

ORDINANCE NO. 319-A-98

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HELENA** that Ordinance No. 319 of the City of Helena, Alabama, as last amended, be and the same is hereby amended to read as follows:

**SECTION 1.** The following words and terms when used in this ordinance, shall have the meanings respectively ascribed to them by this section, unless the context clearly indicates otherwise.

(a) "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, and household refuse normally wasted on a day to day basis from ordinary households.

(b) "Garbage Dump" means a place for dumping or disposing of refuse, operated by the City of Helena, Alabama, or such other place designated and approved by the County Health Officer of Shelby County, Alabama.

(c) "Oversized Burnable Wastes" are comprised of items which cannot readily be collected in the normal mechanized compaction truck or disposed in the conventional refuse incinerator. Also, items which cannot be easily crushed having bulk in excess of ten (10) cubic feet or a maximum single dimension exceeding five (5) feet in length or exceeding four (4) inches in diameter.

(d) "Oversized, Non-Burnable Wastes" includes wastes which are largely of metallic construction such as refrigerators, stoves, barrels, metal furniture, boilers, washing machines and bed springs or similar products.

(e) "Persons" means any individual, firm or corporation.

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

(g) "Refuse" shall mean rubbish and any other material or substance, regardless of definition, presently picked up and handled by the Sanitation Department of the City of Helena.

(h) "Sanitation Department" means the Sanitation and Street Maintenance Department of the City of Helena, Alabama. The Director of Sanitation shall be that duly designated head of the Sanitation Department.

**SECTION 2.** There is hereby established in the City of Helena, Alabama, a garbage collection, hauling and disposal service to be operated by the City Sanitation Department. The time and frequency of hauling and disposal shall be established and regulated from time to time by the city council upon the advice and recommendation of the Sanitation Department. However, the hauling and disposal shall be of such frequency as to insure that the citizens of the city shall be protected from the health hazard of the undue accumulation of garbage.

**SECTION 3. (a)** All garbage which is to be collected from residences by the Sanitation Department shall be placed in a bag type container either without or within a garbage can and securely sealed in front of the residence on the curb next to the street. Such garbage may be thus bagged and placed in a garbage can or other garbage container not exceeding thirty-two (32) gallons in capacity. Each residence or residential customer shall be allowed no more than four (4) thirty-two (32) gallon containers or the equivalent thereof in bag type containers within any one week. A person may use any type bag; however, that person shall be guilty of violating Section 5 of this ordinance should the garbage become scattered.

(b) All garbage containers and other garbage for collection by the Sanitation Department from business establishments shall be placed at places to be determined by the Sanitation Department on the days and between the hours designated by such department.

(c) The City shall not be obligated to pick up any oversized burnable waste, oversized non-burnable waste or refuse or rubbish except as defined in Section 1 (a) above. Each person, firm or corporation shall be responsible for the legal disposal of all other matter not specifically designated.

**SECTION 4.** It shall be incumbent upon tenants, lessees, occupants, or owners of said premises to place garbage at the curb and off the highway/street in front of building in advance of pick-up time. All vicious animals shall be confined. 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. The City shall have the further right to adopt from time to time reasonable rules concerning the placement of garbage containers by the above designated users of this service, and such other rules and regulations as it deems advisable.

**SECTION 5.** It shall be unlawful for any person to dump, or cause to be dumped, any garbage refuse, rubbish or dead animals upon any property other than a garbage dump as defined in Section 1 of this ordinance.

**SECTION 6. (a)** All bills for service shall be rendered monthly on the same statement rendered by The Utility Board of the City of Helena for water and gas service. Each bill shall be due and rendered and shall become delinquent if not paid within ten (10) days thereafter.

**SECTION 7.** The Utility Board of the City of Helena is hereby designated as the agent for collection of said garbage 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 water or gas service furnished to him by The Utility Board, such shall be billed to them for garbage fees only the same as for gas and water service with the same rules applying for garbage fees only. These persons will also pay their fees to The Utility Board.

**SECTION 8.** In order to provide for the health and welfare of the citizens of the City of Helena, there is hereby levied a service fee to defray a part of the expenses of the collection, hauling and disposal of garbage, within the city limits together with the costs and expenses incurred in the collection of fees provided for and the enforcement of this ordinance in such areas, as follows:

(a) Each residential customer shall pay a fee of Eight and 75/100 (\$8.75) Dollars per month. "Residential Customer" includes the occupant of any dwelling used primarily for residential purposes including, but not limited to, single family dwellings, apartments, mobile homes, condominiums. Any residential customer who is "head of household" may apply for an exemption from this fee, provided he/she is 65 years of age or older and the total gross annual income for such residential household and its combined occupants is less than \$15,000. Application for such exemption shall be in writing, filed with the City Clerk and addressed to the City Council, which shall have the right to require a personal appearance before the Council by applicant. In applying for such exemption, the applicant must show and produce to the City Clerk income tax returns for all occupants of said household for the previous year.

(b) All non-residential establishments shall pay an agreed upon fee to be established by the head of the Sanitation Department of the City of Helena and approval by the City Council. Said fee shall be set on a case by case basis and at a level consistent with the amount of service to be provided.

(c) The Columbiana Housing Authority shall be charged a fee of 8.75 per month for each unit for a total amount of 157.50 for the Lee Apartments and a total amount of 52.50 for the Watts Apartments.

**SECTION 9.** All residents who occupy any residential dwelling, who are sixty-five (65) years of age or older, or who are annually certified by a duly licensed medical doctor to be permanently and totally disabled and who are head of household shall be exempt from the fees for the collection of residential garbage as provided herein if the total gross annual income for such residential household and its combined occupants is less than \$15,000.00. Application for such exemption shall include a certificate of permanent and total disability as described above and shall be in writing, filed with the City Clerk and addressed to the City Council, which shall have the right to require a personal appearance before the Council by applicant. The exemption shall not apply until approved by the Council.

**SECTION 10.** Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than \$10.00 dollars, nor more than \$200.00 dollars at the discretion of the court.

**SECTION 11.** All ordinances or parts of ordinances, or sections of any Code of the City of Helena in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 12.** If any clause, sentence, section or subsection of this ordinance is held invalid or inoperative, the remainder of the ordinance shall not be affected thereby.

**SECTION 13.** This ordinance shall become effective immediately upon its passage by the City Council of the City of Helena and upon being advertised by posting as provided by law.

PASSED AND ADOPTED ON THIS 6 DAY OF April, 1998.

ATTEST:

Frances Parrish, CMC  
Frances Parrish, Clerk

Charles W. Penhale  
Charles W. Penhale, Mayor

**CERTIFICATE**

I, the undersigned, Clerk of the City Council of the City of Helena, Alabama do hereby certify the above said ordinance was duly adopted by the City Council of the City of Helena, Alabama on the 6 day of April, 1998.

Frances Parrish, CMC  
Frances Parrish, Clerk