

ORDINANCE NO. 1003



AN ORDINANCE TO REPEAL ORDINANCE NO. 789 AND ORDINANCE NO. 983
AND TO PROVIDE FOR THE
CONTROL, COLLECTION AND DISPOSAL OF REFUSE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY
MINETTE, ALABAMA, WHILE IN REGULAR MEETING ASSEMBLED ON MARCH 7,
2022, AS FOLLOWS:

Section 1. That the following Ordinances of the City of Bay Minette are hereby repealed, effective on the effective date of this Ordinance as set forth in Section 27: (a) Ordinance No. 789, adopted February 1, 1989; and (b) Ordinance No. 983, adopted August 20, 2018.

Section 2. Definitions: The following words and terms when used in this ordinance shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise.

- (a) "Business Establishments" shall mean each person, firm, corporation or association licensed to do business in the City of Bay Minette, 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 court; and in addition thereto, all other Businesses with a physical location within the City limits.
- (b) "City" shall mean the City of Bay Minette.
- (c) "Collector" shall be the City or an independent contractor whom the City has selected to provide pickup and disposal services of Refuse in the City.
- (d) "Garbage" includes all waste accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruits or vegetables in cans or other containers originally used for foodstuffs.
- (e) "Garbage Cart" means a 95-gallon City issued can which can be serviced by the City's rear tilt sanitation truck.
- (f) "Lessee" means the individual occupants of the Premises under a lease or rental agreement.
- (g) "Owner" means an individual or individuals who are the owners of the premises being served. The agent of a corporate owner designated in writing to the City by the officers of the corporation shall be constituted as the owner. If no such agent has been designated to the City, any corporate officer or agent shall be treated as the owner of the property for the purpose of this ordinance. The owner or agent of the business entity shall be responsible for compliance with the terms of this ordinance.
- (h) "Persons" means any individual, firm or business entity.

- (i) "Premises" means any dwelling, flat, rooming house, apartment house, hospital, school, hotel, club, restaurant, boarding house, eating place, shop, place of business, manufacturing establishment, courthouse, jail, city hall, post office or other public building.
- (j) "Refuse" includes Garbage and Rubbish and any other solid wastes.
- (k) "Residential Customer" shall mean those persons who own, rent or lease the Premises, or who are persons in possession, charge or control of the Premises defined herein other than Business Establishments.
- (l) "Rubbish" includes all non-putrescible solid wastes, consisting of both combustible wastes, such as paper, cardboard, glass, yard clippings, crockery, excelsior, cloth and similar materials, often referred to as "bulk waste, yard debris or white goods".
- (m) "Sanitary Landfill" means a place for dumping or disposing of Refuse designated or approved by the Baldwin County Health Department and designated and approved by the City of Bay Minette.
- (n) "Sanitation Department" means the municipal sanitation department of the City of Bay Minette.

Section 3. It shall be the duty of every Residential Customer in possession, charge and control of any Premises where Refuse is created or accumulated, to deposit or cause to be deposited the same into a City issued Garbage Cart to prevent the spreading or scattering of such Refuse upon said Premises, or upon the Premises of others. City issued carts will be delivered within ten (10) days of notification of service. The first cart will be issued at no charge but must be replaced at the cost of the customer if lost, damaged or stolen due to the customer's negligence. One additional cart per residence may be rented at the City's promulgated rate for a maximum of two (2) carts per residential customer.

Section 4. It shall be the duty of every tenant, Lessee, occupant, or Owner of any Premise to:

- (a) Place Garbage Cart(s) with lid opening facing the street and handle away from the street curbside by 6:30 a.m. on the day of scheduled service and remove the cart from the curb by 6:30 a.m. the following day.
- (b) Set Garbage Cart(s) no more than five (5) feet from the curb and three (3) feet apart; Garbage Cart(s) cannot be placed in the street
- (c) Have at least three (3) feet between the Garbage Cart(s) and trees, posts, mailboxes, vehicles, etc.
- (d) Keep the lid closed at all times.
- (e) Garbage shall be bagged and tied before placing in the Garbage Cart(s).

Section 5. It shall be unlawful for any person in possession, charge or control of any Premises to keep, cause to be kept, or allow the keeping on any Premises within the corporate limits and police jurisdiction of the City of Bay Minette of Garbage, Rubbish, or other 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 Director of Sanitation of the City of Bay Minette, his authorized representative, or such other duly authorized inspector as may be designated by the City is hereby authorized to inspect any Premises in the City or its police jurisdiction for the purpose of seeing that the requirements of this ordinance are being complied with, and it shall be unlawful for any person whomsoever to interfere with such representative by word, deed or act in the performance of such inspection.

Section 6. It shall be unlawful for any person to sweep, blow, throw or otherwise deposit or cause to be swept, blown, thrown or otherwise deposited any Garbage, Rubbish, or other Refuse into or on any public street, alley, sidewalk, 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 Garbage, Rubbish or other Refuse to accumulate in such manner that it may be carried out or deposited into or on any of the above places by action of the wind or rain.

Section 7. It shall be unlawful for any person to sweep, blow, throw, or otherwise deposit or cause to be swept, blown, thrown or otherwise deposited into or on any canal, stream, public water drain, sewer or receiving basin within the corporate limits and police jurisdiction of the City any Garbage, Rubbish, or other Refuse or to permit same 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 or wind.

Section 8. It shall be unlawful for any person to remove any Garbage, Rubbish, Refuse or other like material from any Garbage Cart(s) or other container within the corporate limits and police jurisdiction of the City after it has been placed therein except under the orders of an officer, agent, or employee of the Sanitation Department or by some other person removing same for disposal.

Section 9. Residential Collection Service- Established; Number of Collections; Fees; Payment.

(a) There is hereby established in the City a Residential Garbage, Rubbish and Refuse collection, hauling and disposal service to be operated by the Sanitation Department or by such other third-party provider selected or designated by the City. The collection, hauling and disposal of Garbage, Rubbish and other Refuse by the City shall be made not less than one time per week. The number of collections and the areas of the City where said collections are to be made shall be established and scheduled by the Sanitation Department. In cases requiring collection and disposal at more frequent intervals, charges for such additional service may be made and shall be established by the Sanitation Department.

(b) From and after the effective date of this Ordinance, all Residential Customers within the City shall be required to purchase Garbage services from the City or by such third-party provider selected or designated by the City and pay the effective monthly fees established therefor. The City or such third-party provider selected or designated by the City shall furnish Garbage pickup services to all said Residential Customers within the corporate limits of the City from and after the effective date of this Ordinance and all Residential Customers of the City shall be required to purchase said services and pay for the same.

(c) The City has promulgated rates, charges and exemptions for the services performed by the City hereunder, which may be from time to time amended or revised. Rates, charges

and exemptions for the services performed by any third-party provider shall be established by said provider. A list of such charges shall be maintained in the office of the City Administrator and available for inspection during regular business hours.

- (d) All bills for service hereunder shall be due and payable on a monthly basis.
- (e) All payment shall be made at the office of the City Clerk or as otherwise designated on a statement of charges.
- (f) No Garbage, Rubbish and Refuse collection hauling and disposal service shall be rendered by the Collector to any person whose account for said service is delinquent.

Section 10. All Garbage Cart(s), Rubbish containers and other Refuse for collection shall be placed at locations to be designated by the Sanitation Department on the days and hours designated by the Sanitation Department for pickup service.

Section 11. No Garbage will be collected by the Collector unless the same is deposited in a Garbage Cart or other container approved or designated by the Sanitation Department. No Rubbish or other Refuse will be collected by the Sanitation Department unless in a separate container, except as follows:

- (a) Trees or parts of trees not more than six (6) inches in diameter and cut to less than six (6) feet in length will be collected if placed curbside but out of the street, and not within three (3) feet of a Garbage Cart.
- (b) Boxes, crates, and cartons will not be collected unless the same be broken down and securely fastened into bales or bundles not exceeding fifty (50) pounds in weight or four (4) feet in any dimension and placed curbside but out of the street, and not within three (3) feet of a Garbage Cart.
- (c) Large accumulations of magazines, newspapers or similar materials will be collected if securely fastened in bundles not to exceed fifty (50) pounds in weight and placed curbside but out of the street, and not within three (3) feet of a Garbage Cart.

Section 12. It shall be unlawful to place in any Garbage or Rubbish container any acids or other dangerous liquids or substances which could cause injury to persons engaged in removing Refuse.

Section 13. Business Establishments.

- (a) There is hereby established for Business Establishments located within the municipal limits of the City a Garbage, Rubbish and Refuse collection, hauling and disposal service to be operated by the Sanitation Department or by such other third-party provider selected or designated by the City. The collection, hauling and disposal of Garbage, Rubbish and other Refuse shall be made not less than one time per week. The number of collections and the areas of the City where said collections are to be made shall be established and scheduled by the Sanitation Department. In cases requiring collection and disposal at more frequent intervals, charges for such additional service may be made and shall be established by the Sanitation Department.

- (b) From and after the effective date of this Ordinance, all Business Establishments located within the corporate limits shall be required to purchase Garbage services from the City or by such other third-party provider selected or designated by the City and pay the effective monthly fees established therefor. Notwithstanding the foregoing, any Business Establishment purchasing dumpster, or like service, from a third-party provider, shall not be required to purchase Garbage service from the City, as such Business Establishment shall be deemed "exempt" upon providing proof thereof to the City. The City or such other third-party provider selected or designated by the City shall furnish Garbage pickup services to all said Business Establishments, not otherwise exempt, within the corporate limits of the City from and after the effective date of this Ordinance and all Business Establishments, not otherwise exempt, shall be required to purchase said services and pay for the same. The scope of the services provided hereunder by the City is limited to Garbage Cart collection service and expressly excludes dumpster or like collection service.
- (c) The City has promulgated rates and charges for the services performed by the City hereunder, which may be from time to time amended or revised. Rates and charges for the services performed by any third-party provider shall be established by said provider. A list of such charges shall be maintained in the office of the City Administrator and available for inspection during regular business hours.
- (d) All bills for service hereunder shall be due and payable on a monthly basis.
- (e) All payment shall be made at the office of the City Clerk or as otherwise designated on a statement of charges.
- (f) No Garbage, Rubbish and Refuse collection hauling and disposal service shall be rendered by the collector to any person whose account for said service is delinquent.

Section 14.

- (a) Dead animals in the corporate limits of the City not in excess of fifty (50) pounds in weight will be picked up by the Collector other than from places of business making a business of treating, handling or disposing of animals, but in no event shall any person having a dead animal on the Premises occupied by or under control of said person allow it to remain undisposed of for a period of longer than twelve (12) hours. In the event the dead animal must be disposed of on a day other than the regularly designated collection day, the Sanitation Department shall be notified. All dead animals above fifty (50) pounds in weight must be removed within twelve (12) hours by the owner.
- (b) It shall be the duty of places making a business of treating, handling, keeping or disposing of animals to remove all dead animals from their Premises.
- (c) No animal excreta shall be placed in Garbage Cart or containers regardless of how packaged, with the exception of City approved dog park receptacles, along city sidewalks or as a result of residential pets. Under no circumstances should the animal excreta exceed 20 pounds.

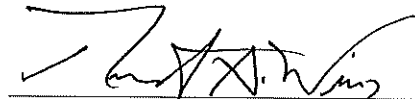
Section 15.

It shall be unlawful for any person to dump, or cause to be dumped, any Garbage, Rubbish, or other Refuse upon any property within the corporate limits and police jurisdiction of the City.

- Section 16.** It shall be unlawful for any person to transport, haul or carry Garbage, Rubbish or other Refuse through the streets, alleys or public places within the corporate limits and police jurisdiction of the City without having the vehicle or container in which the same is to be carried or hauled watertight and adequately secured and covered in a manner approved by the Sanitation Department.
- Section 17.** All Residential Customers should place City issued Garbage Carts with lid opening facing the street no more than five feet from the curb. There should be at least three (3) feet between the cart and trees, posts, mailboxes, etc. at a point conveniently accessible to the collection crews prior to being collected by the Sanitation Department; provided, however, that the Sanitation Department may at any time designate the point from which such collection will be made from each residence.
- Section 18.** Building debris such as scrap lumber, plaster, roofing, concrete, brickbats or similar materials resulting from the construction, repair or demolishing of any building or structure on private property and dirt and rocks will not be removed by the Sanitation Department, but the owner himself must cause this waste to be removed, provided, however, that the Sanitation Department may remove the same by payment of the owner of a reasonable fee therefor, said fee to be established by the Sanitation Department.
- Section 19.** It shall be the responsibility of all fence companies, tree surgeons, nurseries and landscape contractors or any individual or company doing such work on private property to remove from the Premises all residue and Rubbish resulting from said work.
- Section 20.** 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 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.
- Section 21.** All provisions of this ordinance shall apply to all places within the corporate limits of the City, but the same shall not apply to all places within the police jurisdiction of the City unless so stated.
- Section 22.** Any person violating any provision 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 and upon conviction shall be punished by a fine of not less than Twenty-Five and No/100 Dollars (\$25.00) and not more than Five Hundred and No/100 Dollars (\$500.00), or ninety (90) days imprisonment or both. No Garbage, Rubbish or other Refuse will be removed from the Premises of any person failing to comply with the provisions of this ordinance.
- Section 23.** The City of Bay Minette adopts this article to provide for the control, collection and disposal of Refuse.
- Section 24.** All Ordinances or part of Ordinances heretofore adopted by the City Council of the City of Bay Minette, Alabama that are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

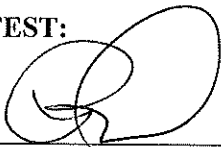
- Section 25.** If any part, section or subdivision of this Ordinance shall be held unconstitutional, invalid or noncompliant with applicable federal or state laws, orders or resolutions, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect.
- Section 26.** This Ordinance shall be codified as Section 12-36 in the City of Bay Minette Code of Ordinances.
- Section 27.** This Ordinance shall be posted in accordance with Alabama law, and the same shall become effective five (5) days thereafter.

DONE, ORDERED, APPROVED and ADOPTED this the 7th day of March, 2022.




Robert A. Wills, Mayor

ATTEST:



Rita Diedrich, City Clerk

I, the undersigned qualified and acting Clerk of the City of Bay Minette, Alabama, do hereby certify that the above Ordinance was published by posting copies thereof in the Bay Minette City Hall, the Bay Minette Public Library and North Baldwin Utilities beginning on the 19 day of March, 2022, with Ordinance 1003 becoming effective five (5) days thereafter.



Rita Diedrich, City Clerk

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