

ORDINANCE No. 1102

**WHEREAS**, pursuant to the Alabama Solid Wastes and Recyclable Materials Management Act, §22-27-1, et seq., Code of Alabama 1975, the City has authority to adopt rules and regulations providing for mandatory public participation in and subscription to such system of services;

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

SECTION 1. Definitions: The following words and terms when used in this ordinance shall have the meanings respectively described to them by this section unless the context indicates otherwise:

- (a) "Person" shall be taken to mean and include a natural person, firm, association, partnership, corporation, trustee, executor, administrator, or other legal entity, whether singular or plurals, masculine or feminine, as the context may require.
- (b) "Garbage Container" shall be taken to mean receptacle or can that can with handles, which can be manually handled.
- (c) "Sanitary Department" means the City Street and Sanitation Department of the City of Fairfield, Alabama, and shall include all officers and employees engaged in sanitary and health work for said City.
- (d) "Garbage and Trash Dump" means the place now or hereafter used for dumping and disposing of garbage and trash by the City of Fairfield, Alabama.

SECTION 2.

- (a) There is hereby established in the City of Fairfield, Alabama a mandatory garbage collection, hauling and disposal service to be operated by the City of Fairfield, Alabama. The collection, hauling and disposal of the garbage and trash shall be made by the officers, agents and employees of the City of Fairfield, Alabama, under the direction of the Mayor of said city not less than one time each week and the charges herein prescribed are based on such periodic collection and disposal; and it shall be unlawful for any other person to use, or place garbage or any other materials in the garbage and trash dump of this city without permission.
- (b) Beginning with the services to be rendered for the month of January 2018, and continuing thereafter, this ordinance shall be enforced by the City of Fairfield and the following charges shall be collected by the City of Fairfield, Alabama, from the primary person, firm or corporation in possession, charge, or control, jointly or severally, of any premises where refuse or garbage is created or accumulated, for the collecting, hauling and disposal of garbage and trash:

\$ 69.00 per quarter (\$23.00 per month) for each residence;  
\$ 69.00 per quarter (\$23.00 per month) for each unit of an apartment house;  
\$ 90.00 per quarter (\$30.00 per month) for each commercial enterprise or business;



Other establishments desiring solid waste removal may contract with the city for the same.

SECTION 3. That if any person, firm or corporation shall fail to pay the required fees for mandatory garbage collection, hauling and disposal service and said fees shall not be paid within 30 days after the same shall become due and payable, the City may, at the expiration of such 30-day period, suspend such services or may proceed to recover the amount of any such delinquency with interest in a civil action, or both. At the discretion of the City Council, a payment plan may be adopted to bring delinquent accounts up to date.

SECTION 4. This service shall be mandatory and shall be subscribed to by all persons, residences and businesses located within the municipal limits of the City of Fairfield, Alabama, and shall be paid for in advance on a monthly basis. For the purpose of computing the amounts due the service shall begin as of the 1<sup>st</sup> day of the month in which subscription is made and paid for as herein provided.

SECTION 5. It shall be unlawful for any person, firm or corporation in possession, charge, or control, jointly or severally, of any premises where refuse or garbage is created or accumulated to fail to subscribe to refuse garbage service as created and at the rates established hereunder. Any person subject to the provisions of this ordinance shall provide the Sanitary Department with updated contact information to ensure that customers are properly receiving garbage bills in the mail. The person firm or corporation receiving a bill from the City shall be presumed to be the person, firm or corporation in possession, charge, or control, of the premises where refuse or garbage is created or accumulated, unless they notify the City, in writing, of the proper person, firm or corporation in possession, charge, or control, jointly or severally, of the premises, within 30 days of receiving the bill.

SECTION 6. Each householder in the City of Fairfield, Alabama shall be and is hereby required to provide a garbage container with a lid in which to dispose of garbage to be taken up from time to time by the Sanitary Department; a garbage container shall be kept on the premises of such householder at a place near to the public right-of way that will be readily accessible to the Sanitary Department of said City.

SECTION 7. 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 ordinance, provided the household seeking to claim the exemption shall present proof of income to the county health officer no later than the first billing date of any year in which the exemption is desired. The county health officer or his designee, pursuant to §22-27-3, Code of Alabama, shall forward the exemption request and proof of income to the City of Fairfield upon receipt. 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 subject to the penalties for violation of this ordinance.

SECTION 8. No person shall throw, place or dispose of any trash, litter, garbage, refuse or like matter, upon the property or premises of another person or on the property which is in the possession of another person.

SECTION 9. No person shall remove any trash, litter, garbage, refuse or like matter from

any trash can or other receptacle after it has been placed therein except under the orders of the Sanitary Department of the City of Fairfield, Alabama.

SECTION 10. That on and after the passage of this ordinance it shall be unlawful for any person to sweep or throw trash, waste matter, or other substance commonly known as garbage into the streets, alleys or on the sidewalks of the City of Fairfield, Alabama, or upon the property within the City of Fairfield, Alabama, not his own or under his control.

SECTION 11. That on and after the passage of this ordinance it shall be unlawful for any person to allow garbage to remain exposed to flies on his premises.

SECTION 12. That any person, firm or corporation violating or refusing to obey any of the provisions of this ordinance on any day, shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty dollars (\$50.00) and not more than Two Hundred (\$200.00) dollars at the discretion of the Court trying the case. Each day of violating or refusal to obey the provisions of this ordinance shall constitute a separate offense.

Adopted and approved this 6<sup>th</sup> day of December 2017.

Eddie Perry  
President of the Council

ATTESTED:

Mary Robinson  
City Clerk