

AN ORDINANCE FOR SOLID WASTE AND DEBRIS DISPOSAL

ORDINANCE 906-2022

WHEREAS, the Code of the City of Helena, Alabama shall 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 shall be amended to add the sections within this ordinance which pertain garbage and recycling services,

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

Section 1. Generally

To ensure the cleanliness and safety of city streets, neighborhoods, and businesses within the City, the City of Helena hereby establishes uniform, centralized trash and recycling 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.

Business establishments. "Business establishments" shall mean each person, firm, corporation or association licensed to do business in the City of Helena 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.

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

City's contractor. "City's contractor" shall be taken to mean third parties to whom the City of Helena has contracted for the performance of any portion or all of the services referenced in this ordinance, and shall also include persons authorized by the City to haul refuse within the City of Helena.

Construction waste. "Construction waste" may include but is not limited to scrap lumber, plaster, roofing, concrete, brickbats and sanding dust resulting from the construction, repair or remodeling of any building or appurtenances within the City limits.

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.

Garbage bag. "Garbage bag" means a bag no larger than thirty-three (33) gallons in size and no more than twenty pounds (20 lbs.) in weight which is intended to contain garbage or rubbish. Garbage bags shall be closed securely to prevent the spreading or scattering of its contents.

Garbage can. "Garbage can" means a watertight receptacle or containers of substantial construction which is provided by the City or the City's contractor, with a tight-fitting lid or cover.

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

Non-collectable items. "Non-collectable items" include but are not limited to: oversized burnable wastes, oversized nonburnable wastes, construction waste, yard waste, hazardous materials, chemicals, paint, and refuse which is not contained in a garbage can or recycling container.

Oversized burnable wastes. "Oversized burnable wastes" are comprised of items which cannot readily be collected in the normal mechanized compaction truck or disposed of 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.

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

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.

Recycling container. "Recycling container" means a watertight receptacle which is provided by the City or the City's contractor, with a tight-fitting lid or cover, which is intended to contain materials which are listed as accepted recyclable materials by the City or the city's contractor.

Recyclable materials. "Recyclable materials" shall mean any aluminum or steel cans, cardboard, paper or printed materials, or plastic bottles which are listed as accepted recyclable materials by the City or the city's contractor.

Refuse. "Refuse" shall mean both garbage and rubbish as defined in this section, dead animals and any other material or substance, regardless of definition, presently picked up and handled

by the sanitation department of the City of Helena, 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.

Yard waste. "Yard waste" may include but is not limited to tree trunks, stumps, branches, grass clippings, shrubbery clippings, dirt and similar byproducts of landscaping and/or landscape maintenance.

Section 4. Littering, Dumping, and Public Nuisance

- 4.1 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, vacant or occupied, 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.
- 4.2 It shall be unlawful for any person to throw litter or allow litter to be thrown from a motor vehicle onto or upon any highway, road, street or any public right-of-way.
- 4.3 It shall be unlawful for any person to remove or cause to be removed from any street or 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 to 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 as to interfere with or preclude the use of any such receptacle for the purpose which it is intended to serve.
- 4.4 It shall be unlawful for any person operating any place of business in the city or for any employee, or agent of any such person to place or deposit garbage, trash, paper, rubbish or other waste material in any trash basket or waste receptacle maintained by the city upon a public street or sidewalk, when such garbage, trash, paper, rubbish or waste material accumulated in or came from such place of business.
- 4.5 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, of 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.
 - 4.5.1 The head of the City's Department of Public Works, the county health officer, authorized representative, or such other duly authorized inspectors as may be designated by the City are hereby authorized to inspect any premises in the City

for the purpose of confirming compliance with the requirements of this ordinance, 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 5. General Regulations for Garbage and Recycling Services

- 4.1 It shall be unlawful for any person in possession, charge or control, jointly or severally, of any premises where refuse is created or accumulated, and in the case of multiple dwellings or multiple occupancy which requires a city business license, for the owner or agent, jointly or severally, of the premises, to fail to subscribe to refuse and/or recycling services as created and at the charges established hereunder.
- 4.2 The collecting, hauling, and disposal of refuse and recyclable items within the City of Helena shall be managed by the City or the City's contractor, or both.
- 4.3 The collection, hauling and disposal of refuse in residential areas shall occur not less than once each week and the collection, hauling, and disposal of recyclable materials shall occur not less than once every other week. Business establishments or multiple occupancy dwellings where such units produce three (3) cubic yards of refuse per week shall arrange for the garbage or refuse to be deposited in large removal containers.
- 4.4 If the collection day of said materials falls on a city and/or federal holiday, the collection schedule may be adjusted accordingly, additionally, any schedule adjustments shall be communicated via digital or printed media similarly to a public notice.
- 4.5 No later than 6:00 a.m. on the day designated for collection, all residential garbage cans and containers for recyclable materials shall be placed at the street, but not within the street, and said containers shall not be left out overnight after the garbage or recyclable materials have been collected. No person shall place any garbage can or recycling container out for collection on a date when no collection is scheduled.
- 4.6 The City or City's contractor shall not be obligated to collect non-collectable items.
 - 4.6.1 The disposal of non-collectable items shall be the responsibility of the person in possession, charge or control of the residence, dwelling unit, or business at that address.
 - 4.6.2 If the person in possession, charge, or control of a premises with non-collectible items engages a private business, contractor, or other entity to dispose of such items, the entity must be licensed to conduct business within the City.
- 4.7 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.

- 4.7.1 The City or the City's contractor shall provide one (1) container for garbage and refuse and one (1) separate container for recyclable materials. Additional containers may be requested by the occupant as the supply of containers allows and the City or City's contractor may levy an additional monthly fee per container for any additional containers requested.
- 4.7.2 Garbage and recyclable materials shall be deposited in the designated containers provided by the City or the City's contractor.
- 4.8 It shall be incumbent upon tenants, lessees, occupants, or owners of premises within the City to provide a safe and convenient entrance to and through the premises for the purpose of collecting refuse.
 - 4.8.1 All vicious animals shall either be confined or garbage and/or recycling receptacles placed at a point where collectors may empty same without attack from said animals.
 - 4.8.2 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 collection personnel or equipment.
- 4.9 No collection personnel are permitted to enter houses or buildings, garages, or porches for collection of garbage or recyclable materials.
 - 4.9.1 The City or City's contractor shall be responsible for accommodating citizens who qualify for special provisions as described in Section 6.2 of this ordinance in a manner which is agreed upon by both parties. If such an agreement cannot be reached, the City or City's contractor shall employ the least invasive method practicable to render the service(s).

Section 5. Fees

- 5.1. In order to provide for the health and welfare of the citizens of the city, there is hereby levied a service fee to finance the expenses of the collection, hauling and disposal of garbage, trash, rubbish, recyclable materials and other refuse within the residential areas, as well as the costs and expenses associated with the administration of the City's garbage and recycling services including the collection of fees and the enforcement of this ordinance.
 - 5.1.1 All fees which are necessary and required to administer the City's garbage and recycling services shall be set by the Utility Board of Helena and ratified by the Helena City Council. If a disagreement exists between these parties, the vote of

the City Council shall prevail, as the Council is an elected, and not an appointed, government body.

- 5.1.2 The Utility Board of Helena shall manage the billing and payment processing for garbage and recycling services.
 - 5.1.2.1 All bills for garbage and recycling services shall be rendered on a monthly or quarterly basis, as determined by the City or the city's contractor, on the same statement rendered by the Utility Board of Helena for water and sewer services.
 - 5.1.2.2 Each bill shall become delinquent if not paid within ten (10) days after the bill is rendered and become due. In the event that the current bill is not paid within ten (10) days after the due date of the bill, service shall be discontinued and a penalty charge of 10% of the gross fee shall be levied.
 - 5.1.2.3 The Utility Board of Helena is hereby designated as the agent for collection of fees associated with garbage and recycling services.
- 5.1.3 Effective October 1, 2022, and each subsequent October 1 thereafter, garbage and/or recycling collection fees may be adjusted annually in an amount equal to the CPI trailing twelve-month index as of June 30 of that current year.
- 5.1.4 Any garbage and/or recycling customer who negligently or intentionally causes damage to a garbage can or recycling container shall be responsible for said repairs, or replacement if the garbage can or recycling container cannot be repaired and shall be billed the cost for replacement or repair.

Section 6. Special Provisions

- 6.1 Any occupant who provides documentation to the City that the occupant's household has as its sole source of income only social security benefits shall be exempt from the payment of the monthly service fee for that dwelling unit. The occupant must present to the City the documentation described immediately above at least every twelve (12) months to continue receiving a waiver of the monthly service fee.
- 6.2 Any person who is a full-time resident of a residential unit who is disabled to the extent of being incapable of moving refuse and who obtains a physician's certificate as to this disability shall not be required to place the garbage can or recycling container at curbside. This section shall not apply unless all of the persons in a residential unit are disabled and obtain a physician's certificate. These certificates shall be presented and recorded by the Utility Board of Helena for appropriate notification of pickup crews.

Section 7. 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 8. Effective Date

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

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