

# AN ORDINANCE FOR SOLID WASTE AND DEBRIS DISPOSAL

## ORDINANCE 900-2022

**WHEREAS**, the City Council of the City of Helena, Alabama wants to provide best in class infrastructure to the residents of the City of Helena,

**WHEREAS**, the Code of the City of Helena, Alabama be amended to repeal Ordinance 319, Ordinance 319A-98, Ordinance 398, and Guidelines made in July 2002,

**WHEREAS**, the Code of the City of Helena, Alabama be amended to add the sections within this ordinance that will pertain to solid waste and debris disposal,

**BE IT ORDAINED**, by the City Council of the City of Helena, Alabama as follows:

### **Section 1. Generally**

The City of Helena wants to ensure the cleanliness, and safety on all city streets while upholding the quality-of-life standards all residents' desire. Having uniform and centralized guidelines for all trash, recycling and debris collection will only benefit the residents of Helena by providing easy understand the guidelines.

### **Section 2. Authorization**

This Ordinance is enacted pursuant to the City's general police power, its general power to raise revenues, its authority to regulate land use and development, and under the authority granted to it under Code of Alabama, Sections 45-2-243.80, et seq.

### **Section 3. Definitions**

When used in this Ordinance, the following words, terms, phrases, and their derivations, shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

**City** – The City of Helena, Alabama.

**City Limits** – Any residential unit within the corporate limits of Helena.

**Contractor** - A person or company that the city enters a contract with to provide materials or labor to perform a service or do a job.

**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 waste on a day-to-day basis from ordinary households.

**Garbage Container** – Receptacle or can that is able to hold garbage.

**Managed** – Being in charge or administering an undertaking whether it be tasking performed by the city or by a contractor.

**Oversized Wastes** – Wastes which are largely of metallic construction such as refrigerators, stoves, barrels, metal furniture, boilers, washing machines, bed springs or similar products.

**Public Works** – A department within the city that oversees storm drains, street maintenance, public area maintenance, overall cleanliness, and any other responsibility that may be directed to do by the Mayor within the city.

#### **Section 4. Minimum Services**

There is hereby to modify within the City of Helena, Alabama the mandatory solid waste, recycling, and debris collecting, hauling, and disposal of garbage to be managed by the City of Helena, Alabama created in 1982. The collection, hauling, and disposal of garbage and debris shall be made by the officers, agents, and employees of Helena, Alabama, under the direction of the Mayor of the City of Helena not less than one time each week and the charges herein prescribed are based on such periodic collection and disposal. The hauling and disposal shall be of such frequency as to ensure that the citizens of the city shall be protected from the health hazards of undue accumulation of garbage and debris.

#### **Section 5. Garbage and Recycling Services**

- 5.1. All garbage which is to be collected from residential areas shall be bagged and placed into a container or can provided by either the City of Helena or a contractor of the City of Helena.
- 5.2. All bags placed within container or can provided can be no greater than 33 gallons.
- 5.3. A person may use any type of bag; however, the garbage shall not become scattered.
- 5.4. All garbage containers for collection by the City or contractors shall be placed at the street but not within the street on the day designated for removal and promptly removed from the curb after pick up.
- 5.5. The city or contractor shall not be obligated to pick up any oversized waste.
- 5.6. All fees associated with the collection of garbage and recycled materials will be set by the city of contractor providing the services.
- 5.7. If it shall be a service fully provided by the City of Helena, the billing and payment processing, the Utility Board of Helena will process.

- 5.7.1. 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 sewer.
- 5.7.2. Each bill shall be due and rendered and shall become delinquent if not paid within 10 days thereafter.
- 5.7.3. All billing information and payment for services not directly served by the city will be managed by the contractor performing such service.

## **Section 6. Debris**

- 6.1. The city will manage and operate debris pick up for all residential dwelling units with the city limits.
- 6.2. All limb debris (i.e., tree branches, shrubbery, and other items) shall not exceed 8 feet in length or more than 6 inches in diameter.
- 6.3. Old furniture, mattresses and similar man-made items may be put out for pickup no sooner than one day before pickup is scheduled. This service is limited to residential only and not commercial units; weight limited to 300 pounds per item. No items longer than ten feet in length may be put out for pickup. White goods, such as washing machines, dryers and stoves shall be picked up. Either a franchised hauler or the city will remove these items.
- 6.4. No commercially created trash or construction refuse, or homeowner-created construction refuse resulting from major lot cleaning, home construction, major renovation, repair or demolition will be picked up. Commercial haulers licensed by the city may be employed by the owner for this purpose. Trash or debris resulting from routine or minor homeowner maintenance and repairs, including minor lot clearing or yard maintenance will be removed.
- 6.5. No more than quantities of 10 cubic yards or less of debris will be picked up per household per week under the standard cost.
- 6.6. A fee in the amount established by the city will be assessed to the property owner for yard trash in excess of 10 cubic yards. The owner will be billed for the charges by the city or contractor.
- 6.7. The city will not pick up tree trunks nor contractors performing tree surgeons, tree experts, or removers, etc.
- 6.8. Grass, leaves, and small debris must be bagged that are no larger than 33 gallons and of sufficient strength to hold contents without tearing apart.
- 6.9. No appliances containing freon, oil or gas will be picked up, including lawnmowers or similar gas-powered devices. No dirt, rocks, stumps, tires, paint, propane tanks, batteries, medical waste, or hazardous materials will be picked up. If any these items are present, the entire pile will not be picked up.

- 6.10. Drivers will not be responsible for cleaning up any loose debris that is not bagged.
- 6.11. All debris must be located at curb side at each residential unit not more than 8 feet back from the back of the curb and must be a minimum of 10 feet from any public utility, such as fire hydrants, water meters, power poles, etc.
- 6.12. Pick up day will be each week scheduled on the day of regular trash pick-up.
- 6.13. If pick up day for yard debris falls on a city holiday, debris will be picked up on the normal scheduled day of the following week.
- 6.14. If it shall be a service fully provided by the City of Helena, the billing and payment processing, the Utility Board of Helena will process.
  - 6.14.1. 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 sewer.
  - 6.14.2. A charge of \$6.00 per month year-round will be charged to each residential unit.
  - 6.14.3. Monthly fee can be reduced or increased once per year in January based on CPI index.
  - 6.14.4. Service to begin December 1, 2022, with first bill statement being a part of the January Helena Utility bill.
  - 6.14.5. New service will begin at time resident sets up water and/or sewer.
  - 6.14.6. Payment will be due on the 15<sup>th</sup> of each month with a penalty of 10% for late payment after said date.

## **Section 7. General Regulations**

- 7.1. It shall be unlawful for any person, firm or corporation in possession, charge, or control, jointly or severally, of any premises where garbage or debris is created or accumulated and at the rates established herein.
- 7.2. No person shall throw, place or dispose of any trash, litter, garbage, debris, refuse or like matter, upon the property or premises of another person or on the property which is in the possession of another person.

## **Section 8. Severability**

If any portion or provision of this Ordinance, or its application to any person or circumstance, shall be declared unconstitutional or otherwise declared void, voidable, or invalid for any reason or should any portion be pre-empted by State or Federal law or regulation, such portion or provision shall be deemed severed, and any such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this Ordinance or its application to other persons or circumstances.

## **Section 9. Effective Date**

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

DRAFT

**Ordinance Number 900-2022**

**APPROVED AND ADOPTED THIS 12<sup>th</sup> DAY OF SEPTEMBER, 2022.**

[SEAL]

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J. Brian Puckett, Mayor

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Leigh Hulsey, Council Member

ATTEST:

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Chris VanCleave, Council Member

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Alice Lobell, Council President

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Amanda C. Traywick, City Clerk

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Laura Joseph, Council Member

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Harold Woodman, Council Member

DRAFT

**STATE OF ALABAMA  
SHELBY COUNTY**

I, Amanda C. Traywick, City Clerk of the City of Helena, do hereby certify that the above is a true correct copy of Ordinance Number 900-2022 duly adopted by the Council of the City of Helena at its meeting held 12<sup>th</sup> day of September 2022, and as same appears of record in the ordinance records of said City, and approved by the Mayor and City Council on 12<sup>th</sup> day of September 2022.

Given under my hand and corporate seal of the City of Helena, this the 12<sup>th</sup> day of September 2022.

[SEAL]

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Amanda C. Traywick, City Clerk

## CERTIFICATION

I, Amanda C. Traywick, the duly appointed and acting Clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance Number 900-2022 is a true copy as recited in the said City Clerk's Minute Book and posted by me as provided by law in three public places in said City, being on the bulletin board of the City Hall, on our website [www.cityofhelena.org](http://www.cityofhelena.org), and in the Helena Public Library in said City, that said Ordinance shall become a duly lawful Ordinance of said City on the 12<sup>th</sup> day of September 2022, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 12<sup>th</sup> day of September 2022.

[SEAL]

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Amanda C. Traywick, City Clerk