

# ORDINANCE NO. 363

## An Ordinance to replace Ch 27, Solid Waste

THE CITY OF BESSEMER HEREBY ORDAINS:

### SOLID WASTE

#### Repeal and Replace

This Ordinance replaces Chapter 27 of the Code for the City of Bessemer. It also repeals Ordinances 289, 291, 292, 306.

#### Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Approved incinerator* and *approved garbage grinder* mean incinerators and garbage grinders, respectively, which conform in all respects to the requirements for incinerators and garbage grinders contained in the building code and ordinances of the city.

*Ashes* means residue from the burning of wood, coal, coke, refuse, wastewater sludge or other combustible materials.

*Commercial solid waste* means solid waste materials from business, factories and processing plants.

*Construction solid waste* means solid waste materials resulting from alteration, repair or construction of buildings or structures.

*Garbage* means rejected food wastes including waste accumulations of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits or vegetables.

*Rubbish* means non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials or litter of any kind that may be a detriment to the public health and safety.

*Solid waste* means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste and animal

waste but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a re-user of ferrous or nonferrous products and slag or slag products directed to a slag processor or to a re-user of slag or slag products.

## **Rules and regulations.**

The city manager shall make such reasonable rules and regulations concerning the collection of solid waste as may be deemed proper, subject to the approval of the city commission. Such rules and regulations may provide for a collection schedule, for collection from the curb and for placement and removal of receptacles and containers at the curb. All solid waste activities shall also comply with all applicable state and federal laws

## **Littering; cleanliness of premises.**

No person shall throw or deposit any solid waste upon or into any street, alley or other property, public or private, except as specifically permitted in this chapter. It shall be the duty of every occupant of property and of the owner of unoccupied property at all times to maintain the owner's or occupant's premises in a clean and orderly condition, permitting no deposit or accumulation of garbage or rubbish upon such premises unless stored or accumulated as permitted by this chapter.

## **Disposal of Refuse Prohibited**

No person shall transport refuse to a City Park for the purpose of depositing the refuse in trash receptacles located within such park.

No person shall deposit refuse into any dumpster, container, or receptacle servicing another person, business, or entity.

## **Solid waste containers; storage.**

(a) Any solid waste accumulated or stored outside of a dwelling or building on any premises shall be placed in containers conforming to the requirements of this chapter. The containers shall be kept in a place convenient for pickup. No solid waste may be stored or accumulated which is contaminated by any garbage unless stored as garbage.

(b) Containers for cold ashes shall be of metal, plastic or cardboard construction and must have adequate handles to prevent spillage.

(c) Containers for rubbish shall be of metal or plastic of a ten- or twenty-gallon capacity. They shall have handles or a bail and a tight-fitting cover. When the rubbish to be removed exceeds in volume the capacities of the containers regularly employed, it may be placed in durable nonmetal, expendable containers.

(d) Garden rubbish shall be placed in containers of wood, metal or plastic. Branches less than one (1) inch in diameter shall be cut to four-foot lengths and tied securely and compactly in bundles less than eighteen (18) inches in diameter.

(e) The combined weight of any rubbish container and its contents shall not exceed sixty (60) pounds.

(f) The city manager may permit the use of plastic bags as rubbish containers and shall prescribe specifications for the bags.

### **Garbage containers.**

The occupant of any premises within the city, in which any garbage shall be accumulated which is not disposed of by an approved incinerator or approved garbage grinder, shall maintain on the premises the number of containers sufficient to conveniently store the normal accumulation of garbage on the premises over a period of not less than seven (7) days. Every such container shall be kept tightly covered with an impervious cover except when opened for the deposit or removal of garbage. Garbage containers shall be kept in a clean and sanitary condition at all times.

### **Disposal.**

Solid waste shall be disposed of only to a licensed collector or the city collection service, except that any person may dispose of such person's own solid waste:

- (1) By an approved incinerator located within a building;
- (2) Where such solid waste consists wholly of material which will burn readily, without objectionable odor or offensive smoke, by an outside approved incinerator;
- (3) If permitted by the city manager, by transporting the solid waste to an authorized landfill, but only in accordance with the rules and regulations pertaining thereto. No person transporting any solid waste in accordance with this section shall fail to securely cover and secure the load so that no part of the load shall be lost while being transported.

### **Collection schedule.**

The city manager shall establish a schedule for the collection of garbage and rubbish throughout the city and shall engage or provide the proper labor and equipment for carrying out such schedule.

### **Licenses for collectors.**

No person shall engage in the business of collecting, transporting or disposing of solid waste within the city without first obtaining a license therefor. Licenses shall be issued upon application to the city clerk on forms provided by the city clerk and upon payment of a fee as prescribed by resolution of the city commission. No such license shall be issued except upon certification by the city manager that the equipment and the ability of the licensee is such that the licensee is able to conduct a solid waste collection business in accordance with the terms of this chapter and rules and regulations adopted by the city manager under the provisions of this chapter. The city manager shall make such rules and regulations governing the operation of the business of solid waste collection, transportation and disposition as the city manager may deem necessary. The city manager shall revoke the license of any solid waste collector who fails to abide by any such rule or regulation adopted by the city manager or any provision of this chapter. Prior revocation of a

license shall be sufficient grounds for the refusal by the city manager to certify any future application by such licensee.

### **Collection contract.**

The city commission may provide for the operation of the city solid waste collection service by contract.

### **Collection charges.**

Solid waste collection charges shall be prescribed by resolution of the city commission. Such changes shall be added to the water and sewer bill.

### **Removal of Scattered Refuse and Unacceptable Material**

The owner or occupant of a dwelling unit or property shall clean up and remove scattered refuse resulting from the breakage or opening of garbage bags, cans or other containers intended for collection from the property within twenty-four hours after the same has been scattered.

### **Nuisance**

Any Scattered Refuse is hereby declared to be a public nuisance and is subject to removal or abatement. If a violation of this chapter is not corrected within seven days in the manner provided by this code, then the city may remove or abate the nuisance.

### **Expense**

Any expense, including the administrative costs to the city, incurred in the removal or abatement of the nuisance, shall be the responsibility of the owner or party in interest of the property on which or in front of which the condition existed and shall be paid by the owner or party in interest in whose name the property appears on the city's real property tax assessment records.

### **Ban on Burning of Normal Household Garbage**

Commencing March 1, 1995 and at all times thereafter, no person shall kindle or burn any normal household garbage or permit the kindling or burning of normal household garbage within the City boundaries.

### **Penalty**

Any person convicted of violating any of the provisions of this chapter shall be subject to the penalty provisions of Section 1.12 of the Code of the City of Bessemer.

This ordinance becomes effective fifteen (15) days after the date of its enactment.

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Bessemer this 16th day of April, 2018

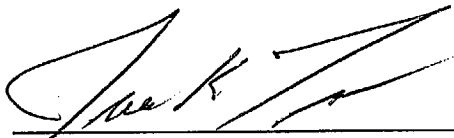
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Public Hearing: April 16, 2018

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ATTEST:



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James K. Trudgeon, City Clerk