose sole source of income is Social Security Benefits shall be granted an exemption from the payment of any fees required under this article, provided the household seeking to claim the exemption shall present proof of income to the Marion County Health Officer or to the Clerk of the City of Hamilton no later than the first billing date of any year in which the exemption is desired. The County Health Officer or his designee shall forward the exemption request and proof of income to the Clerk of the City of Hamilton immediately upon receipt thereof. The exemption shall apply only so long as the household's sole source of income is social security and shall be requested each year in which the exemption is desired.

SECTION VI. FAILURE TO PAY CHARGES. Failure to pay the fees provided for in this ordinance shall constitute a violation of the provisions hereof.

#### SECTION VII. LITTERING.

(a) It shall be unlawful for any person to sweep, throw or otherwise deposit or cause to be swept, thrown or otherwise deposited any refuse into or on any public street, alley, sidewalk, park or the property of another person or property which is in the possession of another person within the corporate limits and police jurisdiction of the city or to permit any refuse to accumulate in such manner that it may be carried and deposited into or on any of the above places by action of rain, wind or snow.

(b) It shall be unlawful for any person to throw, cast or otherwise deposit or cause to be thrown, cast or otherwise deposited any paper, garbage, rubbish, containers (either glass, metal or paper) or any other substance of any kind in or upon any curb, gutter, street, avenue, highway, tunnel, sidewalk, park, parkway or lot, vacant or occupied.

SECTION VII. DUMPING REFUSE OTHER THAN IN GARBAGE DUMP. It shall be unlawful for any person to dump, or cause to be dumped, any refuse upon any property other than a garbage dump as defined in this ordinance.

SECTION VIII. SPREADING OR SCATTERING. It shall be the duty of every person in possession, charge or control of any premises where refuse is created or accumulated at all times to keep or cause to be kept a sufficient number of garbage cans or other approved containers for the deposit therein of refuse to prevent the spreading or scattering of such refuse upon said premises or upon the premises of others.

SECTION IX. UNKEPT PREMISES AS NUISANCE. It shall be unlawful for any person in possession, charge or control of any premises to keep, or cause to be kept or allow the keeping on any premises within the City or its police jurisdiction, of refuse in such manner that it will become offensive or deleterious to health or likely to cause disease, and the same is hereby declared a public nuisance. The superintendent of sanitation or such other duly authorized inspectors as may be designated by the Council for the City of Hamilton, is hereby authorized to inspect any premises in the City or its police jurisdiction for the purpose of seeing that the requirements of this ordinance are being complied with, and it shall be unlawful for any person whomsoever to resist or interfere with such representative by word, deed or act in the performance of such inspection.

SECTION X. COLLECTION OF BUILDING DEBRIS, DIRT, STUMPS, TREE TRUNKS. Building debris such as scrap lumber, plaster, roofing, concrete, bricks and sanding dust resulting from the construction, repair or remodeling of any building or appurtenances on private property, dirt, stumps and tree trunks, limbs and branches four (4) inches or larger in diameter, will not be removed by the sanitation department or the city's contractor. The owner must remove this waste privately.

SECTION XI. COLLECTING AND HAULING FROM PRIVATE PROPERTY PRIOR TO OCCUPANCY. The City shall not be responsible for the collecting or hauling of rubbish, trash, limbs, brush or other debris from private property preliminary to, during or subsequent to construction of new buildings of whatever type prior to occupancy. Said material shall be removed by the owner of said property or the contractor responsible for the accumulation of same.

SECTION XII. TREE SURGEONS, ETC. It shall be the responsibility of all fence companies, tree surgeons, nurseries, and landscape contractors or any individual or company doing work on private property to remove from premises all residue and rubbish resulting from said work.

SECTION XIII. BUSINESS FIRMS SWEEPING TRASH INTO STREETS OR CURBLINES; OBSTRUCTING WATER FLOW IN GUTTERS.

(a) It shall be unlawful for any firm or business house to permit the residue from its sweeping of buildings, parking areas or sidewalks to be swept into curblines or streets; and it shall have said residue or trash placed in proper receptacles for pickup by authorized personnel.

(b) It shall be unlawful for any person to sweep or deposit in the public streets, sidewalks or gutters any solid waste or any other material or article that would tend to impede the flow of water in the gutters or along the streets or sidewalks or that would tend to clog the storm drainage system or be an obstruction to traffic or pedestrians.

SECTION XIV. ANIMALS.

(a) Dead animals in the corporate limits of the city not in excess of fifty (50) pounds in weight will be picked up by the garbage collectors, but in no event shall any person having a dead animal on premises occupied or under the control of such person allow it to remain undisposed of for a period of longer than twelve (12) hours. In the event the dead animals must be disposed of on a day other than the regular designated collection day, the sanitation department shall be notified. All animals above fifty (50) pounds must be removed within twelve (12) hours by the owner and it shall be unlawful for any person to throw or put into the streets, lanes, alleys, parkways or rights-of-way any dead animal.

(b) It shall be the duty of places of business making a business of treating, handling, keeping or disposing of animals to remove all dead animals from their premises.

(c) No animal excreta shall be placed in garbage cans or containers regardless of how packaged.

SECTION XV. USE OF GARBAGE CANS FOR DISPOSAL OF GARBAGE. It shall be the duty of every person in possession, charge or control of any premises where garbage is created or accumulated, and in case of multiple dwellings or multiple occupancy, the owner of the premises, at all times to keep or cause to be kept a sufficient number of garbage cans (at least one garbage can for each family or other unit but not to exceed four (4) cans per family) for the deposit therein, and lids or covers of such garbage cans shall be kept tightly closed at all times other than when garbage is being deposited therein or removed therefrom. Containers used for the deposit of garbage for collection by the city sanitation department or the city's contractor shall be in good condition so that collection therefrom shall not injure the person collecting the contents thereof. Containers having ragged or sharp edges or other defects must be promptly replaced upon the receipt of notice from the superintendent of the sanitation department or his agent and if not so replaced within ten (10) days of receipt of such notice, such nonconforming or defective container may be collected by the superintendent of sanitation department or his agent and disposed of as waste, and every person in possession, charge or control and, in the event of multiple occupancy, the owner of the premises, shall be held responsible. Only garbage as defined in this chapter shall be removed from the rear of the premises.

SECTION XVI. PLACEMENT OF CONTAINERS.

(a) All garbage cans and approved containers to be emptied by the sanitation department or the City's contractor shall be placed at places to be determined by the sanitation department on the days and between the hours designated by the said department.

(b) All garbage cans and approved containers shall be so situated so that they cannot be overturned by wind or animals.

(c) All garbage cans and approved containers shall be placed and maintained so as to be fully accessible and convenient to workers emptying the same, and so as to accommodate the equipment used in the performance of such service.

**SECTION XVII. PUBLIC TRASH RECEPTACLES.** It shall be unlawful for any person to remove or cause to be removed from any street or sidewalk in the city any receptacle furnished by the city for the deposit of trash. It shall be unlawful for any person to sit upon or deface any such receptacle or cause it to be used in any way which will make it inaccessible for the receipt of trash. It shall be unlawful for any person to place, store or cause to be placed or stored, any goods, merchandise, lumber, trash or any other material near any such receptacle, in such manner as to interfere with or preclude the use of any such receptacle, for the purpose which it is intended to serve.

**SECTION XVIII. ACCESS TO GARBAGE CONTAINERS.** It shall be incumbent upon tenants, lessees, occupants or owners of said premises to provide a safe and convenient entrance to and through the premises for the purpose of collecting refuse. All vicious animals shall either be confined or garbage receptacles placed at a point where collectors may empty same without attack from said animals. Where collections are made from private alleys and access ways, said approaches shall be maintained in such a manner as not to be a hazard to sanitation personnel or equipment. Failure to comply with the above provisions after notification by the sanitation department will cause service to be discontinued until such time as same is corrected.

**SECTION XIX. COLLECTION FROM RESIDENCES.**

(a) It is the intention of this chapter to provide collection of garbage at the alleys where they exist or, if no alleys exist, garbage will be collected at the edge of the street in front of the house. Garbage collection begins at 6:00 a.m. and all containers must be at the curb at 6:00 a.m. on the day of collection. It will be the duty of the persons being served to place garbage cans at the alley or street on the outside of fences or obstructions for the convenient handling of the garbage collector. The containers which are not out when the truck passes will not be collected until the next regularly scheduled pickup date. The containers shall be removed from the curb no later than 6:00 p.m. on the day they are serviced.

(b) At no time will collection personnel enter house, buildings or fences for collection of garbage.

(c) Refuse other than garbage to be serviced hereunder shall be picked up at points designated for garbage pickup.

**SECTION XX. REMOVING GARBAGE FROM CANS.** It shall be unlawful for any person other than those removing the entire contents thereof for disposal, to remove any garbage or other like materials from any garbage can or other container within the corporate limits after it has been placed therein.

**SECTION XXI. PICKUP OF LEAVES, BOXES, ASHES, SHRUBBERY AND BULKY WASTE.**

(a) Leaves and grass clippings shall be containerized and placed for pickup on the collection day determined by the superintendent of the sanitation department. During the period October first to May first of each year, leaves and grass clippings in quantities greater than the equivalent of three (3) approved containers may be placed in loose piles adjacent to that portion of the street right-of-way normally used by vehicles and in such location so as not to obstruct the flow of storm drainage runoff in gutters and ditches.

(b) Pasteboard boxes and other similar containers shall be flat, cut if necessary, tied in bundles and shall be stacked in a manner that permits convenient removal and placed in a location designated by the sanitation department for collection.

(c) Containers for ashes shall be of metal construction with handles, tight-fitting lids and shall not be filled higher than five (5) inches below the top of the container. No single container shall be filled with ashes and placed for collection when the container and contents exceed fifty (50) pounds in weight. Ashes shall not contain live coals and shall be wetted sufficiently to prevent dust from forming during collection.

(d) Shrubbery clippings and other small miscellaneous vegetation, including garden vegetation, shall be placed in neat piles for collection as provided in subsection (a) of this section.

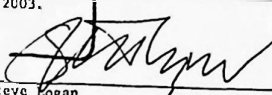
(e) All bulky waste to be removed by the city from private residences or apartments shall be placed either beside the sidewalk and curb or in an accessible place approved by the sanitation department. Tree limbs shall be cut in lengths not exceeding five (5) feet in length with protruding branches trimmed. They shall be placed in an orderly and neat manner adjacent to that portion of the street right-of-way normally used by vehicles so as not to obstruct the flow of traffic or water. In no instance shall a bundle or limb be heavier than seventy-five (75) pounds. All bulky waste will be collected in accordance with the collection schedule established by the department charged with the duty of collecting such.

(f) It shall be unlawful for any person to place for collection any icebox, refrigerator or other container, including garbage or trash containers large enough to enclose a human being, which have a snap lock or other device thereon, without first removing said snap lock or doors, or without providing a device which will allow the door or doors to be operated from the inside of said container.

**SECTION XXII. HAULING OF REFUSE.** Any person hauling refuse shall do so with a covered or enclosed vehicle.

**SECTION XXIII. DEPOSITING ON PROPERTY OF ANOTHER.** No person shall throw, place or dispose of any trash, litter, garbage, rubbish, refuse or like matter upon the property or premises of another person which is in the possession of another person.

SECTION XXIV. SEVERABILITY. Each and every provision of this ordinance is hereby declared to be an independent provision, and the holding of any provision hereof to be void or invalid, shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.  
Adopted and approved this the 21st day of April 2003.

  
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Steve Logan  
Mayor of the City of Hamilton

Authenticated:

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Sue Page  
Clerk for the City of Hamilton

Councilmember Watha Williams moved that unanimous consent be given for the immediate consideration of an action on said ordinances, which motion was seconded by Councilmember Troyce Williams, and, upon said motion being put to vote, the following vote was recorded:

YEAS:

Mayor Steve Logan

Councilmembers:

Tim Holcomb  
Bob Loden  
Troyce Williams  
Wade Williams  
Watha Williams

NAYS:

None

The Mayor thereupon declared that the motion for unanimous consent for immediate consideration of and action on said ordinances had been unanimously carried. Councilmember Watha Williams thereupon moved that said ordinances be adopted, which motion was seconded by Councilmember Troyce Williams, said motion being put to vote, the following vote was recorded:

YEAS:

Mayor Steve Logan

Councilmembers:

Tim Holcomb  
Bob Loden  
Troyce Williams  
Wade Williams  
Watha Williams

NAYS:

None

The Mayor thereupon announced that the motion for adoption of said ordinances had been carried.

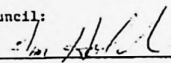
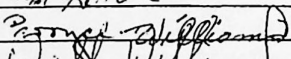
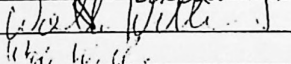
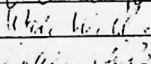
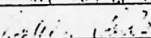
Mayor Logan then requested the following changes in committee assignments:  
Bobby Loden-to Street Department  
Troyce Williams-to Police Department

There being no further business to come before the Council, Watha Williams motioned that the meeting be adjourned. Motion was seconded by Troyce Williams and passed without opposition. Mayor Logan declared the meeting adjourned.

  
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Mayor

  
\_\_\_\_\_  
City Clerk

Council:

  
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