

ORDINANCE NO. 694

AN ORDINANCE TO LEVY A FEE OR CHARGE FOR THE COLLECTION AND DISPOSAL OF GARBAGE, TRASH, REFUSE, DEAD ANIMALS AND FOWLS, ALL THINGS OFFENSIVE TO HEALTH, IN THE NATURE OF GARBAGE, TRASH AND REFUSE AND ALL THINGS OFFENSIVE TO SMELL AND AIR POLLUTION IN THE NATURE OF GARBAGE, TRASH, REFUSE AND INCONSISTENT WITH CLEANLINESS AND HEALTH IN THE CITY OF ROANOKE, ALABAMA, AND TO PROVIDE FOR THE COLLECTION AND DISPOSAL OF THE SAME; TO PROVIDE FOR GARBAGE CONTAINERS AND THE PLACEMENT OF THE SAME, AND THE MANNER OF THE DISPOSAL OF THE CONTENTS THEREOF IN THE CITY OF ROANOKE, ALABAMA, TO REGULATE TRASH BURNING AND AIR POLLUTION, AND TO REGULATE THE CITY DUMP OR DUMPING GROUNDS AND THE PREMISES SET ASIDE FOR DUMP OR DUMPING GROUNDS, AND TO SET THE PENALTIES AND CHARGES FOR THE USE AND VIOLATION OF THE SAME, AND TO REPEAL ANY PROVISIONS OF ORDINANCE 466, HERETOFORE ADOPTED BY THE CITY OF ROANOKE, ALABAMA ON THE 10TH DAY OF JULY, 1961, AND ANY OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO FURTHER PROVIDE AND REGULATE THE HEALTH, SANITATION AND CLEANLINESS OF THE CITY OF ROANOKE, ALABAMA:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, ALABAMA, AS FOLLOWS:

SECTION 1. DEFINITIONS

The following words and terms, when used in this chapter, shall have the meanings respectively ascribed to them by this section, unless the context clearly indicates otherwise.

Acceptable Waste. For purposes of this article the term "acceptable waste" shall be defined as that portion of solid waste characteristic of that collected or disposed of as part of normal municipal solid waste, including (a) garbage, (b) market refuse, (c) rubbish, (d) ashes, (e) bulky waste, and (f) industrial refuse, not including, however, any of the foregoing or other solid waste that constitutes unacceptable waste or hazardous waste; provided however, that if any governmental agency or unit having appropriate jurisdiction shall at any time determine (i) that any substances that were not theretofore acceptable waste because they were considered harmful, toxic or dangerous, are not harmful, toxic or dangerous, then such substances shall thereafter be considered acceptable waste unless they constitute unacceptable waste or hazardous waste, and (ii) that any substances that were theretofore acceptable waste are harmful, toxic, or dangerous, then such stances shall thereafter not be considered acceptable waste.

The storage, collection or disposal of any solid waste in any manner other than those designated by ordinance is expressly prohibited.

It is unlawful to cause by any manner any waste other than acceptable waste to be collected or transferred by the City Sanitation Department or to be placed on any dump, transfer station or landfill operated by or for the City of Roanoke.

Business establishments. "Business establishments" shall mean each person, firm, corporation or association licensed to do business in the City of Roanoke and having a location therein generating refuse; apartments and multi-family dwellings of more than six (6) family units; nursing homes; schools; libraries; governmental organizations and buildings; hospitals; trailer courts; and in addition thereto, all others generating more than two (2) cubic yards of refuse per week.

C/D Industrial Landfill. "C/D Industrial Landfill" or Construction/Demolition Industrial Landfill shall also be referred to herein as C/D Industrial Landfill. Either term, Construction/Demolition Industrial Landfill or C/D Industrial Landfill, shall mean the landfill owned by the City of Roanoke and for which a permit has been issued by the proper division of the State of Alabama, and shall be a place for dumping or disposing of only those things permitted by the State permit for said landfill, as the said permit may be amended from time to time.

City. "City" shall mean the City of Roanoke, Alabama, a municipal corporation, acting through its duly elected governing body, or other official designated by the governing body as the case may be.

City's contractor. "City's contractor," as the case may be, shall be taken to mean third parties to whom the City of Roanoke has contracted for the performance of any portion or all of the services otherwise to be rendered by the sanitation department as provided in this chapter, and shall also include persons authorized by the City to haul refuse within the City of Roanoke.

Garbage. "Garbage" includes all waste accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking, dealing in or storage of meat, fowl, fish, fruits or vegetables; tin cans, or other containers originally used for foodstuffs; rags; waste paper.

Garbage can. "Garbage can" means a water tight receptacle or containers of substantial construction having a capacity of not less than ten (10) nor more than thirty (30) gallons, with a tight fitting lid or cover, with not less than one handle on the lid or cover, and two (2) handles on the receptacle or container, by which same may be conveniently lifted or moved. No cans in excess of thirty (30) gallon capacity will be serviced.

Garbage dump. "Garbage dump" means a place for dumping or disposing of refuse, operated by the City of Roanoke, Alabama, or such other place as may be designated and approved by the county health officer of Randolph County, Alabama.

Infectious Wastes. "Infectious wastes" is waste material containing pathogens or biologically active materials which because of its type, concentration, and quality are capable of transmitting disease to persons exposed to the waste materials.

Oversized, nonburnable wastes. "Oversized, nonburnable wastes" shall include wastes which are largely of metallic construction such as refrigerators, stoves, barrels, metal furniture, boilers, washing machines and bed springs.

Persons. "Person or Persons", whether singular or plural, shall mean any individual, firm or corporation.

Plastic Bags. "Plastic bags" shall be made of a firm plastic of sufficient wall strength, a thickness of no less than two (2) mills, to maintain physical integrity when lifted at the top, the opening of which maybe closed by tie or other seal.

Premises. "Premises" means any dwelling, flat, rooming house, apartment house, hospital, school, hotel, club, restaurant, boardinghouse, eating place, shop, church, place of business, manufacturing establishment, courthouse, jail, city hall, post office or other public building.

Refuse. "Refuse" shall mean both garbage and rubbish as defined in this section, dead animals and any other material or substances, regardless of definition, presently picked up and handled by the sanitation department of the City of Roanoke, or the city's contractor, except oversized burnable and oversized nonburnable wastes.

Rubbish. "Rubbish" includes all nonputrescible solid wastes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, glass, crockery, excelsior, cloth and similar materials.

Sanitary department. "Sanitary department" shall mean the city sanitary department of the City of Roanoke.

Superintendent of Sanitation. "Superintendent of sanitation" means the duly designated head of the Public Works Department.

## SECTION 2. FAILURE TO PAY CHARGES

Failure to pay the charges provided for in this chapter shall constitute a violation of the provisions hereof.

### SECTION 3. 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 the 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 substances of any kind in or upon any curb, gutter, street, avenue, highway, tunnel, sidewalk, park, parkway, or lot, vacant or occupied.

### SECTION 4. 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 5. 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, 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 county health officer, his authorized representatives, the superintendent of sanitation or such other duly authorized inspectors as may be designated by the governing body are hereby authorized to inspect any premises in the city or its police jurisdiction for the purpose of seeing that the requirements of this chapter 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 6. COLLECTION OF BUILDING DEBRIS, DIRT, STUMPS, TREE TRUNKS

Building debris such as scrap lumber plaster, roofing, concrete, brickbats 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 to an appropriate disposal area.

#### SECTION 7. 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 8. SPECIAL WASTES

Customers disposing of medical waste shall, prior to disposal, chemically disinfect or properly treat the same according to Alabama Department of Health regulations, and tag and label each container according to state, federal, and any local regulations. Tagging and labeling of such waste is the customer's representation to the City of proper treatment.

The City will not collect untreated medical waste, sharps and special waste from customers/generators. Each generator must inform the City that it is a generator; secure the services of a qualified collection agency and notify the City of its procedure for disposing of untreated medical wastes. within ten (10) days of the later of ten (10) days from the enactment of this ordinance or ten (10) days from the date of beginning to generate medical waste.

No person shall allow any untreated medical waste, toxic wastes, hazardous waste, or any other waste other than acceptable waste to be collected, hauled, stored, or dumped by the City of Roanoke, the Sanitation Department, or any agents or agency thereof.

#### SECTION 9. BUSINESS FIRMS SWEEPING TRASH INTO STREET OR CURBLINES; OBSTRUCTING WATER FLOW IN GUTTERS

(a) It shall be unlawful for any firm or business to permit the residue from its sweeping of buildings, parking areas or sidewalks to be swept into any area within five (5) feet of public streets.

(b) It shall be unlawful for any person to sweep or deposit in the public streets, or into any area within five (5) feet of 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.

(c) All firms and businesses shall have their residue or trash placed in proper receptacles for pickup by authorized personnel.

#### SECTION 10. ANIMALS

(a) It shall be unlawful for any person to place or leave a dead animal or fowl on any premises, either public or private other than his own, or to cause the same to be there or placed there by any act whether voluntary or not except by unavoidable accident, and any person so doing shall immediately notify the proper city authorities of the same, and provide for the removal and disposal thereof, and to pay the proper charge therefore.

(b) 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 right-of-ways any dead animal. Customers requesting removal of dead animals weighing five (5) pounds or less from private property shall place the animal in a plastic bag separate from bags containing residential refuse and shall place the bag curbside in the container before notification of pick up.

(c) It shall be the duty of places of business making a business of treating, handling, keeping or disposing of animals to dispose of all dead animals from their premises. Subsection (b) immediately above shall not apply to said businesses to the extent that the City or Sanitation Department garbage workers will not pick up or transport said animals, as part of any regular or routine service, but may on a per call basis pick up or transport said animals for a fee to be set by the City Council in the event any such business is temporarily unable to utilize its regular disposal system or service.

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

#### SECTION 11. USE OF GARBAGE CANS FOR DISPOSAL OF GARBAGE

(a) No garbage shall be placed directly into garbage cans. All garbage before being placed into a garbage can must first be in a plastic bag that is closed by a tie or other seal.

The total weight of a bag and its contents shall not exceed forty pounds (40 lbs.). Bags shall be sealable, having no punctures, tears or undesigned openings.

Pointed or sharp objects, including but not limited to broken glass, jagged metal, razors, and wire, shall be sufficiently wrapped in paper and securely taped or tied before bagging or bundling so as to prevent injury when handled.

Only residential refuse is to be placed in plastic bags. Construction debris, tires, dead animals, hazardous substances and stable matter such as dirt, brick, and rock will not be accepted.

Any garbage or waste not contained in a proper container as may be determined by the superintendent of sanitation will not be picked up or hauled by City services and shall remain the responsibility of the customer/generator for disposal.

(b) 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 of 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 the 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.

The approval of the superintendent shall be conditioned on the container being economically utilized by the City Sanitation Department without the necessity of additional manpower or equipment.

(c) Subject to the approval of the superintendent of the sanitation department, persons charged in this section with the duty of providing suitable containers may arrange for the refuse to be deposited in large removable containers, such as Dumpster-Dumpmaster containers, or other large containers, approved by the

superintendent or his agent, and in that event the same shall be classified as a business establishment.

## SECTION 12. 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 on that portion of the right-of-way adjacent to the paved or traveled portion of the City's roadway. Items shall be placed as close to the paved or traveled portion of the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, items shall be placed as close as practicable to an access point for the City's collection vehicle or at places to be determined by the sanitation department on the days and between the hours designated by the said department. Not more than five (5) total units of bags or bundles of refuse per household shall be placed at the curbside, at one time, for collection service. The above limitation of five (5) total units of bags or bundles of refuse per household shall not apply during the time period of December 18 through January 3 of each year.

(b) Notwithstanding the above paragraph, in the event any person having garbage containers to be emptied by the sanitation department is physically unable to place the containers as directed in paragraph (a) above and there is no one residing with such person, the City may enter onto that person's property, pick up, remove, empty, and return that person's garbage cans on days and times determined by the superintendent, and for periods of times not to exceed one year as also determined by the superintendent, provided:

(i) The person whose garbage is to be so removed certifies to the superintendent the existence, extent, nature, and probable duration of the disability and unavailability of necessary assistance from other members of the residence;

(ii) The said person provides the City with reasonable access to the said garbage cans as determined by the Superintendent;

(iii) The said person agrees in writing to hold harmless the City, its agents and employees from all acts of negligence that may be committed by the City, its agents, and employees while removing, emptying, returning, and/or coming for the subject garbage cans, and to further make whole and indemnify the City for any damages the City may suffer during the course of the procedures if not caused by the City.

Upon any person reasonably satisfying the Superintendent that he/she meets the criteria stated above,



the Superintendent shall issue to said person a temporary exemption from having to place his/her garbage cans as specified in paragraph (a) above for garbage collection. No such exemption shall be for a period in excess of one year. Upon an exemption described in this paragraph expiring the person so affected may apply for a new exemption. Upon circumstances changing so that a person who has an exemption no longer meeting the criteria stated above, the exemption shall automatically become void and the otherwise exempt person shall notify the Superintendent of the change of circumstances.

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

(d) 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.

(e) It shall be the duty of any person planning to construct any apartment house, multiple unit, business place or industrial building to submit plans showing the location of garbage containers, commercial containers and/or pickup points for the approval of the sanitation department prior to obtaining a building permit.

(f) Residents are not to place garbage bags for pickup on or near the curb before 6:00 p.m. on the night before their respective garbage is to be picked up as scheduled or otherwise arranged with the Superintendent. Routes and schedules as set by this article shall be maintained and made public by the Clerk.

### SECTION 13. PUBLIC TRASH RECEPTACLES

It shall be unlawful for any person to remove or cause to be removed from any street 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 to interfere with or preclude the use of any such receptacle, for the purpose which it is intended to serve.

It shall be unlawful for anyone to place any household garbage, rubbish, or refuse in any public trash receptacle other than trash and litter generated or found in the City of Roanoke, except for those public trash receptacles specifically identified as being for other types waste.

It shall be unlawful for anyone to place in any public trash receptacle that is specifically identified as being a receptacle for specific types of waste any non conforming waste.

#### **SECTION 14. ACCESS TO GARBAGE CONTAINERS**

It shall be incumbent upon tenants, lessees, occupants and 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 must be placed at a point where collectors may empty same without attack from said animals. Where commercial 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, and will further subject the responsible person to all other penalties stated in this ordinance.

#### **SECTION 15. 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 residences. 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.

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

#### **SECTION 16. 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 and police jurisdiction of the city after it has been placed therein.

#### **SECTION 17.**

#### **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. However,, during the period October first to May first of each year, leaves and grass clippings in quantities greater than the equivalent of three (3) thirty (30) gallon containers may be placed in loose piles adjacent

to, but no closer than five (5) feet from that portion of the street right of way normally used by vehicles and in such locations 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 shall be placed in a location designated by the sanitation department for collection. Pointed or sharp objects, including but not limited to broken glass, jagged metal, razors, and wire, shall be sufficiently wrapped in paper and securely taped or tied before bagging or bundling so as to prevent injury when handled.

(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. They shall be placed in the orderly and neat manner adjacent to, but no closer than five (5) feet from, 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.

(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 doors, or without providing a device which will allow the door or doors to be operated from the inside of said container.

#### SECTION 18. RESIDENTIAL REFUSE SERVICE AND COST

(a) There is hereby establishing in the City of residential 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 and no other person, entity, or enterprise. Said collection, hauling, and disposal shall be done not less than one (1) time each

week in a residential area. Rubbish, trash, leaves, grass and shrubbery trimmings shall be collected once per week in a residential area. Residential customers needing special collection and disposal of any bulky waste may schedule for this service by calling the City's Sanitation Division, provided the waste conforms to the conditions of this ordinance. Residential customers needing collection and disposal of bulky waste shall place the waste near the curb or right of way for collection, but no closer than five (5) feet from the edge of the street. Commercial, apartment and multi-family locations will be responsible for the collection and disposal of any bulky item that cannot be placed in their approved commercial collection containers.

(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, together with the costs and expenses incurred in the collection of fees provided for and the enforcement of this chapter in such areas, as follows:

(1) Upon every person who is the occupant of a dwelling unit containing usual and ordinary kitchen facilities, other than apartments and multi-family dwellings classified as business establishments by this ordinance, the sum of Twelve Dollars (\$12.00) per month per dwelling unit, and upon every person operating a business establishment as designated by the superintendent of sanitation pursuant to subsection (f) of this section, the sum of Twelve Dollars (\$12.00) per month per business establishment. Where water or other utility service is furnished to a dwelling unit or business establishment by the Roanoke Utilities Board, the terms "occupant" and "person operating" shall be taken to refer it to the person in whose name such service is subscribed, regardless of whether or not such person resides in such dwelling unit or operates such business establishment.

The above provisions notwithstanding occupants who prove by documentation to the City that the occupant's household income is solely derived from Social Security are exempt from paying garbage collection fees. In order to continue to pay no monthly service fee, the occupant must at least every twelve (12) months present to the Roanoke City Clerk the documentation described immediately above. It shall be the responsibility of the occupant to make sure that the documentation is presented timely or otherwise the provisions of subparagraph (1) shall apply to such occupant.

Upon an exemption described in this paragraph expiring the person so affected may apply for a new exemption. Upon circumstances changing so that a person who has an exemption no longer meets the criteria stated above, the exemption shall automatically become void and the otherwise exempt person shall notify the Superintendent of the change of circumstances.

The claiming or utilizing the aforesaid exemption by anyone not qualified for said exemption shall be unlawful.

(2) If a dwelling unit containing usual and ordinary kitchen facilities, other than apartments and multi-family dwellings classified as business establishments in this Ordinance, remains vacant for sixty (60) consecutive days, the occupant as defined above may file with Roanoke Public Works Department a sworn statement stating that the dwelling unit has been vacant for sixty (60) consecutive days and that the dwelling unit has not generated any garbage, trash, rubbish, and other refuse for sixty (60) consecutive days. The statement should also state that the occupant agrees that once the dwelling unit is occupied, Roanoke Utilities Board will be notified immediately. After receipt of the required sworn statement by Roanoke Public Works Department, there shall be no monthly service fee charged to the occupant for that dwelling unit for the next succeeding month and each month thereafter until such time as the dwelling unit is occupied; and then accordingly the provisions of subparagraph (1) above shall apply.

(c) All bills for service shall be rendered monthly on the same statement rendered by the Roanoke Utilities Board for any utility service. Each bill shall be due when rendered and shall become delinquent if not paid within ten (10) days thereafter. The above service fee is net, the gross being ten (10) percent higher. In the event the current monthly bill is not paid within ten (10) days from the date of bill, the gross fee shall apply. In the event a bill is not paid in full within five (5) days of when it becomes delinquent, the provisions of Section 24 shall apply.

(d) The Roanoke Utilities Board is hereby designated as the agent for collection of said refuse fees, and said Board shall remit the same to the city clerk periodically as they are collected. Provided however, that where the person liable for the fees prescribed has no utility service furnished to him/her by said department, such shall be paid to the office of the city clerk on a quarterly basis, such quarterly payments to be an advance deposit for the service to be rendered for the succeeding three (3) month period, such payments to become due and payable on the first day of October, January, April and July of each year and shall be delinquent after the tenth day of each such month. Where service is instituted within the quarterly period, such payment and deposit shall be prorated for the partial quarter.

(e) Failure to pay the charges herein provided shall constitute a violation of this chapter and shall subject the customer/debtor to the provisions of Section 24 below.

(f) The superintendent of sanitation is authorized, in his discretion, to include within the residential service provided under this chapter those business establishments located on normal residential pickup routes, provided such establishments do not generate more than 0.25 (1/4) cubic yards of refuse per week. In the event of such authorization, the person operating such establishment shall pay the minimum commercial rate of twelve dollars (\$12.00) per month, in the manner prescribed above. Any such authorization shall be revocable by the superintendent of sanitation or by the city.

#### **SECTION 19. GARBAGE SERVICE FOR BUSINESS ESTABLISHMENTS**

(a) There is hereby established in the city a refuse collection, hauling and disposal service for business establishments within the city to be operated by the sanitation department. The collection, hauling and disposal of refuse shall be made by the sanitation department and no other person, entity or enterprise, and shall be made solely from containers approved by the city, on a schedule to be determined as set forth in this section.

Notwithstanding the above provisions, business establishments that have at the time of the adoption of this ordinance bona fide contracts with other persons, entities, or enterprises for the hauling, collection, and disposal of refuse shall be allowed to use said persons, entities, or enterprises for the duration of the contract existing at the time of the adoption of this ordinance, However, renewals of said contracts will be deemed in violation of this ordinance.

Notwithstanding anything herein to the contrary persons may contract with and employ separate persons, entities, and/or enterprises for the collection, hauling, and disposal of waste other than acceptable waste, or untreated medical waste, or sharps, and any other wastes the City or its agencies refuse to collect.

(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 collection, hauling and disposal of garbage, trash, rubbish, and other refuse within the areas of business establishments of the city, together with the costs and expenses incurred in the collection of fees provided for, and the enforcement of those provisions in such areas as follows:

(1) Upon every person operating a business establishment as defined in this Ordinance (except those designated for residential service pursuant to Section 19 hereof), a service fee per month per business establishment to be determined upon the below schedule by taking into account the container size(s) used by such business establishment and the pickups per week for such business establishment, as follows:

**CITY OF ROANOKE SANITATION DEPARTMENT  
COMMERCIAL REFUSE COLLECTION RATES/MONTH**

**PICKUPS/WEEK**

<b>CONTAINER SIZE CUBIC YARDS</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
2	96.00	192.00	288.00	384.00	480.00
4	192.00	384.00	576.00	768.00	960.00
6	288.00	576.00	864.00	1152.00	1440.00
8	384.00	768.00	1152.00	1536.00	1920.00

The minimum commercial rate for businesses without dumpster is Twelve Dollars (\$12.00) per month. Additional charges of \$12.00 per cubic yard are to be billed for extra pickups beyond schedule service.

(2) The superintendent of sanitation shall determine the size container and the number of pickups per week needed for each business establishment in order to keep the premises clear and sanitary, and to handle all refuse generated by such business establishment upon which the monthly charge shall be based. Any person aggrieved by the determination of service needed by the superintendent of sanitation shall have the right to appeal to the council, or to a committee which may be established by the council for the purpose of hearing such appeals, by filing with the city clerk a written application requesting resurveying of the refuse generated by such establishment and the service needed. Upon receipt of such application, it shall be the duty of the superintendent of sanitation to promptly resurvey the premises and report his finding to the council or designated committee. The council, or the designated committee established for such purpose, may make such adjustment as it may determine from the evidence that shall be necessary, provided however, that no refund or extra charge shall be made for the month in which said application is filed. The superintendent of sanitation shall have the right at any time to recheck and resurvey any premises, and to reduce or increase the size container needed and the number of pickups required for the following months according to the volume of refuse found to be produced or accumulated upon said premises. Where water service is furnished to a business establishment by the Roanoke Utilities Board the user of refuse service shall be taken to refer to the person in whose name such service is subscribed, regardless of whether or not such person actually owns or operates such business establishment.

(3) The Public Works Department is authorized to allow, in specific instances, the sharing of containers by groups of business establishments, where in his/her judgment, such promotes economy and does not impede the performance of service provided for in this chapter. In the event of such container sharing, the superintendent of sanitation shall fix and determine the proportion of the aforesaid service fee due to be paid by each such participating business establishment, which sum shall be billed and collected as provided in this chapter. Except as otherwise provided in this chapter, containers approved by the city shall be used only by the business establishment designated for use thereof.

(c) All bills for service shall be rendered monthly on the same statement rendered by the Roanoke Utilities Board for utility service. Each bill shall be due and rendered and shall become delinquent if not paid within ten (10) days thereafter. The above service fee is net, the gross being ten (10) percent higher. In the event the current monthly bill is not paid within ten (10) days from the date of bill, the gross fee shall apply. In the event a bill is not paid in full within five (5) days of when it becomes delinquent, the provisions of Section 24 shall apply.

(d) The Roanoke Utilities Board 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 they are collected. Provided however, that where the person liable for the fees prescribed has no utility service furnished to him by said department, such shall be paid to the office of the city clerk on a quarterly basis, such quarterly payments to be an advance deposit for the service rendered for the succeeding three (3) month period, said payments to come due and payable on the first day of October, January, April and July of each year, and shall be delinquent on the tenth day of each such month. When service is instituted within the quarterly period, such payment and deposit shall be prorated for the partial quarter.

In the event a bill is not paid in full within five (5) days of when it becomes delinquent, the provisions of Section 24 shall apply.

#### SECTION 20. HAULING OF REFUSE

It shall be unlawful for any person to transport, haul, or carry garbage, rubbish or other refuse through the streets, alleys or public places in the City of Roanoke, Alabama or its police jurisdiction without having the vehicle or container in which the same is to be hauled, adequately secured and covered in a manner approved by the City of Roanoke, or its authorized officials.

Any person hauling refuse shall do so with a covered or enclosed vehicle.



No licenses or franchises shall be granted by the City after December 1, 1994 to anyone for the pick up, collection, hauling, or transportation of garbage, rubbish, or other refuse through the streets and alley ways of the City, and all contracts made after December 1, 1995 for the same shall be void. Nothing in this paragraph shall be understood as applying to licensed waste recyclers.

#### SECTION 21. DEPOSITING ON PROPERTY OF ANOTHER

(a) No person shall throw, place or dispose of any trash, litter, garbage, rubbish, refuse or like manner upon the property or premises of another person which is in the possession of another person.

(b) No person shall throw, place or dispose of any trash, litter, garbage, rubbish, refuse or like manner upon the property or premises of any business establishment, other than trash, litter, garbage, refuse, or other waste that is generated by said business establishment at the same premises where the said trash, etc. is generated.

#### SECTION 22. C/D INDUSTRIAL LANDFILL

##### (a) USE

The C/D Industrial Landfill operated by the City upon property owned by the City shall, except as is otherwise provided in this article, receive refuse generated only within the city limits of Roanoke.

##### (b) WASTE ACCEPTED

No toxic or hazardous wastes will be accepted for disposal at the C/D Industrial Landfill. Liquids and sludges will not be accepted for disposal. Only those type items as approved by the permit issued to the City by State of Alabama, as may be amended from time to time, will be accepted.

##### (c) CHARGES FOR DUMPING REFUSE

Upon receipt of a proper application with such information as shall be required by the superintendent of the C/D Industrial Landfill, and upon determination by him or his designated agent that such refuse may be dumped without detriment to the C/D Industrial Landfill, and was generated within the city limits of Roanoke, then the following charges shall be paid therefore by all users including without limitation the City and other municipal and county governments and agents and contractors thereof. Upon which event, such refuse shall be received by the C/D Industrial Landfill and unloaded pursuant to the directions of the C/D Industrial Landfill personnel during regular operating hours:

- |                                      |         |
|--------------------------------------|---------|
| (1) Pickup                           | \$12.00 |
| (2) Dump Truck = or < 20 Cubic Yards | \$20.00 |
| (3) All Others > 20 Cubic Yards      | \$30.00 |

**(d) EMERGENCIES**

For disposal required by emergencies, at times other than regular operating hours, the charge under this article shall be three (3) times the regular rate, and the minimum charge shall be \$50.00.

**(e) ACCEPTABLE WASTE TO BE DELIVERED TO LANDFILL**

(a) All acceptable waste that is generated, occurs or accumulates in the city and that is on or after December 1, 1994, collected or transported by any person, included but not limited to, duly authorized collectors of the city pursuant to law, shall be delivered to a duly authorized landfill.

(b) No person, included but not limited to, duly authorized collectors of the city or private collectors or haulers licensed by the city pursuant to law shall on or after December 1, 1994, use the public streets and ways of the city for the collection or transportation of solid waste that is generated, occurs or accumulates in the city unless all such solid waste that constitutes acceptable waste is delivered to the C/D Industrial Landfill operated by the city.

**SECTION 23. AREA COVERED**

All provisions of this ordinance shall apply to all places within the corporate limits of the City of Roanoke, but the same shall not apply to all places within the police jurisdiction of the City Roanoke that are not inside the city limits of Roanoke unless otherwise stated herein.

**SECTION 24. ENFORCEMENT & PENALTY**

Any person violating any provision of Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21 and 22 of this ordinance or doing any act or thing declared by this ordinance to be unlawful shall be guilty of an offense against the City of Roanoke and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00).

In the event any bill for garbage service or any other service allowed or provided for in this ordinance shall not be paid in full within ten (10) days of the date said bill is due the office, Board, or department sending said bill shall send the person responsible for paying said bill a notice that said bill is late

and that failure to pay said bill can result in termination of garbage service, a lien being placed against the subject property and other civil actions to remedy the failure to pay the said bill.

After the expiration of five (5) days from the date of sending the aforesaid notice and in the event the said bill has not been paid in full or otherwise adjusted as provided herein, the aforesaid office, Board, or department, as the case may be, shall send to the person responsible for paying the bill a notice, in substantially the form below, to-wit:

**FINAL NOTICE.** Your garbage service (or other specified utility) will be discontinued (disconnected) if this bill is not paid by (date). In addition to or in the alternative of discontinuing (disconnecting) the aforesaid service, a lien will be placed on your premises, or suit will be filed against you, or both.

If there is any dispute concerning the amount due on this bill or any objection to the enforcement remedies mentioned in the above paragraph, you may call (title of individual) at (phone number) or bring this bill to the office of the above individual at (address) between the hours of (time) Monday through Friday.

You are entitled to a hearing before your service is terminated. However, you will not receive such a hearing unless you request one by (date).

The dates to be supplied in the above notice shall be five (5) to ten (10) days from the date the Final Notice is sent.

(c) The Public Works Director of the Roanoke Public Works Department is hereby appointed and designated as the proper person to handle disputed and delinquent claims. The decision of the Public Works Director shall be final unless timely appealed. Appeals must be filed with the City Clerk of Roanoke within five (5) days from the date of the Public Works Director having rendered a decision regarding a matter in dispute. Appeals must be in writing and shall state the specific issues being contested and the decision being appealed. Matters so appealed shall be placed on the agenda of the City Council and shall be heard and finally decided by the City Council. The superintendent's powers in this regard include adjusting disputed bills, re-installing service, withholding/terminating service, and proceeding with alternate and/or additional collection or enforcement procedures such as placing liens on the responsible person's subject property, if any, filing suit, garnishing and/or executing on property and/or monies.

In the event a delinquent bill is not paid in full or otherwise adjusted on or before the date specified in the Final Notice, the superintendent shall proceed with the enforcement of this ordinance and collection of the delinquent bill as provided above. The superintendent shall determine which above procedure or procedures to pursue, based on the superintendent's determination

of which procedure(s) is/are most likely to be successful, least costly, least dangerous or imposing on health of the occupants of the City of Roanoke, least disruptive to the City, its Boards, departments, and their operations, provided however that in no event will any service be discontinued for non payment before the expiration of thirty (30) days from the date the subject payment became due.

**SECTION 25. CONFLICTS & INVALIDITY**

(a) All ordinances or parts of ordinances of the City of Roanoke in conflict with the Provisions of this ordinance are repealed.

(b) If for any reason any clause, sentence, section, subsection or provision of this ordinance, or the application thereof to any person or circumstance, is held invalid or inoperative, the remainder of the ordinance and the application thereof to other persons and circumstances shall not be affected thereby.

**SECTION 26. APPROVAL**

This Ordinance being for the immediate preservation of public health shall take effect immediately upon its passage and approval.

ADOPTED AND APPROVED ON THIS 14<sup>th</sup> DAY OF  
November, 1994.

Betty S. Ziglar  
BETTY S. ZIGLAR, MAYOR

ATTEST:

Ellen W. Juma  
CITY CLERK