

STATE OF ALABAMA
COUNTY OF DEKALB
CITY OF HENAGAR

ORDINANCE NO: 2019-0717

**AN ORDINANCE PROVIDING FOR COLLECTION AND DISPOSAL OF SOLID WASTE IN
THE CITY OF HENAGAR, ALABAMA**

WHEREAS, the Solid Waste Disposal Act, Title 22-27-1 through 27 of the Code of Alabama 1975, as amended, authorizes and empowers municipalities in the State of Alabama to undertake the responsibility for providing services to the public in regard to the collection and disposal of solid waste; and

WHEREAS, the City of Henagar, Alabama has the right to opt out of a garbage collection agreement with DeKalb County.

WHEREAS, it is necessary to set the rates charged to the solid waste service customers of the City of Henagar,

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

SECTION 1. COLLECTION AND DISPOSAL SERVICE ESTABLISHED

a. There is hereby established in the City of Henagar, here-in-after sometimes referred to as "the City", a garbage and trash collection, hauling and disposal service, to be provided by the City of Henagar, or its designated agent, licensee, franchisee, employee or contractor. The collection, hauling and disposal of garbage shall be made not less frequently than once each week in residential areas. All collection schedules are subject to change due to legal holidays or weather conditions, or other circumstances deemed by the city or its designee to justify such change.

b. The garbage collection service shall be an extension of the city's Public Works Department which will hereafter be known as the Public Works and Sanitation Department.

SECTION 2. EXEMPTIONS

Pursuant to Code of Ala. 1975, § 22-27-3(a)(2), Any household whose sole source of income is Social Security Benefits shall be granted an exemption from the payment of any fees required under this article, provided the household seeking to claim the exemption shall present proof of income to the City Clerk no later than October 1 of each year. The exemption shall apply only so long as the household's sole source of income is social security and shall be requested each year in which the exemption is desired. Any person who knowingly provides false or misleading information in order to obtain an exemption shall be in violation of this Ordinance as provided for here-in. Those persons seeking such exemption under Code of Ala. 1975, § 22-27-3(a)(2) shall state, in writing, that their sole income is derived from social security benefits and shall apply for such exemption at the office of the clerk on forms provided which set out the information therein attested to which is required by this section. Upon filing the form with the clerk, along with supporting documents, and approval as provided by State Law, such persons are exempted from paying any fees required under this chapter.

SECTION 3. RATES AND CHARGES FOR COLLECTION SERVICES

The Mayor and City Council, as the governing bodies of the City of Henagar, Alabama do hereby set the following rates for the customers of the City of Henagar Collection and Disposal service effective beginning July 22:

- a. Eighteen dollars (\$18.00) per month for Residential Unit. Additional roll-out cans will be provided at a fee of \$12.00 per month per additional can.
- b. Payments for services will be due on a quarterly basis, paid in advance. Payments are due upon receipt and late after the 21st of the month in which they are billed. Payments received after the 21st, will be charged a late fee of five percent (5%) of the previous balance due.

SECTION 4. PROVIDING CARTS; PLACEMENT FOR EMPTYING; REPAIR AND REPLACEMENT; BACK ENTRANCE PICK-UP

- a. The city, its designee, or its contractor will provide each resident a roll-out can for the purpose of storage of garbage. This is the only can authorized for use; garbage will not be collected loose or in any non-city cart after the city cans have been distributed. Only bagged household trash shall be placed in the trash cans; no loose trash, tree limbs, leaves, or hazardous materials may be placed in trash cans.
- b. On scheduled garbage pick-up days, the resident will be required to place the roll-out can at the curbside (with-in 3 feet of the right-of-way or at some other location as directed) no earlier than 12 hours prior to the collection day and remove the roll-out can from the right-of-way not later than 12 hours after the collection day and place the cart in an area out of view of the traveled way, or to the side or rear of the residence.
- c. The resident will be responsible for cleaning of the roll-out can.
- d. The city, or its designee, will be responsible for repair or replacement of rollout-cans damaged or stolen through no fault of the resident. Any Resident who intentionally or negligently damages or loses a roll-out can shall pay the cost of repair or replacement.
- e. Upon satisfactory proof of disability because of health, age or other reasons of all persons 18 years of age or over residing in a Residential Unit, the city, its designee, or its Contractor will collect garbage from roll-out cans placed near the back entrance of such residential unit. The City Clerk or other person(s) designated by the City Clerk shall provide such forms as are necessary for application for back door pick up of garbage. The City Clerk, or other person(s) designated by the City Clerk, shall review and grant such applications when in compliance with the provisions of this paragraph.
- f. No collection personnel shall enter houses or buildings.

SECTION 5. COMMERCIAL GARBAGE COLLECTION

- a. The collection of all commercial garbage and trash may be provided by the City or its contractor; or in the alternative, a commercial garbage contractor who is licensed by and has a current permit from the city to operate within the city, or by a governmental entity or authority approved by the

city.

SECTION 6. UNAUTHORIZED REMOVAL FROM GARBAGE CANS

a. It shall be unlawful for any person, other than the resident who maintains the roll-out can, to remove any garbage, rubbish or other like material from any garbage can or other cart, within the city, after it has been placed therein except under the order of an officer, agent or employee of the public works department or by some other authorized person removing same for disposal.

SECTION 7. DUMPING OTHER THAN IN CANS

a. No person shall place or cause to be placed upon the public streets, sidewalks or alleys of the city any garbage, trash, refuse or other waste unless the same be placed in a Container or placed as provided herein.

SECTION 8. PENALTIES

a. Any person, firm, or corporation violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25.00 nor more than \$250.00 or imprisoned for a period not to exceed 30 days, or both; and such shall also be subject to the sanctions allowed by state law, including but not limited to civil suit for the collection of past due amounts.

SECTION 9. CONFLICTING ORDINANCES


a. Any Ordinance or part thereof in conflict with this Ordinance is hereby repealed to the extent of such conflict.


SECTION 10. EFFECTIVE DATE

a. Be it further ordained that this Ordinance shall be in full force and effect after its publication as required by law.

Adopted by the City Council of Henagar, Alabama, this the 17 day of July, 2019.

CITY OF HENAGAR, ALABAMA

By: 
Mayor

Attest: 
Clerk

