

ORDINANCE NO. 2013-0401

**AN ORDINANCE TO ESTABLISH A POLICY FOR THE PICK UP AND
REMOVAL OF TRASH, WASTE AND OTHER DEBRIS**

WHEREAS, the City of Tuscumbia, Alabama ("City"), provides its citizens the opportunity to dispose of inert waste, construction waste and demolition waste, yard trimmings, leaves, grass, and other acceptable waste at the Shoals Solid Waste Disposal Authority Inert Landfill, 2015 Missouri Street, Tuscumbia, Alabama, without charge; and

WHEREAS, the citizens of Tuscumbia, Alabama are provided the opportunity to recycle various recyclable materials, including paper and other paper products, certain plastics, certain metals, and aluminum at recycling bins placed within the City of Tuscumbia and further, glass and other materials are accepted for recycling at the Recycling Center for the Shoals Solid Waste Disposal Authority; and

WHEREAS, the City provides pickup of many items from the residences and businesses of the City of Tuscumbia, Alabama; and,

WHEREAS, the City now seeks to adopt an ordinance that defines those items that will be picked up and disposed of from the residences and businesses within the City of Tuscumbia; the type and manner of containing and placing items for pickup by the City; and, the charges, if any, the Citizens of the City of Tuscumbia, Alabama will incur for the use of those pickup services;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF TUSCUMBIA, ALABAMA, AS FOLLOWS:**

Section 1. Chapter 9 of the Code of Ordinances of the City of Tuscumbia, Alabama, is hereby amended to add a new Article IV as follows.

ARTICLE IV. The Policy for the Pickup and Removal of Trash, Waste and other Debris

Sec. 9-70. Purpose.

The purpose of this Article is to implement the policy of the City Council to define the items and manner of trash, waste and other debris to be picked up and removed; the manner of containing and placing trash, waste and other debris; the charges for pick up and removal of trash, waste and debris; the exemptions under Sec. 9-35 of the Code of Ordinances of the City of Tuscumbia, Alabama; and, to protect the health and safety of persons.

Sec. 9-71. Definitions and Scope.

For purposes of this Article the following terms shall have the respective meanings ascribed to them:

Those definitions set forth in Sec. 9-31 of the Code of Ordinances of the City of Tuscumbia, Alabama, as were adopted by Ordinance No. A-104, § 100, and any amendments thereto or hereafter adopted.

Sec. 9-72. Policy.

It is the policy of the City to provide a convenient method for Tuscumbia residents to rid themselves of certain items without having to take the time and expense of personally hauling small amounts of such materials to the Shoals Solid Waste Disposal Authority landfill. It is the responsibility of each resident of the City of Tuscumbia to dispose of trash and waste at the landfill. The City in providing a convenient means of picking up small items of trash and waste is not intended to be a guaranteed free pick-up for all of the possible trash and waste generated by residents. The City encourages all citizens to utilize the recycling facilities provided within the City. The City encourages all citizens to take a personal role in ridding the City of litter and keeping Tuscumbia clean and beautiful.

Sec. 9-73. Trash and Waste Collection.

(a) *Trash and waste picked up free of charge.* The City may collect, on a schedule to be established by the Public Works Director, the following items free of charge to the resident:

- (1) Brush and grass clippings which are bagged;
- (2) Brush and limbs with a maximum length of 8' and a maximum diameter of 8".

- (3) Leaves and pine needles, placed within 4 feet of the curb or pavement;
- (4) Small, biodegradeable items such as cardboard boxes, books, magazines, and newspapers.

(b) **Trash and Waste picked-up, without charge, by appointment only:**

- (1) Brush and limbs with either length greater than 8 feet or diameter greater than 8 inches, but with length less than 16 feet or diameters less than 12 inches.
- (2) Bulk items, including furniture, mattress/box springs, small appliances, push lawn mowers, toilets, rolled carpet no longer than 8 feet in length, garage sale items, TVs, bed frames, and doors.
 - (a) No more than two (2) of the above described bulk items will be picked up per appointment.
 - (b) Only applies to above Bulk items generated by a homeowner/resident, not to Bulk items, placed by contractors, landlord's during evictions, or other individuals, businesses or entities, other than homeowner/resident.
- (3) Small construction/renovation wastes generated by resident/homeowner/landlord that is bagged in heavy duty bags (limit of 5 bags per appointment).
- (4) Any item to be picked up without charge under Sec. 9-73(b) shall not be placed for pickup more than forty-eight (48) hours prior to the scheduled appointment for pickup. It is the responsibility of the homeowner/resident to schedule appointments for pickup with the Public Works Department prior to placing any trash or waste for pickup under Sec. 9-73(b).

(c) ***Trash and Waste prohibited from pick up:***

- (1) Paint or other liquids;
- (2) Any items which might be considered hazardous;
- (3) Limbs with length greater than 16 feet or diameter greater than 12 inches.
- (4) Loose pine straw or grass clippings raked out into the street or gutter;
- (5) Materials which are scattered and not properly placed in piles for the brush truck;

- (6) Rubbish, including, but not limited to discarded furniture, mattresses, appliances, lumber, building materials, plumbing materials, construction materials, bricks, concrete, blocks, roofing, and any material determined by the Public Works Director as inappropriate for disposal in the City brush truck, any of which is placed on public right of way or curb or any property by contractors, landlords during evictions, or individuals, businesses or other entities, other than residents.
- (7) Any brush, leaves, grass clippings or other material resulting from work performed by any contractor, lawn/shrub service, tree trimmers, or other persons or businesses performing work on the property. Any contractor, lawn/shrub service, tree trimmers, or other persons or businesses performing work on property who cut grass, perform landscaping work, trim trees, or create any yard waste or rubbish or materials shall be responsible for hauling such yard waste or rubbish or materials from the residence or property to a landfill for proper disposal. Any resident or property owner who does not make sure that the contractor, lawn/shrub service, tree trimmer or other person or business hauls the yard waste or rubbish or materials from the residence or property will be responsible for hauling the debris themselves.
- (8) Dead animals on private property;
- (9) Any waste that is waste to be picked up free of charge under Sec. 9-73(a) or (b) that is mixed with any waste that is not picked up free of charge under Sec. 9-73(c) will be considered trash or waste prohibited from pickup under Sec. 9-73(c)..
- (10) Any garbage, litter, refuse, trash, or litter required to be disposed of by other means by the ordinances of the City or the rules and regulations adopted by the Public Works Department.
- (11) Any trash, waste or material not picked up free of charge is to be properly disposed of by the resident, property owner, landlord, contractor, lawn/shrub service, tree trimmers or other persons or businesses shall be properly disposed of in the landfill of the Shoals Solid Waste Disposal Authority (SSWDA) or such other proper and lawful location, if not acceptable at the SSWDA landfill.

(d) ***Charges for Waste pickup:***

- (1) Any trash, waste or material not designated to be picked up free of charge under Sec. 9-73(a) and (b) which is placed on the rights-of-way, or property within the City or in the streets or gutters shall incur a charge of a minimum of One (1) hour and one (1) ton of materials at the then applicable Federal Emergency Management Administration (FEMA) rate. The Director of Public Works shall publish the FEMA rate on the City's website. Any increases or decreases in the FEMA rate shall be periodically published. The current published rate shall be the charge for the pick-up and removal of any trash, waste or material not designated to be picked up free of charge under Sec. 9-73(a). The current minimum charge is \$113.78 for a one ton or less pick-up.
- (2) Any additional charges shall be added to the resident's utility bill each month or invoiced to the property owner as said property is accessed by the Revenue Commissioner of Colbert County, Alabama, if the property is vacant or there is no current utility service.
- (3) If the waste or material not designated to be picked up free of charge under Sec. 9-73(a) or (b) is at an apartment complex or multiple family housing unit, where the City is unable to ascertain the name of the person or persons responsible for placing the waste or material, then the property owner, as designated by the Revenue Commissioner of Colbert County, Alabama shall be invoiced the charges.
- (5) The charges are in addition to any other charges, fines, costs which might be associated with the improper disposal of waste or litter contained in the City's ordinances.

Sec. 9-74. Cumulative Effect.

This Article is cumulative in nature and in addition to any and all power and authority that the City may have under any other law.

Sec. 9-75. Severability; no repeal.

- (a) The provisions of this article are severable. If any part or parts of this article are declared unconstitutional or otherwise invalid by a court of competent jurisdiction, the remaining part or parts shall continue in full force and effect.

- (b) This article expressly does not repeal any other ordinance of the City of Tuscumbia, Alabama, including those relating generally or specifically to the subject of trash, garbage or litter.

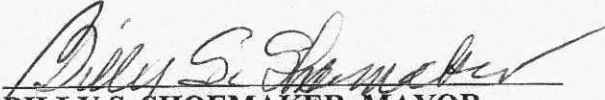
Section 2. This ordinance shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before the adoption of after the enactment of this ordinance shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture or lien be in any manner affected by the adoption of this ordinance; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this ordinance be affected in any manner by its adoption.

Section 3. This Ordinance shall become effective upon its adoption as provided by law.

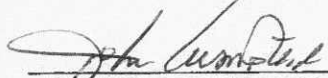
Section 4. The provisions of this Ordinance shall be included in and incorporated in the Code of Ordinances of the City of Tuscumbia, Alabama, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraph and sections, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

ADOPTED and **APPROVED** this the 1st day of April, 2013.


BILLY S. SHOEMAKER, MAYOR

ATTEST:


JOANN ARMSTEAD
City Clerk