

CITY OF DAPHNE
ORDINANCE NO.: 2002-_____34_____

GARBAGE ORDINANCE

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the residents of the City of Daphne, Alabama: and

WHEREAS, the City Council of the City of Daphne wishes to establish, maintain and operate a service for the orderly, effective and systematic collection of garbage in the City of Daphne, Alabama; to establish the rules, regulations, and conditions which shall regulate the accumulation, removal and disposal of garbage, and other wastes; to provide definitions, receptacle requirements, to define prohibited acts; and provide penalties for the violation hereof within the City of Daphne, Alabama.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

SECTION I. DEFINITIONS

For the purpose of this Ordinance the following terms, phrase, words and their derivations shall have the meaning given herein. When not inconsistent with the context the words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

A. Garbage. The term "garbage" shall mean 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.

B. Commercial Establishments. The term "commercial establishment" shall mean and refer to all commercial establishments, including but not being limited to apartments, motels, and hotels maintaining centralized locations for garbage, laundries and cleaning establishments, industrial establishments, and all other places not classed as residential, producing or accumulating garbage.

C. Residential Unit. The words : "residential unit" shall mean any structure or shelter or any part or curtilage thereof used or constructed for use as a residence of one family.

D. Garbage Receptacle. The term “garbage receptacle” shall mean a container that is commercially available for use as a garbage container which is (a). Not greater than thirty-five gallon capacity or less than 30 gallon capacity, or (b). A 96 gallon semi-automated garbage cart, as approved by the City of Daphne. The receptacle shall be free of jagged or sharp edges and shall be watertight and of impervious material, provided with a tight-fitting cover suitable to protect the contents from flies, insects, rats, and other animals, and which shall not have any inside structures, such as inside bands or reinforcing angles or anything within that would prevent the free discharge of the contents. In no event shall metal drums be used as garbage receptacles.

E. Person. The term “person” shall mean any person or persons, firm, corporation, or association of any type.

F. Contractor. The term “contractor” shall mean the City of Daphne Solid Waste Department, or any person, firm or corporation to whom the City of Daphne has granted a franchise for the right to collect garbage within the City of Daphne, Alabama.

G. Owner. The term “Owner” shall mean person or persons, firm, corporation or association who shall accumulate or cause to accumulate garbage for pickup and disposal by the Contractor.

H. Code Enforcement Officer. The Code Enforcement Officer of the City of Daphne or a duly authorized representative of the City appointed by the Mayor to oversee enforcement of the terms of this Ordinance.

I. Garbage Disposal Site. “Garbage Disposal Site” shall mean areas or facilities established for disposal of garbage as designated by the Code Enforcement Officer.

SECTION II. TERRITORIAL APPLICATION OF THIS ORDINANCE

The Provisions of this Ordinance shall apply to all territory which presently lies within the city limits or which may be hereinafter annexed to the City of Daphne.

SECTION III. REQUIREMENTS FOR GARBAGE REMOVAL

A. Residential. All residents and occupants of residential units in Daphne, Alabama, shall be required to have accumulations of garbage removed and disposed of by : (1) the City of Daphne Solid Waste Department or a contractor to whom the City of Daphne has granted a franchise, (2) transporting to approved bulk containers or approved disposal sites, or (3) obtaining a permit from the Health Department to transport to a landfill.

B. Commercial. All occupants of premises used for commercial purposes shall be required to have accumulations of garbage removed and disposed of by: (1) a licensed, franchised contractor, or (2) transporting in vehicles approved by the Code Enforcement Officer to approved disposal sites.

C. Evidence of Accumulation. The fact that any residence or any place of business is occupied shall be prima facie evidence that garbage is being produced and accumulated upon such premises, and garbage shall be stored, transported, and disposed of in a manner approved by the Code Enforcement Officer and in compliance with the requirements of this Ordinance and any amendments thereto.

D. Placement. All garbage must be placed at the curbside, within six (6) feet of the street before 7:00 a.m. on the day scheduled for pick up. No garbage shall be placed at the curbside more than twenty four (24) hours of service. If trash and garbage are scheduled for collection on the same day, materials should be neatly placed in separate areas of the curbside. Containers to be removed from the curbside within twelve (12) hours after collection has occurred.

E. Sanitary Nuisance. Accumulation of garbage at any residential unit or any commercial unit for more than five (5) days shall be prima facie evidence of a sanitary nuisance. The Code Enforcement Officer shall, upon finding a nuisance as described above, issue a municipal offense ticket pursuant to the Municipal Offense Ordinance of the City of Daphne, and may pursue all legal remedies available to the City under the law, including but not limited to taking any action necessary to abate the nuisance.

SECTION IV. PREPARATION AND RECEPTACLE REQUIREMENTS

A. Preparation Requirements

All garbage must be placed in bags and placed in a garbage receptacle as defined herein. **Red-colored bags** will not be collected, as red is the universal color for medical waste. All garbage, cans and bottles shall be drained of all liquids prior to deposit in the required receptacles. Receptacles shall comply with requirements of the definition as established herein, and shall be kept tightly covered at all times except when it is necessary to lift the cover to deposit garbage.

B. Location Of Receptacles.

(1) Residential. Garbage receptacles shall be placed at ground level, within six feet from the roadway on the property of the residential unit or commercial establishment which has accumulated the garbage, and shall not be kept upon city, county or public property or neighboring property not in the ownership or tenancy of the person by whom the garbage is accumulated, whether such neighboring property be vacant or

improved except that it may be kept on the City right-of-way. Such placement of garbage receptacles shall be easily accessible to the Code Enforcement Officer for inspection and to employees of the contractor for collection.

(a) Garbage shall be neatly placed so as to allow convenient passage of persons and vehicles on the roadway. At no time shall a receptacle or garbage be placed in a street, drainage ditch, storm drain or gutter, nor should it be placed near trees, power lines, street signs or near utility, cable or telephone equipment. If garbage is placed near service equipment and damage occurs to said equipment due to collection efforts, the property owner will be responsible for all necessary repairs or replacements.

(b) Ownership of and responsibility for garbage material shall remain with the producer until collected.

C. Minimum Receptacle Specifications.

(1) Receptacles Required. All garbage must be placed in bags and the bags placed in garbage receptacles as defined herein. Such receptacles shall be in sufficient number to hold all garbage produced between regular collections.

(2) Commercial Receptacle Exceptions. Garbage from commercial establishments may be stored or collected in a container designed for mechanical pickup provided that such container and the location of such container have been approved by the Code Enforcement Officer.

(3) Improper Receptacles. Any container used for the collection or storage of garbage failing to meet the requirements of this section shall be clearly marked or identified by an agent of the Contractor or Code Enforcement Officer, which marking or identification shall legibly specify in what manner the container fails to meet the requirements of garbage receptacles. Any container so tagged must be replaced with an acceptable container within five (5) days after notification by the Code Enforcement Officer. The contractor will not be responsible for removing garbage that is not properly prepared and placed in approved receptacles.

SECTION V. FREQUENCY OF COLLECTION

Garbage shall be picked up by the Contractor from each location twice per week. All collection schedules are subject to change due to legal holidays and/or weather conditions. Persons desirous of garbage pickup shall call the Public Works Department of the City of Daphne to obtain a garbage collection schedule.

SECTION VI. FEES FOR COLLECTION AND DISPOSAL

Every person or persons occupying a building or dwelling unit which generates garbage within the City Limits of the City of Daphne, Alabama, shall be subject to a fee of \$13.90 per month, which shall be determined by the City and adjusted by separate resolution. Said fee shall include service for garbage and recycling collection and disposal. Such fees for the collection and disposal of garbage shall be subject to change from time to time as deemed necessary in order to cover the increased cost of collection and disposal services. Any change in the fee for such services must be publicly advertised at least thirty (30) days before the effective date of the change.

SECTION VII. PROHIBITED ACTS

A. Accumulation Of Garbage. It shall be unlawful for any person to accumulate or to cause, permit or allow to be accumulated any garbage upon his property or premises except during regular intervals between collections by the Contractor.

B. Unlawful Disposal. It shall be unlawful for any person to dump or bury any garbage on public or private property not owned by him unless permission has been obtained from the respective property owner or owners and such disposal has been authorized by the Code Enforcement Officer. If any garbage is found on public or private property or roadway and its origin is traced to a commercial establishment or residential unit by identification such as mail, statements, checks, etc., and such person or owners are not receiving disposal service by the franchised Contractor, such information presented in a statement signed by the Code Enforcement Officer, shall be prima facie evidence that such garbage came from that commercial establishment or residential unit and such person or owner is in violation of this Ordinance. The provisions of this section do not apply to dumping on private property, with owner's permission, of sand, dirt, broken brick, blocks, broken pavement or other material suitable for use as fill material to raise the elevation of land.

C. Contagious Disease Refuse. Refuse consisting of clothing, bedding or other waste from homes or other places where highly infectious or contagious diseases have prevailed shall not be placed in containers for regular collection. Removal of such materials shall be performed under the supervision and direction of the Code Enforcement Officer.

D. Flammable Or Explosive Refuse. Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Code Enforcement Officer at the expense of the owner or possessor thereof.

E. Other Hazardous Materials. No person shall place or cause to be placed in such receptacles such materials as unwrapped razor blades and glass, acid, and other like materials which have caused or may cause personal injury to employees of the

Collection Personnel. Such material shall not be collected unless wrapped, rendered harmless or identified as injurious materials.

F. Dead Animals. The disposal of all dead animals on private property shall be the responsibility of the property owner. Disposal shall be as required by the Code Enforcement Officer.

G. Scattering Garbage. It shall be unlawful to molest, disturb or to scatter or spread about or cause to be molested, disturbed, scattered, or spread about any contents of receptacles set out or intended to be collected and removed.

H. Medical Waste. The City of Daphne Solid Waste Department shall not collect any medical waste. The disposal of medical waste shall be the responsibility of the property owner, and shall be collected by a private, licensed contractor in accordance with all federal, state and local laws.

SECTION VIII. PENALTIES

Any person violating any provision of these rules and regulations shall be deemed guilty of a misdemeanor and punished by a fine (Fine for a Misdemeanor) of not less than \$50.00 nor more than \$500.00.

SECTION IX. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION X. REPEALER

Ordinance Nos. 1972-02, 1992-06, 1995-20, 1997-29, and any Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION XI. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA,
ON THE 28th DAY OF October, 2002.

CITY OF DAPHNE


E. HARRY BROWN, MAYOR

ATTEST:


DAVID COHEN, CITY CLERK

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, David Cohen, CMC, City Clerk of the City of Daphne, Alabama, do hereby certify the foregoing to be a true and exact copy of an Ordinance approved and adopted by the City Council of the City of Daphne, Alabama, at its meeting held on the 28th day of October, 2002.


DAVID COHEN, CITY CLERK

ORDINANCE 2002- 12

An Ordinance Amending Ordinance Nos. 1972-02; 1992-06; 1995-20; and 1997-21:
Garbage Collection

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
THAT THE ABOVE ORDINANCES ARE HEREBY AMENDED AS FOLLOWS:

SECTION 1: Section 1 of Ordinance 1997-21 which amended Section 9 of Ordinance Numbers 1995-20, 1992-06, and 1972-02 whereby fees were set for the collection and disposal of garbage and rubbish is hereby repealed and replaced by the following:

SECTION 9: FEES FOR COLLECTION AND DISPOSAL. Every person or persons occupying a building or dwelling unit which generates garbage or rubbish within the City limits of the City of Daphne, Alabama, shall be subject to a fee of \$ 13.90 per month. Such fees for the collection and disposal of garbage and rubbish shall be subject to change from time to time as deemed necessary in order to cover the increased or decreased cost of collection and disposal services. Any change in the fee for such services must be publicly advertised at least thirty (30) days before the effective date of the change.

SECTION 2: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon its adoption and publication as provided herein.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, this 3rd day of June, 2002.


E. Harry Brown, Mayor

ATTEST:


David L. Cohen, City Clerk, CMC

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, David L. Cohen, City Clerk of the City of Daphne, Alabama, do hereby certify the foregoing to be a true and exact copy of an Ordinance approved and adopted by the City Council of the City of Daphne, Alabama, at its regular meeting held on the 3rd day of June, 2002.


David L. Cohen, City Clerk, CMC

ORDINANCE 2002- 12

An Ordinance Amending Ordinance Nos. 1972-02; 1992-06; 1995-20; and 1997-21:
Garbage Collection

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
THAT THE ABOVE ORDINANCES ARE HEREBY AMENDED AS FOLLOWS:

SECTION 1: Section 1 of Ordinance 1997-21 which amended Section 9 of Ordinance Numbers 1995-20, 1992-06, and 1972-02 whereby fees were set for the collection and disposal of garbage and rubbish is hereby repealed and replaced by the following:

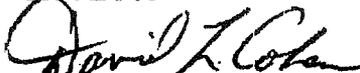
SECTION 9: FEES FOR COLLECTION AND DISPOSAL. Every person or persons occupying a building or dwelling unit which generates garbage or rubbish within the City limits of the City of Daphne, Alabama, shall be subject to a fee of \$ 13.90 per month. Such fees for the collection and disposal of garbage and rubbish shall be subject to change from time to time as deemed necessary in order to cover the increased or decreased cost of collection and disposal services. Any change in the fee for such services must be publicly advertised at least thirty (30) days before the effective date of the change.

SECTION 2: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon its adoption and publication as provided herein.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, this 3rd day of June, 2002.


E. Harry Brown, Mayor

ATTEST:


David L. Cohen, City Clerk, CMC

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, David L. Cohen, City Clerk of the City of Daphne, Alabama, do hereby certify the foregoing to be a true and exact copy of an Ordinance approved and adopted by the City Council of the City of Daphne, Alabama, at its regular meeting held on the 3rd day of June, 2002.


David L. Cohen, City Clerk, CMC

**CITY OF DAPHNE
ORDINANCE NO.: 2004-05**

=====

TRASH ORDINANCE

=====

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the residents of the City of Daphne, Alabama by providing for the orderly, effective and systematic collection of trash and rubbish: and

WHEREAS, the City Council of the City of Daphne desires to establish, maintain and operate a service for the orderly, effective and systematic collection of trash and rubbish in the City of Daphne, Alabama; to establish the rules, regulations and conditions which shall regulate the accumulation, removal and disposal of trash, rubbish, junk and other wastes; to provide definitions, receptacle requirements and prohibited acts; and to provide penalties for the violation thereof within the City of Daphne, Alabama.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS FOLLOWS:

SECTION I. DEFINITIONS

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

A. Trash. The term "trash" shall mean rubbish, shrubbery, trimmings, sidewalk sweepings, leaves, pine straw, grass, weeds, hedge trimmings, small tree trimmings (limbs less than five (5) feet in length and eight (8) inches in diameter), firewood or other refuse originating in yards, on sidewalks, or neutral grounds adjacent to the home or business of the person receiving trash service, excluding the following: junk as herein defined, recyclable materials, trees that have been cut down by contractors or by individuals who have been paid to remove or cut trees.

B. Rubbish. The term "rubbish" shall mean clothing, appliances, furniture, bicycles, lawn mowers, barbecue grills and similar discarded personal and household items, excluding junk as herein defined and excluding recyclable materials.

C. Junk. The term "junk" shall mean any vehicle or vehicle parts, rubber tires, automotive batteries, paint or paint containers, oil, gasoline, items containing hazardous or flammable material, chemicals, asphalt, cement or concrete, machinery, equipment, building or construction material, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition.

D. Commercial Establishment. The term "commercial establishment" shall mean an establishment organized primarily for purpose of conducting commercial activity including, but is not limited to, the following: apartments, motels, and hotels maintaining centralized locations for trash containers, stores, office buildings, restaurants, service stations and garages, laundries and cleaning establishments, industrial establishments, retail establishments and all other places not classed as residential which produce or accumulate trash.

E. Trash Receptacle. The term "trash receptacle" shall mean a paper or plastic trash bag that shall be closed and sealed to protect the contents from flies, insects, rats and other animals and which shall be free from jagged and for sharp edges. **Red colored bags, garbage containers, cans or boxes are not acceptable trash receptacles.** (Red is the universal color for medical waste.)

F. Person. The term "person" shall mean any person or persons, firm, corporation, or association of any type.

G. Contractor. The term "Contractor" shall mean the City of Daphne Solid Waste Department or any person, firm or corporation to whom the City of Daphne has granted a franchise for the right to collect trash within the City of Daphne, Alabama. The term "Contractor" shall also mean a duly licensed person, or business, who accepts either cash payment for services rendered or swaps for services provided by another professional or provider.

H. **Owner**. The term "Owner" shall mean any person, firm, corporation or association who accumulates trash, causes trash to be accumulated or causes trash to be placed for pickup and disposal by the Contractor.

I. **Code Enforcement Officer**. The term "code enforcement officer" shall mean the Code Enforcement Officer of the City of Daphne or a duly authorized representative of the City appointed by the Mayor to oversee enforcement of the terms of this Ordinance.

J. **Trash Disposal Site**. The term "trash disposal site" shall mean any areas or facilities established for the disposal of trash as designated by the Code Enforcement Officer.

K. **Contract**. The term "contract" shall describe the agreement between either the City of Daphne Solid Waste Department or any other person, firm or corporation with whom the City of Daphne has contracted and a private property owner and a private contractor. The term "Contract" shall apply to either a written or implied agreement for services between the respective parties.

SECTION II. TERRITORIAL APPLICATION

The provisions of this Ordinance shall apply to all territory which presently lies within the city limits or which may be hereinafter annexed to the City of Daphne.

SECTION III. REQUIREMENTS FOR TRASH REMOVAL

A. **Residential**. All residents and occupants of residential units in Daphne, Alabama, shall be required to have accumulations of trash removed and disposed of by (1) the City of Daphne Solid Waste Department or a contractor with whom the City of Daphne has granted a franchise, (2) transporting to approved bulk containers or approved disposal sites, or (3) obtaining a permit from the Health Department to transport to a landfill. The City of Daphne Solid Waste Department shall not collect junk. The actual producers or owners of junk or the owners of the premises upon which junk is accumulated must dispose of said materials not included in the definition of trash in a manner that is consistent with the laws of the City, County and State.

B. Commercial. The actual producers or owners of commercial trash or the owners of premises upon which trash is accumulated may collect and dispose of such trash, but shall use a vehicle and disposal site as approved by the Code Enforcement Officer. Contractors shall be responsible for the removal of trash from the premises of the property owner who contracted said services. If a contractor fails to remove trash within seven (7) days of leaving a contracted site, then the City of Daphne Solid Waste Department may remove and dispose of said trash and assess the responsible property owner a bill in the amount governed by this ordinance.

C. Evidence of Accumulation. The fact that any residence, commercial establishment or any place of business is occupied shall be prima facie evidence that trash is being produced and accumulated upon such premises. Said trash shall be stored, transported and disposed of in a manner approved by the Code Enforcement Officer and in compliance with the requirements of this Ordinance and any amendments thereto.

D. Placement. All trash, as defined by this ordinance, must be placed at the curbside, within six (6) feet of the street before 7:00 a.m. on the day scheduled for pick up. No trash shall be placed at the curbside more than twenty-four (24) hours before the scheduled day of service for pickup. The placement of trash at the curbside in excess of twenty-four hours before the scheduled day of service for pickup shall constitute a violation of the provisions of this ordinance. Any hazardous or other material not constituting trash in accordance with the provisions of this ordinance not collected by the City of Daphne Solid Waste Department shall be removed from the curbside within twenty-four (24) hours of service. Any hazardous or other material not constituting trash in accordance with the provisions of this ordinance not collected by the City of Daphne Solid Waste Department not removed within twenty-four (24) hours of service shall constitute a violation of the provisions of this ordinance. If trash and garbage are scheduled for collection on the same day, materials, including limbs and rubbish, should be neatly placed in separate areas of the curbside.

E. Sanitary Nuisance. Accumulation of trash or junk at any residential unit or any commercial unit for more than two (2) days shall be prima facie evidence of a sanitary nuisance. The Code Enforcement Officer may, upon finding a nuisance as described herein, issue a municipal offense ticket pursuant to the Municipal Offense Ordinance of the City of Daphne, and may pursue all legal remedies available to the City under the law, including but not limited to, taking any action necessary to abate the nuisance.

SECTION IV. PREPARATION AND RECEPTACLE REQUIREMENTS

A. Preparation Requirements.

All trash placed for collection shall be in paper or plastic bags of any color **except red**, closed and sealed so as to protect the contents from flies, insects, rats, and other animals, free from jagged and sharp edges and shall be placed behind the front curb line within six (6) feet of the roadway. Non-garbage material or improperly placed trash will not be collected. Trash receptacles should not contain materials other than trash or rubbish. If non-trash materials are observed, the City of Daphne Solid Waste Department will not be responsible for collection of any of the material or trash in the receptacle. Tree-limbs and stumps need not be containerized. All tree limbs shall be not longer than five (5) feet in length. The maximum trash quantity allowed is fifteen (15) cubic feet per residence per week. Any trash pile exceeding this stated maximum will be collected and the property owner (or resident) assessed the appropriate expense as stated in Section VI of this ordinance.

B. Location Of Receptacles.

(1) Residential. Trash containers shall be placed at ground level within six (6) feet of the roadway, on the property of the residential unit or commercial establishment which has accumulated said trash, and shall not be kept upon any city, county or public property or neighboring property not in the ownership or tenancy of the person by whom the trash is accumulated, regardless of whether said neighboring property is vacant or improved except that it may be kept on the City right-of-

way. The placement of receptacles shall be easily accessible to the Code Enforcement Officer for inspection and to employees of the contractor for collection.

(a) Trash shall be neatly placed to allow convenient passage of persons and vehicles on the roadway. At no time shall any receptacle or trash be placed in any street, drainage ditch, storm drain, gutter or median. Trash shall also not be placed near trees, power lines, street signs or utility, cable or telephone equipment. If trash is placed near service equipment and damage occurs to said equipment due to collection efforts, the property owner shall be responsible for all necessary repairs or replacements.

(b) Ownership of and responsibility for trash material shall remain with the producer until collected.

(2) Commercial. All commercial trash containers and/or bulk containers shall be kept in a place easily accessible to the contractor and in such location so to prevent obnoxious and nuisance conditions to inhabitants and the general public. Adequate screening shall be provided either by location as close to the building or buildings as possible or by providing other concealment to be least noticeable from a public thoroughfare and so placed not to interfere with the movement of pedestrian or vehicular traffic.

C. Minimum Receptacle Specifications.

(1) Receptacles Required. All trash shall be in receptacles as herein defined, except limbs and stumps which need not be containerized. This includes leaves, pine straw, grass clippings and pine cones. Such receptacles shall be in sufficient number to hold all trash produced between regular collections.

(2) Commercial Receptacle Exceptions. Trash from commercial establishments may be stored or collected in a container designed for mechanical pickup provided that such container and the location of such container have been approved by the Code Enforcement Officer.

(3) Improper Receptacles. Any container used for the collection or storage of trash failing to meet the requirements of this section shall be clearly marked or identified by an agent of the Contractor or the Code Enforcement Officer, which marking or identification shall legibly specify in what manner the container fails to meet the requirements of trash receptacles. Any container so tagged must be replaced with an acceptable container within five (5) days after notification by the Code Enforcement Officer. The contractor will not be responsible for removing trash that is not properly prepared and placed in approved receptacles.

SECTION V. FREQUENCY OF COLLECTIONS

Trash shall be picked up by the Contractor from each location once per week. All collection schedules are subject to change due to legal holidays and/or weather conditions. Persons desirous of trash pickup shall call the Public Works Department of the City of Daphne to obtain a trash collection schedule.

SECTION VI. FEES FOR COLLECTION AND DISPOSAL

Every person or persons occupying a building or dwelling unit which generates trash within the City Limits of the City of Daphne, Alabama, shall be subject to a fee of (A) Residential Over 15 Cubic Feet \$50.00 full load and \$30.00 half load or (B) Commercial \$100.00 full load and \$60.00 half load. Such fees for the collection and disposal of trash shall be subject to change from time to time as deemed necessary in order to cover the increased cost of collection and disposal services. Any change in the fee for such services must be publicly advertised at least thirty (30) days before the effective date of the change.

SECTION VII. PROHIBITED ACTS

A. Accumulation Of Trash, Rubbish and/or Junk. It shall be unlawful for any person to accumulate or to cause, permit or allow to be accumulated any trash, rubbish or junk upon his property or premises except during regular intervals between collections by the Contractor.

B. Unlawful Disposal. It shall be unlawful for any person to dump or bury any trash, rubbish or junk on public or private property not owned by him unless permission has been obtained from the respective property owner or owners and such disposal has been authorized by the Code Enforcement Officer. If any trash, rubbish or junk is found on any public or private property or roadway and its origin is traced to a commercial establishment or residential unit by investigation or identification such as mail, statements, checks, etc., and such person or owners are not receiving disposal service by the Contractor, such information presented in a statement signed by the Code Enforcement Officer shall be prima facie evidence that such trash, rubbish or junk came from that commercial establishment or residential unit and such person or owner shall be in violation of this Ordinance. The provisions of this section do not apply to dumping on private property, with owner's permission, of sand, dirt, broken brick, blocks, broken pavement or other material suitable for use as fill material to raise the elevation of land.

C. Contagious Disease Refuse. Refuse consisting of clothing, bedding or other waste from homes or other places where highly infectious or contagious diseases have prevailed shall not be placed in containers for regular collection. Removal of such materials shall be performed under the supervision and direction of the Code Enforcement Officer.

D. Flammable Or Explosive Refuse. Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Code Enforcement Officer at the expense of the owner or possessor thereof.

E. Other Hazardous Materials. No person shall place or cause to be placed in such receptacles such materials as unwrapped razor blades, glass, acid or other like materials which may cause personal injury to employees of the Collection Personnel. Such material shall not be collected unless wrapped, rendered harmless or identified as injurious materials. Further, the City of Daphne Solid Waste Department shall not collect automobile batteries, paint, paint thinners, concrete or cement.

F. Dead Animals. The disposal of all dead animals on private property shall be the responsibility of the respective property owner. Disposal shall be as required by the Code Enforcement Officer.

G. Scattering Trash, Rubbish or Junk. It shall be unlawful to molest, disturb, scatter or spread about or cause to be molested, disturbed, scattered or spread about the contents of any container or trash set out or intended to be collected and removed.

H. Medical Waste. The City of Daphne Solid Waste Department shall not collect any medical waste. The disposal of medical waste shall be the responsibility of the property owner, and shall be collected by a licensed contractor in accordance with all federal, state and local laws.

SECTION VIII. PENALTIES

Any person found to be in violation of any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50.00 nor more than \$500.00 or by a period of incarceration not exceeding six (6) months or both in the discretion of the Municipal Judge.

SECTION IX. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION X. REPEALER

Ordinances Nos. 1972-02, 1977-05, 1997-30, 2002-35 and all other Ordinances or parts thereof conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION XI. EFFECTIVE DATE

This Ordinance shall become effective and shall be in full force from and after the date of its adoption and approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE,
ALABAMA, ON THE 16th DAY OF February, 2004.

CITY OF DAPHNE


E. HARRY BROWN, MAYOR

ATTEST:


DAVID COHEN, CITY CLERK, CMC

**CITY OF DAPHNE
ORDINANCE NO. 2004-36**

=====

TRASH ORDINANCE AMENDMENT OF FEES CHARGED

=====

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the residents of the City of Daphne, Alabama by providing for the orderly, effective and systematic collection of trash and rubbish: and

WHEREAS, the City Council of the City of Daphne desires to establish, maintain and operate a service for the orderly, effective and systematic collection of trash and rubbish in the City of Daphne, Alabama; to establish the rules, regulations and conditions which shall regulate the accumulation, removal and disposal of trash, rubbish, junk and other wastes; to provide definitions, receptacle requirements and prohibited acts; and to provide penalties for the violation thereof within the City of Daphne, Alabama.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT ORDINANCE 2004-05 BE AMENDED AS FOLLOWS:

SECTION VI. FEES FOR COLLECTION AND DISPOSAL

Every person or persons occupying a building or dwelling unit which generates trash within the City Limits of the City of Daphne, Alabama, shall be subject to a fee of (A) Residential Over 15 Cubic Feet \$100.00 full load and \$50.00 half load or (B) Commercial \$150.00 full load and \$80.00 half load. Such fees for the collection and disposal of trash shall be subject to change from time to time as deemed necessary in order to cover the increased cost of collection and disposal services. Any change in the fee for such services must be publicly advertised at least thirty (30) days before the effective date of the change.

SECTION IX. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION X. REPEALER

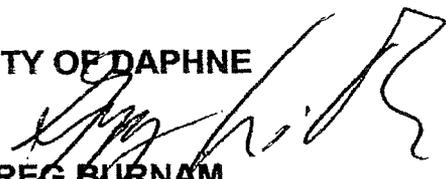
Ordinances Nos. 1972-02, 1977-05, 1997-30, 2002-35, 2004-5 and all other Ordinances or parts thereof conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION XI. EFFECTIVE DATE

This Ordinance shall become effective and shall be in full force 30 days from and after the date of its adoption and approval by the City Council of the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE,
ALABAMA, ON THE 18TH DAY OF OCTOBER, 2004.**

CITY OF DAPHNE



**GREG BURNAM
COUNCIL PRESIDENT**



**FRED SMALL
MAYOR**

ATTEST:



DAVID COHEN, CITY CLERK, MMC