

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE PROPER HANDLING OF LEAVES, YARD DEBRIS, REFUSE, BUILDING CONSTRUCTION DEBRIS AND DEMOLITION DEBRIS

WHEREAS, the City of Hanceville (the "City") recognizes the competing interests in having trees, shrubs and other vegetation that enhance the appearance of the City, but also the need to provide a cost efficient method to remove yard debris; and

WHEREAS, the City Council has determined that it is appropriate to amend existing ordinances and to add thereto requirements for the proper handling of leaves and other yard debris and building demolition debris in the City, so as to protect the health, safety and welfare of the residents of the City; and

WHEREAS, the Council also desires to prescribe penalties for the failure to comply with such requirements.

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

ARTICLE I. DEFINITIONS.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1.1 Appliances. Appliances, such as clothes dryers, clothes washers, compactors, dish washers, furnaces, garbage disposals, hot water heaters, microwave ovens, stoves, and appliances containing Freon, R-12 or any other refrigerant including, but not limited to, central air conditioning units, dehumidifiers, freezers, refrigerators and window air conditioning units.

1.2 Brush. Brush consists of twigs and branches that arise from general landscape and yard maintenance. It does not include any tree stumps or materials arising from tree removal, land clearing or development activities. Brush shall include Christmas trees used in the residence where it is placed.

1.3 Building Construction or Remodeling Materials, Waste or Debris. Substances accumulated or generated from building, remodeling, repairs or demolition to or of a home or other building including, but not limited to, bricks, broken concrete, cinder blocks, dirt, electrical wiring, flooring, heating and air conditioning materials, lumber, plumbing materials, rocks or

stones, sheet rock, shingles, siding, wall board and wall paper, or any other construction related material and equipment.

1.4 Bulk Refuse. Including, but not limited to, BBQs, bedding, carpeting, chain saws, chairs, doors, end tables, furniture, lawn mowers, mattresses, rugs, sofas (excluding sofa-type beds), stuffed chairs, weed eaters or other small powered equipment (emptied of all gasoline, oil or other fluids), windows, window and door screens, and such other items as Town may designate as bulk refuse on a case by case basis, total volume not to exceed three (3) cubic yards.

1.5 Clean-outs. The process of a total removal of personal belongings of tenants or occupant(s) by the landlord, mortgage-holder, occupant, property owner, or tenant, including, but not limited to, clothing, furniture, house wares, etc. onto the property front, side or rear yard; or by an eviction order by the District Court, Circuit Court, owner, landlord, or mortgage holder.

1.6 Compost. Decaying organic matter contained in a compost bin or pile for the purpose of biodegradation and production of fertilizer, including, but not limited to, food or kitchen scraps, grass and plant clippings, leaves, etc.

1.7 Containerized. The placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with storm water.

1.8 Electronics or Electronic Recyclables. Computers, computer keyboards, computer monitors, CD and DVD players & recorders, laptop computers, printers, stereos/radios, telephone systems, televisions, VCRs, and other electronic and digital equipment.

1.9 Fish and Animal Carcasses. Fish, and animal carcasses and skins shall not be picked up by the City. Residents are encouraged to take cat, dog and other pet carcasses to a veterinarian for disposal.

1.10 Garbage. Putrescible animal, food and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of food.

1.11 Hazardous Materials or Waste. Any material or item, the handling of which could cause harm to the collection crew, the public, or the environment, or is unacceptable for solid waste disposal, including, but not limited to, acids, ammunitions, automotive fluids, car batteries, caustics, cleaning agents, driveway, basketball court and tennis court sealants, explosives, fire extinguishers, gasoline and motor oils, herbicides, household batteries, insecticides and fertilizers, mercury, motor oil and anti-freeze containers, oil paint, photographic chemicals, poisons, solvents, swimming pool chemicals, toxins, varnishes and stains and such other items as may be designated from time to time by the State of Alabama, Cullman County, the City or other solid waste disposal providers.

1.12 Household Refuse. Animal, food and vegetable waste, refuse and trash normally generated from running a household, which can be stored in a container until the scheduled collection day. Household refuse shall not include appliances, building, construction or remodeling materials, bulk refuse items, electronics or electronic recyclables, hazardous materials or waste, recyclables, or yard waste as defined in this Ordinance.

1.13 Imported Refuse. Items brought into City from other locations, either in the normal course of doing business in City, or a property owner's or resident's residency or work, or by contract for disposal by the City or for storage.

1.14 Leaf Disposal. The placement of leaves in plastic bags with a maximum weight of 30 pounds, which can be composted together with pine needles, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with storm water.

1.15 Leaves. Leaves generated from residential premises located within the City of Hanceville which have been source separated from solid waste, including but not limited to sticks, branches, grass clippings, foreign material and construction material.

1.16 Litter. Appliances, building, construction or remodeling materials, waste or debris, bulk refuse, electronics or electronic recyclables, garbage, hazardous material or waste, household refuse, refuse, rubbish, trash and yard waste, as defined herein, that is thrown, deposited or stored in or on public places or is thrown, deposited or stored on private property and creates a nuisance or a threat to public health, safety and welfare. Organic compost piles shall be exempted from this definition.

1.17 Loose Leaves. Leaves that fall from trees and are collected by a vacuum-type leaf collection machine.

1.18 Motor Vehicle Parts and Accessories. Motor vehicle parts and accessories.

1.19 Person. Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

1.20 Pressured Containers. Pressured containers such as acetylene, fire extinguisher, propane and helium tanks.

1.21 Public Place. Any and all alleys, drainage swales, public rights-of-way, sidewalks, streets, any and all public buildings and grounds, open spaces, parks and any and all privately owned parking lots or open space.

1.22 Recyclable Materials. Any and all materials that can be separated, collected, processed and returned to the manufacturing stream in the form of raw materials or products such as aluminum, bi-metal, tin-plated and steel food and beverage cans; mixed paper including newspapers, magazines, office paper, mail and corrugated cardboard; glass bottles and jars; HDPE (high density polyethylene) plastic containers or jugs; PET (polyethylene terephthalate) containers, and such other items as may be designated or undesignated from time-to-time by the

State of Alabama, Cullman County, the City, or a recycling collection or processing facility. Motor oil and anti-freeze containers have been declared hazardous and cannot be recycled.

1.23 Recycling Receptacle. Any bin, box, container, structure or device designated and authorized by the City into which only recyclable materials are placed for collection.

1.24 Refuse. All putrescible and non-putrescible solid waste normally generated from running a household.

1.25 Refuse Container. A heavy-duty, commercially available container with a tight fitting lid of a forty-five (45) gallon capacity, or a capacity established from time-to-time by the City, which is used only to store garbage, household refuse, rubbish or trash and is placed at the curb for collection by the Cullman County Sanitation Department.

1.26 Residence. Single-family dwellings and duplex-type dwellings. No multiple-family housing greater than a four-plex unit is eligible (i.e. apartments, condominiums, mobile home parks, etc.)

1.27 Rubbish. All non-putrescible combustible or non-combustible solid waste normally generated from running a household.

1.28 Special Bulk Refuse Collection. A special bulk refuse collection is bulk refuse items, the volume of which exceeds three (3) cubic yards, excepting appliances, and is collected by appointment only. Appliance pick-ups are a separate collection and by appointment only.

1.29 Street. Any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing state, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

1.30 Tires. Car, truck and bike tires.

1.31 Yard Waste. Grass clippings, lawn rakings, garden weeds and trimmings, brush, shrub and hedge cuttings, tree parts, tree trunks, limbs, or branches having all dirt removed.

ARTICLE II. MANNER OF COLLECTION.

Leaves are typically removed at no charge to the citizens at the times and places as hereinafter set out.

2.1 Leaf Removal.

(a) Loose Leaves shall be removed by the City at no cost and shall take place at the curb of any public roadway for collection by the City.

(b) Loose leaves and pine needles must be placed at the edge of the street.

(c) Tree limbs and other yard debris are not to be included within the leaves.

2.2 Brush Pickup.

(a) Brush must be at curb or edge of a public road only.

(b) Curbside must be clear of motor vehicles and low lying limbs so City equipment has access.

(c) Brush or tree trimmings should be as long as possible, but not to exceed 12 feet in length.

(d) No wood boards, decking, fencing, construction material, etc. is acceptable.

(e) Brush shall not be collected if it exceeds 12 feet in length. This limitation shall not apply if the City requires that the property owner trim brush on the property to comply with street or sidewalk clearance requirements.

(f) The City shall only collect one brush pile from each household for each month that brush is collected. This limitation shall not apply if the brush placed at the curb is the result of a storm or a severe wind event or if the City requires that the property owner trim brush on the property to comply with street or sidewalk clearance requirements.

(g) Brush shall not be placed in the street or upon a public sidewalk.

(h) Commercially cut brush shall not be collected by the City. It shall be removed from the premises by the contractor as soon as is practical.

ARTICLE III. GARBAGE, ETC.

The City does not pick up household Garbage, Compost, Fish and animal carcasses, Hazardous materials or Waste, Household refuse or Refuse. The handling of many of these items is conducted by the Cullman County Sanitation Department. Any person not complying with the Ordinances and laws for disposal of the items listed in this Article shall be deemed in violation of this ordinance.

ARTICLE IV. BULK REFUSE COLLECTION, CATEGORIES, SCHEDULE AND FEE (FEE SCHEDULE)

Bulk Refuse and other collection categories, schedules and fees shall be set from time to time by resolution of the City Council.

4.1 Initial Collection Rates. The initial rates imposed shall be:

(a) Appliances - \$25 per appliance to be paid at City Hall prior to collection.

(b) Building Construction or Remodeling Materials, Waste or Debris - Contractor, property owner or occupant must remove to a County authorized disposal site; or fee determined by the Public Works Department ("PWD"), if PWD elects to accept for removal.

(c) Bulk Refuse -

- (1) \$15.00 if under 3 cubic yards
- (2) \$10.00 for each additional cubic yard

(d) Clean Outs - Landlords, mortgage holders, property owners or occupants must arrange for disposal with Private hauler, or may request PWD to inspect to determine if it will pick up and fee amount

(e) Electronics or Electronic Recyclables - Priced as Bulk Refuse

(f) Hazardous Materials or Waste -Not accepted. Contact PWD for advice.

(g) Household Refuse - To be picked up by Cullman County Sanitation Department.

(h) Imported Waste - Not accepted. Fines may apply.

(i) Loose Leaves and Yard Waste - No fee.

(j) Motor Vehicles and Parts - Not accepted. Fines may apply.

(k) Pressured Containers - Not accepted. Fines may apply.

(l) Tires - \$5.00 per tire to be paid at City Hall prior to collection.

4.2 Special Arrangement Categories. The following categories require special arrangements:

(a) By Appointment and Prepaid through City Hall: Appointments for collection and payment of collection pick-up fee are made through the City Hall for the following refuse categories: (1) appliances and (2) tires. Fees must be paid prior to pick-up.

(b) By Appointment and Prepaid through PWD: Appointments for determining the collection pick-up fee and date for pick-up are made through the PWD for the following categories: (1) Minor home repair remodeling waste (no more than two items or as the PWD shall determine); (2) Special Bulk Refuse Collection. Fees must be paid at the City Hall prior to pick-up.

(c) Categories Sole Responsibility of Property Owner: The disposal of the following categories are the primary responsibility of the property owner: (1) Building, Construction and Remodeling Materials, Waste or Debris; (2) Clean-outs (except as the PWD may determine if requested); (3) Hazardous Materials and Waste; (4) Imported Refuse; (4) Pressured Containers; (5) Motor Vehicle Parts and Accessories and (5) Special Bulk Refuse Collections items that cannot be picked-up as determined by the PWD.

4.3 Adoption of Refuse Collection Categories, Collection Schedule, Fees and Fines. Collection categories, collection schedules, fees and fines shall be set from time-to-time by resolution of the City Council. The City Council adopted resolution is a separate document kept on file in City Hall.

ARTICLE V. DUTIES AND RESPONSIBILITIES FOR GARBAGE ETC.

5.1 Placement. All household Garbage, Compost, Fish and animal carcasses, Household refuse, Refuse, rubbish and trash to be removed by the Cullman County Sanitation Department shall be stored neatly and safely in an area behind the front building line of a residence's principal structure.

ARTICLE VI. DUTIES REGARDING CATAGORIES

The following are the duties and responsibilities of property owners and occupants regarding the collection and disposal of:

6.1 Appliances. Collected by appointment only and only after payment of fee, as established by the City Council, in the City Hall. Refrigerator and freezer doors must be removed prior to being placed at the curb for collection.

6.2 Building, Construction and Remodeling Materials, Waste or Debris. Disposal of building, construction or remodeling materials, waste or debris, whether generated by the property owner, occupant, or contractor, is the responsibility of the property owner. Property owners, residents or occupants performing minor home repairs may have items removed by contacting the PWD for inspection and approval of items to be disposed. If the items exceed 3 cubic yards in volume, there shall be an additional charge for each additional cubic yard and will be handled as bulk refuse. Roofing shingles will not be collected.

6.3 Clean-outs. If landlords, mortgage holders, occupants, property owners, and/or tenants desire, they may request the PWD to examine to determine if the PWD will pick up the items and said landlords, mortgage holders, occupants, property owners, and/or tenants must make prior arrangements with the PWD to establish a collection pick-up fee and schedule a collection pick-up date.

6.4 Composting. Composting must be done in such a way as to not attract animals and/or rodents.

6.5 Electronics or Electronic Recyclables. Electronics or electronic recyclables shall be disposed of in a manner established by City Council, Cullman County, State of Alabama or federal government.

6.6 Hazardous Materials or Waste. Hazardous materials or waste are not collected by the City and must be disposed of by the property owner or resident at a State of Alabama or Cullman County designated hazardous material disposal sites. Contact PWD for advice.

6.7 Household Refuse. All household refuse shall be stored in at least the manner

required by the Cullman County Sanitation Department.

6.8 Imported Refuse. It shall be a violation of this Ordinance for any business, property owner, or resident to bring refuse, trash, brush, leaves, appliances, waste or any other items into City from other locations, either in the normal course of doing business or property owner's or resident's residency or work or by contract for disposal by the City. It shall also be a violation for any property owner, resident or business to make a profit from the utilization of City disposal services, whether free or for a fee.

6.9 Leaves.

(a) Leaves are collected year-round. Residents can rake their loose leaves to the curb for collection. Residents shall rake leaves to the curb or to the sidewalk, if one exists. Residents shall not rake leaves in the gutter, storm drain inlets, street, or onto sidewalks, or any other public place in the City. PWD will not remove leaves from under or from behind vehicles because of limitations of equipment.

(b) Loose leaves and yard waste shall be free of animal waste, large sticks, rocks, stones, debris and litter.

(c) It shall be a violation of this Ordinance to deposit or cause to be deposited leaves, debris, litter or other material in storm drain inlets.

6.10 Litter. It shall be a violation of this Ordinance for any property owner, resident, business or citizen to litter a 'Public Place' or private property as defined in this Ordinance. Businesses, property owners, residents, and occupants shall be responsible to keep drainage swales, gutters and/or sidewalks on or adjacent to their property free of litter and debris from their premises at all times.

6.11 Motor Vehicle Parts and Accessories. The City will not collect motor vehicle parts and accessories.

6.12 Pressured Containers. PWD does not collect pressured containers. Pressured containers must be returned to point of purchase, rental or lease.

6.13 Special Bulk Refuse Collection. Households requiring a collection of more than 3 cubic yards of bulk refuse material must contact the PWD, for an inspection of the materials to be disposed of prior to placing materials at the curb for collection. Upon inspection, the PWD shall determine if the items can be disposed of safely without harming personnel or property and will be placed out at the curb in a manner that complies with the regulations set forth by the City. Once approved, a disposal fee based on volume will be pre-paid at the City Hall, a date for collection set, and items removed.

6.14 Tires. Tires are collected by appointment only and only after payment of a fee, as established by the City Council, in the City Hall. Residents are encouraged to request the tire vendor and/or installer to keep old tires at time of purchase. There shall be a maximum of 3 tires picked up per month per household unless special arrangements are made with the PWD.

6.15 Yard Waste. Yard waste must be separated from, but placed adjacent to bulk refuse or other items set out for collection.

6.16 Accessibility of Items Placed for Collection. All items must be placed at the curb and be accessible for collection. Items will not be collected if there is a circumstance that, in the sole discretion of the PWD hinders or impedes collection. Compliance with the following rules is essential in order to permit collection:

(a) Items shall be accessible for removal, not obstructed by vehicles or other objects that may hinder the collection of any items put out for collection. Among other things, the items shall not be placed so close under power lines or low lying limbs that the personnel and grapple machine are impeded or endangered.

(b) Items placed at the curb or street will be picked up as refuse. The City is not responsible for items inadvertently left in these areas.

6.17 Prohibited Conduct. The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place leaves to the street or curb and they are required to remove same themselves or prepay for collection.

VII. ENFORCEMENT.

7.1 Enforcement.

(a) The provisions of this ordinance shall be enforced by any member of the City of Hanceville Police Department.

(b) Any City PWD employee is hereby authorized to place an appropriate warning, violation or abatement notice on items placed at the curb for collection or on the property structure regarding violations of this Ordinance or of Federal, State of Alabama, or Cullman County statutes, ordinances or regulations.

7.2 Notice. If a City PWD employee determines that a violation of this Section exists, that employee shall cause the issuance of a written notice to the owner or occupant of any parcel or lot outlining the violation that exists and directing that the violation shall be abated within ten (10) calendar days from the delivery and receipt of said notice.

7.3 Abatement after Notice. Failure of the owner or occupant of any parcel or lot, upon receiving a written notice, to cause the abatement of a violation of this ordinance within the time established under Subsection 7.2 shall result in the City causing the abatement of said violation.

7.4 Expense. An account of the expenses incurred by the City to abate said violation shall be kept and such expenses shall be charged to and paid by the parcel or lot owner or occupant. Notice of the bill for abatement of said violation shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within ten (10) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Clerk shall enter those charges as a lien if the violator is the owner. If the violator is not the owner, the violator shall pay the charges within sixty (60) days.

VIII. VIOLATIONS AND PENALTIES.

Any person found to be in violation of the provisions of this ordinance shall be guilty of a Class C Misdemeanor and subject to a fine not to exceed \$500 per violation and not more than three months in the Hanceville Municipal Jail. Each violation is considered a separate offense and shall be punishable as such. This fine shall be in addition any abatement costs.

IX. SEVERABILITY. If any provision of this Ordinance, including any exception, part, phrase, or term, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and in this end the provisions of this Ordinance are declared severable.

X. PUBLICATION AND EFFECTIVE DATE. This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED AND APPROVED THE 11th DAY OF April, 2013.


Kenneth Nail, Mayor

Attest:

