

ORDINANCE # 071105-2

AN ORDINANCE TO AMEND THE MANDATORY GARBAGE COLLECTION SERVICE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WILSONVILLE, ALABAMA, AS FOLLOWS:

Section 1. Operation and management of system by Town.

(a) The Town of Wilsonville, Alabama, (hereinafter "Town") shall operate and manage the collection and disposal of solid waste, as defined in § 22-27-2, Code of Alabama 1975, as amended, in accordance with all applicable state and federal laws and regulations including, but not limited to, the Solid Waste Disposal Act, § 22-27-1 et seq., Code of Alabama 1975, as amended.

(b) The Town may contract with any private company or other public agency to provide for the collection and disposal of solid waste and recyclables, and may allow for all commercial, business and industrial establishments to contract with any private company or public agency for the collection and disposal of solid waste and recyclables from such commercial, business or industrial establishment.

(c) The Town shall provide for the setting of fees for the equitable distribution of the costs of collection and disposal of solid waste and recyclables between and among the users of the services provided by the Town or its designated contractor.

(d) The Town may determine the manner by which solid waste collection shall occur, either by standard garbage cans, roll out carts to be provided by the selected contractor, dumpster, or other means. The Town will notify customers of the manner selected.

(e) It shall be unlawful to use roll out carts provided by the Town's designated contractor for any use other than delivering solid waste to the contractor, or to remove the roll out carts from the household premises to which they have been provided.

Section 2. Participation mandatory; exemption or exception.

(a) It shall be mandatory, within the corporate limits of the Town, that every person, household, business, industry or property generating solid waste or garbage defined under the Alabama Solid Waste Disposal Act, § 22-27-1 et seq., Code of Alabama 1975, as amended, participate and subscribe to any program or programs provided by the Town for disposal of such described waste, except as exempted herein.

(b) A household for which the sole income is derived from social security benefits, supplemental security income or a combination of social security benefits and supplemental security income shall be exempted from having to pay solid waste disposal fees imposed by this ordinance upon request and proof of income, as provided in § 22-27-3(a)(3), Code of Alabama 1975, as amended.

(c) A person, household, business, industry, or property owner granted a certificate of exception, as provided in § 22-27-3(g), Code of Alabama 1975, as amended, shall be exempted from having to pay solid waste disposal fees imposed by this ordinance.

(d) It shall be unlawful for any person, firm, or corporation to knowingly make a false representation in making a request for exemption or an application for certificate of exception.

Section 3. Operational rules generally.

The solid waste collection and disposal system herein provided for shall be operated by the Town or its designated contractor in the following manner:

(a) No containers other than the containers approved by the Town under Sec. 1(d) of this ordinance shall be used. Containers provided by the Town shall remain the property of the Town and shall be returned to the Town upon change in collection method or upon termination of service. Replacement or additional containers for household solid waste may be obtained from the Town for a fee of \$65.00.

(b) No solid waste may be stored in any bin-type enclosures including but not limited to wire cage, concrete block enclosure, or wire bin.

(c) No solid waste shall be picked up inside any residence or other structure.

(d) There will be no pickup of limbs, dirt, roofing or construction materials, furniture, ashes, or items of a similar nature during regular solid waste collection.

(e) No residential, business, commercial or industrial solid waste will be picked up unless placed in proper containers as required by this ordinance. Customers are responsible for replacing solid waste which has been spilled or removed from the approved containers.

(f) Each residential customer shall pay to the Town a cash deposit of \$30.00 prior to receiving services under this ordinance. Upon termination of service and return of any containers provided by the Town, the Town may apply the deposit to any fees owed under this ordinance and return the balance to the customer. If any containers provided by the Town are not returned, the deposit shall be forfeited to the Town.

Section 4. Frequency of collection.

(a) Residential (household) solid waste collection and disposal will be provided by the Town or its designated contractor one (1) time per week. Collection shall be street side, in front of each residence unless otherwise agreed upon by the Town or designated contractor.

(b) Business or industrial solid waste collection and disposal will be provided by the Town or its designated contractor either one (1) time per week or two (2) times per week, at the option of the customer.

Section 5. Business or industry.

(a) All business, commercial, and industrial establishments must provide a dumpster (closed container) meeting the Town's approval for the containment of all solid waste generated by such business, commercial, or industrial establishment.

(b) All business, commercial, and industrial establishments may contract with a properly licensed private company for the collection and disposal of solid waste generated by such business, commercial, or industrial establishment, at such price and upon such terms as may be mutually agreeable to the business, commercial, or industrial establishment and the private company providing solid waste collection and disposal services.

Section 6. Fees and charges.

(a) To provide for this ordinance and the operation by the Town or its designated

contractor of the solid waste collection and disposal hereunder, there is hereby required to be paid to the Town by every customer a fee to be determined by the Town. Said fees are subject to annual revision based on various costs of doing business and factors presented to the Town by the designated contractor, if any.

(b) Fees for households shall be based on collection of solid waste one (1) time per week. Fees for business or industry shall be based on collection of solid waste one (1) time per week or two (2) times per week, at the option of the customer, and shall further be based on the size of dumpster used.

(c) Fees are to be paid to the Town's Utility Clerk at the Town Hall by the occupant or owner of each residential unit (residence, dwelling, home, manufactured home, mobile home, modular home, apartment, Townhouse, or any other form of residential unit) or the proprietor, owner, franchisee, or other agent of the business or industry.

(d) Fees for residential service are as follows:

- \$12.00 per month for one roll-out cart per each residential unit
- \$26.00 per month for two roll-out carts per each residential unit
- \$12.00 per month for each additional roll-out cart in excess of two per residential unit

(e) Fees for business or industrial service are as follows:

Once a week pickup:	4 yard dumpster	\$65.00 per month
	6 yard dumpster	\$75.00 per month
	8 yard dumpster	\$100.00 per month
Twice a week pickup:	4 yard dumpster	\$110.00 per month
	6 yard dumpster	\$130.00 per month
	8 yard dumpster	\$180.00 per month

Section 7. Fees and charges—Due and delinquent dates.

The fees for the collection and disposal of solid waste as provided in this ordinance shall be due and payable on the first day of each month. Such fees shall become delinquent after the fifteenth day of each calendar month, and it shall be unlawful for any person to fail or refuse to pay such fees before the same become delinquent, as herein provided.

Section 8. Illegal removal of material from containers.

No person shall remove any solid waste from any solid waste container or other receptacle after it has been placed therein except under orders of the Town.

Section 9. Brick, rock, stones, dirt and ashes.

No person shall place any brick, rock, stones, dirt, or ashes in any solid waste container or receptacle except as may be specifically authorized by the Town.

Section 10. Enforcement and penalties.

(a) It shall be unlawful for any person, household, business, commercial, or industrial establishment located within the Town to fail to participate in the Town's solid waste and recycling collection and disposal program, except for those business, commercial, or industrial establishments which enter into contracts with private companies for the collection and disposal of solid waste, and except for those exempted under Section 2 of this ordinance.

(b) It shall be unlawful for any person, household, business, commercial, or industrial establishment to place or deposit any trash, rubbish, solid waste or recyclable in any container, garbage can, dumpster or other receptacle owned by or provided for the use of any other person, household, business, commercial, or industrial establishment or governmental agency.

(c) Any person, household, business, commercial, or industrial establishment found to be in violation of the provisions of this section or this ordinance shall, upon conviction, be found guilty of an offense against the Town, and shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Each day during which or on which a violation occurs or continues shall be deemed a separate offense.

(d) The Town or its designated contractor or their representatives or agents may enforce any of the provisions of this ordinance by appropriate action in any court of competent jurisdiction, in addition to any criminal sanctions or penalties imposed, including, but not limited to, actions for damages, specific performance, breach of contract, abatement of nuisance or any other appropriate remedy, including mandatory injunctions.

Section 11. Repealer.

Any ordinance heretofore adopted by the Town council of the Town of Wilsonville, Alabama, which is in conflict with this ordinance is hereby repealed to the extent of such conflict.

Section 12. Severability.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 13. Effective date.

This ordinance shall become effective immediately upon its adoption and publication or posting as required by law.

ADOPTED AND APPROVED THIS THE 5th DAY OF November, 2007.

Attest:

Kay M. Ray
Town Clerk

Rosemary C. Linoak
Mayor