

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2017-59**

**GARBAGE COLLECTION 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 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 and receptacle requirements; to define prohibited acts; and to provide penalties for the violation hereof within the City of Daphne, Alabama; and

**WHEREAS**, the fee charged by the City for the collection of garbage and rubbish has not been revised in approximately fifteen (15) years; and

**WHEREAS**, the costs to the City for the collection of garbage and rubbish have increased significantly since 2002.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** that Ordinance 2002-34 is hereby repealed and replaced as follows: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, 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, the 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 term “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 35 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 prior to the day scheduled for pick up. If trash and garbage are scheduled for collection on the same day, materials should be neatly placed in separate areas of the curbside. Containers shall 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; 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.

- (1) 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 shall be responsible for all necessary repairs or replacements.
- (2) 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 once 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 fifteen dollars and forty cents (\$15.40) per month, which may only be adjusted by a subsequent ordinance amending this article. 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 by the City Council in order to cover an 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 or her 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 or her 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 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, 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 fifty dollars (\$50.00) nor more than five hundred dollars (\$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 No. 2002-34 is hereby repealed in its entirety and other ordinance(s), parts of ordinance(s), or resolutions(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION XI. EFFECTIVE DATE**

This Ordinance shall take effect and be in force commencing January 1, 2018, and following publication as required by law.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this 7<sup>TH</sup> day of AUGUST, 2017.**



Dane Haygood, Mayor

**ATTEST:**



Candace G. Antinarella, City Clerk