

**CITY OF BAYOU LA BATRE**

**ORDINANCE NO.: 200~~4~~490**

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**AN ORDINANCE TO ESTABLISH, MAINTAIN AND OPERATE A SERVICE FOR THE ORDERLY, EFFECTIVE AND SYSTEMATIC COLLECTION OF GARBAGE IN THE CITY OF BAYOU LA BATRE, ALABAMA; TO ESTABLISH THE RULES, REGULATIONS, AND CONDITIONS WHICH SHALL REGULATE THE ACCUMULATION, REMOVAL AND DISPOSAL OF GARBAGE AND OTHER WASTES; TO PROVIDE DEFINITIONS AND RECEPTACLE REQUIREMENTS; TO DEFINE PROHIBITED ACTS; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF WITHIN THE CITY OF BAYOU LA BATRE, ALABAMA.**  
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**WHEREAS**, the City Council of the City of Bayou La Batre, Alabama desires to protect, preserve and promote the health, welfare and safety of the citizens of the City of Bayou La Batre through the establishment of an orderly, effective and systematic collection of garbage; and

**WHEREAS**, the City Council wishes to establish rules, regulations and conditions for the regulation of the accumulation, removal and disposal of garbage and other wastes; and

**WHEREAS**, the City Council wishes to provide definitions, receptacle requirements, prohibited acts and penalties for the regulation of the accumulation, removal and disposal of garbage and other wastes; and

**WHEREAS**, the City Council has heretofore entered into a contract with Waste Management d/b/a Waste Away Group for the purpose of providing residential garbage collection for the citizens of the City of Bayou La Batre.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAYOU LA BATRE, ALABAMA AS FOLLOWS:**

**SECTION I. DEFINITIONS**

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent within context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.



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**A. Garbage.** The term “garbage” shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, as well as wastes resulting from the use of ordinary household and personal products, excepting therefrom hazardous or other dangerous materials and / or wastes as may be hereinafter described and such materials that may be serviced by garbage grinders and handled as household sewage.

**B. Residential Unit.** The words “residential unit” shall mean any structure or shelter or any part or curtilage thereof used or constructed for use as a residence of one family.

**C. Garbage Receptacle.** The term “garbage receptacle” shall mean a container of not greater than ninety-five gallon capacity, as provided to each residential unit by the Waste Management, as defined herein.

**D. Person.** The term “person” shall mean any person or persons, firm, corporation, or association of any type.

**E. Waste Management.** The term “Waste Management” shall mean person holding a franchise for exclusive right to collect garbage within the City of Bayou La Batre, Alabama.

**F. Owner.** The term “Owner” shall mean person or persons, firm, corporation or association who shall accumulate or cause to accumulate garbage for pickup and disposal by the Waste Management.

**G. Garbage Disposal Site.** “Garbage Disposal Site” shall mean areas or facilities established and permitted by ADEM for disposal of garbage as designated by Waste Management.

**SECTION II. TERRITORIAL APPLICATION OF THIS ORDINANCE**

The provisions of this Ordinance shall apply to all territory which presently lies within the city limits or which may be hereinafter annexed into the City of Bayou La Batre.

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**SECTION III. REQUIREMENTS FOR GARBAGE REMOVAL**

**A. Residential.** All residents and occupants of residential units in the City of Bayou La Batre, Alabama, shall be required to have accumulations of garbage removed and disposed of by Waste Management.

**B. Evidence of Accumulation.** The fact that any residence is occupied shall be prima facie evidence that garbage is being produced and accumulated upon such premises and that said garbage shall be stored, transported, and disposed of in a manner approved by the Code Enforcement Officer and in compliance with the requirements of this Ordinance and any amendments thereto.

**C. Sanitary Nuisance.** Accumulation of garbage at any residential unit or any commercial unit for more than five (5) days shall be prima facie evidence of a sanitary nuisance. The Code Enforcement Officer shall, upon finding a nuisance as described above, notify the person or persons committing the violation to remove or cause to be removed the same within twenty-four (24) hours. Such notice shall be issued by the Code Enforcement Officer by one of the following means:

Certified U.S. Mail  
Hand Delivery, or  
Posting of such notice in a conspicuous place on a  
place or abode or place of business.

If the sanitary nuisance is not removed by such person or person within the time prescribed in said notice, the Code of Enforcement Officer may initiate legal proceedings to cause abatement of the nuisance.

**SECTION IV. PREPARATION AND RECEPTACLE REQUIREMENTS**

**A. Preparation Requirements.**

All garbage, cans and bottles shall be drained of all liquids prior to deposit in the required receptacles. Receptacles shall comply with requirements of the definition as established herein, and shall be kept tightly covered at all times except when it is necessary to lift the cover to deposit garbage.

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**B. Location of Receptacles.**

(1) **Residential.** Garbage receptacles shall be placed according to requirements set forth by Waste Management, or in any event, at ground level, on the property of the residential unit and shall not be kept upon county or public property or neighboring property not in the ownership or tenancy of the person by whom the garbage is accumulated, whether such neighboring property be vacant or improved except that it may be kept on the City right-of-way. Such placement of containers shall be easily accessible to the Code Enforcement Officer for inspection and to employees of Waste Management for collection.

(a) Waste Management may require that garbage receptacles be placed for collection near the roadway. Such requirement shall be subject to Code Enforcement Officer's approval.

(b) The garbage permitted to be placed near roadways shall be neatly placed and shall be placed so as to allow convenient passage of persons and conveyances lawfully in such roadways. At no time shall any receptacles, containers or garbage be placed in streets or gutters.

(c) Ownership of and responsibility for garbage material shall remain with the producer until collected.

**C. Minimum Receptacle Specifications.**

(1) **Receptacles Required.** All garbage must be placed in garbage receptacles as defined herein.

(2) **Improper Receptacles.** Any container used for the collection or storage of garbage failing to meet the requirements of this section shall be clearly marked or identified by an agent of Waste Management or Code Enforcement Officer, which marking or identification shall legibly specify in what manner the container fails to meet the requirements of garbage receptacles. Any container so tagged must be replaced with an acceptable container within five (5) days after notification by the Code Enforcement Officer.

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**SECTION V. FREQUENCY OF COLLECTION**

Garbage shall be picked up by Waste Management from each location one (1) time per week the day and time of collection shall be determined by Waste Management, with reasonable notice thereof provided to all residential units. All collection schedules are subject to change due to legal holidays and/or weather conditions.

**SECTION VI. FEES FOR COLLECTION AND DISPOSAL**

**A. Fees for Refuse Collection.** Every person or persons occupying a building or dwelling unit which generates garbage within the City Limits of the City of Bayou La Batre shall be subject to a fee of fifteen dollars and forty-three cents (\$15.43) per month, as set forth in the contract between the City of Bayou La Batre and Waste Management.

**B. Collection of Fees.** The City of Bayou La Batre shall, in no respect, be responsible for either billing or collection of such fees. Neither shall the City of Bayou La Batre be liable for any discontinuation of service by Waste Management to any residential unit for failure to pay collection fees, or for any dispute arising therefrom.

**C. Exempt Service.** A State of Alabama request form will be sent from Waste Management for those requesting exempt service on an annual basis. The form must be notarized and sent back to Waste Management for verification along with tax information from the previous year and bank statements for at least three (3) months. Bank statements must black out the account number but leave the name and transactions showing on each statement. Only the citizen receiving Social Security benefits as established pursuant to Alabama state law may reside on exempt property. The citizen requesting exemption from payment of fees can have no other source of income. Waste Management reserves the right to not provide exempt service if these or any other State requirement are not met by the resident requesting such exempt service.

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**D. Enforcement of Collection fees.** That each owner, occupant and/or resident of any parcel of real property shall be liable to Waste Management for the monthly collection fee. Failure to pay the monthly service charge due Waste Management for garbage, rubbish and or other solid waste pick up within ten (10) days after their due date shall constitute a prima facie violation of this Ordinance. Each day a violation or condition of violation continues, shall constitute a separate offense and shall be punishable as such. In addition to the criminal penalties provided in this Ordinance, Waste Management may institute a civil action as provided by law for the collection of unpaid monthly collection fees due it plus cost

**E. Notice prior to enforcement.** That in the event such owner, occupant, resident or person fails to pay the monthly collection fee, then upon notification by Waste Management, the City Code Enforcement Officer may provide such owner, occupant and/or resident written notice of such violation, which notice shall provide ten (10) days notice to cure such arrears and if not so cured, then the Code Enforcement Officer or Waste Management may issue a municipal offense citation against such owner, resident, occupant or person for violation of this Ordinance.

**SECTION VII. PROHIBITED ACTS**

**A. Accumulation of Garbage.** It shall be unlawful for any person to accumulate or to cause, permit or allow to be accumulated any garbage upon his property or premises except during regular intervals between collections by Waste Management.

**B. Unlawful Disposal.** It shall be unlawful for any person to dump or bury any garbage on public or private property whether or not owned by him unless permission has been obtained from the respective property owner or owners and such disposal has been authorized by the Code Enforcement Officer. If any garbage is found on public or private property or roadway and its origin is traced to a residential unit by identification such as mail, statements, checks, etc., and such person or owners are not receiving disposal service by the franchised Waste Management, such information presented in a statement signed by the Code Enforcement Officer shall be prima facie evidence that such person or owner is in violation of this Ordinance. The provisions of this section do not apply to dumping

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on private property, with owners' permission, of sand, dirt, broken brick, blocks, broken pavement or other material suitable for use as fill material to raise the elevation of land.

**C. Contagious Disease Refuse.** Refuse consisting of clothing, bedding or other waste from homes or other places where highly infectious or contagious diseases have prevailed shall not be placed in containers for regular collection. Removal of such materials shall be performed under the supervision and direction of the Code Enforcement Officer.

**D. Flammable or Explosive Refuse.** Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Code Enforcement Officer at the expense of the owner or possessor thereof.

**E. Other Hazardous Materials.** No person shall place or cause to be placed in such receptacles such materials as unwrapped razor blades and glass, acid, and other like materials which have caused or may cause personal injury to employees of Waste Management or other collection personnel. Such material shall not be collected unless wrapped, rendered harmless or identified as injurious materials.

**F. Dead Animals.** The disposal of all dead animals shall be the responsibility of the property owner. Disposal shall be as required by the Code Enforcement Officer.

**G. Scattering Garbage.** It shall be unlawful to disturb, scatter or spread about or to cause to be disturbed, scattered, or spread about, any contents of receptacles set out or intended to be collected and removed.

**SECTION VIII. PENALTIES**

Any person violating any provision of these rules and regulations shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$50.00 nor more than \$500.00 and/or imprisonment for a period not to exceed thirty (30) days.

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**SECTION IX. SEVERABILITY**

The provisions of this ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remainder hereof.

**SECTION X. REPEALER**

All City Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

**SECTION XI. EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Bayou La Batre, Alabama and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY OF BAYOU LA BATRE,  
ALABAMA ON THE 13<sup>th</sup> DAY OF January, 2004.**

**CITY OF BAYOU LA BATRE, ALABAMA**

  
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**STAN WRIGHT, MAYOR**

**ATTEST:**

  
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**IMELDA B. McCLELLAN  
City Clerk**