

ORDINANCE NUMBER 04-2021-03

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NUMBER 10-2005-09 DATED THE 3RD DAY OF OCTOBER, 2005, AND ORDINANCE NUMBER 10-2005-09A DATED THE 18TH DAY OF FEBRUARY 2013, AND ORDINANCE NUMBER 10-2005-09B DATED THE 18TH DAY OF AUGUST, 2014, AND ORDINANCE NUMBER 04-2017-02 DATED THE 17TH DAY OF APRIL 2017, AND ANY OTHER ORDINANCE IN CONFLICT OF THE PROVISIONS OF THIS ORDINANCE, LEVYING A FEE OR CHARGE FOR THE COLLECTION AND DISPOSAL OF GARBAGE, TRASH, DEBRIS AND REFUSE IN THE CITY OF GENEVA, ALABAMA; AND TO PROVIDE FOR THE COLLECTION OF SAME; TO PROVIDE FOR THE MAINTENANCE OF GARBAGE CANS AND TO REGULATE THE DISPOSAL OF GARBAGE IN SAID CITY; TO PROVIDE A PENALTY FOR THE VIOLATION OF SAID ORDINANCE AS LAST AMENDED AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA ALABAMA, AS FOLLOWS:

Article I

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 included a natural person, firm, association, partnership, corporation, trustee, executor, administrator, or other legal entity, whether singular or plural, masculine or feminine, as the context may require.
- (b) "Garbage Container" shall be taken to mean and include the roll-out container provided or purchased from the City of Geneva.
- (c) "Garbage and Trash" shall be construed to mean and include all waste and discarded materials including rubbish and debris, waste and discarded food, animal and vegetable matter (but not including liquid waste) and waste paper, cans, glass, crockery, rags, ashes, cinders, brush, grass, weeds and cuttings from trees, lawns and gardens, when such substances are placed in garbage containers as hereinabove defined in sub-section (b).
- (d) "Sanitary Department" shall mean the City Sanitary Department of the City of Geneva, Alabama, and shall include all officers and employees engaged in sanitary and health work in said City.
- (e) "Garbage and Trash Dump" shall mean the place for dumping and disposing of garbage and trash, owned and operated the County of Geneva, Alabama.

- (f) "Garbage Service" shall mean the removal of garbage and trash for a set fee by the City of Geneva or a licensed private contractor.
- (g) Account" shall mean a separate billing for each residential customer or business customer and limited to one account per address with a habitable dwelling.

Section 2. That it is mandatory for all residents and businesses to participate in garbage service as follows:

- (a) Residential dwellings shall mandatorily participate in garbage service provided by the City of Geneva Sanitation Department.
- (b) Commercial dwellings shall mandatorily participate in garbage service provided by either the City of Geneva or a licensed private contractor.
- (c) All dwellings showing active water consumption shall be required to participate in mandatory garbage service.

Section 3. The City of Geneva will only collect garbage placed in the garbage container as described in section 1(c) above. Garbage in other containers will not be picked-up. The City may from time to time, due to holidays, pick up extra garbage if bagged and placed beside or on top of the container.

Section 4. The City of Geneva will provide all residential and participating commercial dwellings with one garbage container at no cost. The can is not transferable, it is issued to the address and must remain at the address at all times even if the customer changes address. Customers must sign for a garbage container and will be responsible for the container. Any damage or loss to the container will be billed to the customer. One additional can may be purchased per residential account and three(3) additional cans may be purchased for each commercial account. Garbage containers must be pushed to the curb in order for a pick-up. Any container not placed by the curb will not receive pick-up for the week.

Section 5. That in the exercise of the Police Power of the City of Geneva, Alabama, and for the purpose of enabling the City of Geneva to perform a governmental function, there is hereby fixed the following fees for the collection, hauling, and disposing of garbage and trash for residential and commercial establishments, and hotels and motels, within the City of Geneva, Alabama, to-wit:

- (a) For single-family dwellings and all Churches within the City of Geneva, Alabama, the sum of twenty (\$20.00) dollars per month for once a week pick-up.
- (b) For each business of every kind, character, and description within the City of Geneva, Alabama, subscribing to service through the City, the sum of thirty(\$30.00) dollars per month for once a week pick-up

- (c) For each additional can (limit as established in Section 4), a sum of five (\$5.00) dollars per month for once a week pick-up for residential accounts and a sum of ten(\$10.00) dollars per month PER ADDITIONAL CAN for once a week pick-up for commercial accounts.
- (d) A re-establishment fee in the amount of twenty-five (\$25.00) dollars for discontinuance of service for non-payment and the re-establishment of service.

Section 6. That said fees fixed by this ordinance are to be paid by the person in possession or control of the dwelling or business unit.

Section 7. The establishment of a new account shall be made in the Geneva Water Works and Sewer Board's Office and initial payment for the first month's service , partial month's service or combination shall be made payable to the Geneva Water Works and Sewer Board's Office. This initial payment is to pay for service in advance whereby the billing cycle for the Water and Sewer Board of the City of Geneva, Alabama may not coincide with the time of service activation.

All bills for services rendered thereafter shall be due and payable monthly and fees charged hereunder shall be set out on the water bill mailed out by the Geneva Water Works and Sewer Board of the City of Geneva, Alabama, and such fees shall be paid when the said water bill is paid. All fees collected hereunder shall be net and all accounts shall be considered delinquent if not paid within the time specified in the bills so rendered by the Geneva Water Works and Sewer Board of the City of Geneva, Alabama.

All delinquent accounts are subject to the same penalties as are in effect by the Geneva Water Works and Sewer Board of the City of Geneva, Alabama, in connection with delinquent accounts for water services rendered by said Water and Sewer Board.

Any person, firm, association or corporation located within the municipal limits of the City of Geneva, Alabama not on the water and sewer utility system serving the City of Geneva, Alabama and not receiving a utility bill form the Geneva Water Works and Sewer Board shall receive a bill from the Geneva Water Works and Sewer Board. Said bill shall be paid for services in monthly, annual or semi-annual increments in advance of service.

All delinquent accounts are subject to stoppage of service without notice. The stoppage of service hereinbefore authorized for non-payment of collection charges shall be in addition to the right of the entity to proceed for the collection of such unpaid charges provided by law for the collection as established. A re-establishment fee will charged for discontinuance of service and to reestablish service. Re-establishment fees shall be paid to the City Clerk's Office.

Section 8. It shall be unlawful for any person, firm, association, or corporation to pick-up garbage or refuse in the City of Geneva Alabama, without first obtaining a license with which to operate under from the City Clerk and it shall be unlawful for any person that is licensed to pick-up garbage or refuse in the City of Geneva, Alabama, to use any landfill other than the landfill being used by the City at the time.

It shall be unlawful for any garbage, trash or refuse to be disposed of, picked-up or deposited in a landfill or other place by anyone other than the City of Geneva, Alabama or a licensed, private garbage collector.

Section 9. It shall be unlawful to place in any garbage or rubbish container any acids or other dangerous liquids or substances which could cause injury to employees of the Sanitation Department engaged in removing refuse. Leaking and defective garbage cans with the sharp and ragged edges likely to injure employees of the Sanitation Department engaged in removing refuse will not be serviced and the Sanitation Department shall cause to be placed on such cans a tag marked "condemned".

ARTICLE II. Yard Trash, Debris and White Goods Pick-Up.

Section 1. DEFINITIONS. The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appurtenances shall mean attachments to property.

City shall mean the City of Geneva, Alabama, unless clearly indicated otherwise.

Construction shall mean the building of something.

Contractor shall mean a person or company that undertakes a contract to provide materials or labor to perform a service or do a job.

Furniture shall mean items such as mattresses, sofas, chairs, etc.

Person shall mean any individual, firm, company, association, society, corporation, or group.

Residue shall mean a small amount of something that remains after the main part has gone or been taken or used.

Rubbish shall mean all non-biodegradable solid wastes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, glass, cloth and similar materials.

Shall is mandatory; *May* is permissive

Yard Trash/Debris shall mean leaves, grass clippings, yard clippings, and other plant material, twigs, branches, debris from pruning or processing plant material, and other natural wood matter.

White Goods shall mean large electrical goods used domestically such as refrigerators and washing machines, typically white in color

Section 2. YARD TRASH AND DEBRIS PICK-UP. The following regulations must be followed by city residents to ensure yard trash and debris pick-up:

1. All leaves, grass and other plant matter shall be separated from limbs, wood and other type of waste.
2. All limbs and wood waste shall not exceed four inches in diameter and six feet in length.
3. No trees cut down by property owners or contractors and cut to the above length specifications and placed between the property line and curb will be removed by the City of Geneva. Please see **Article II. Section 4. Building, Etc., Debris, Bulky Material.**
4. All leaves, limbs, prunings and discarded items shall be placed between the property line and the curb.
5. No yard trash or debris shall be placed in any street, drain or gutter.
6. No yard trash or debris shall be placed under trees with low-lying limbs or cross over power lines on street.

All yard trash and debris pick-up will be made Monday thru Friday. The trash trucks will follow the same route as the garbage trucks. The City will attempt to pick-up trash every two weeks, but does not guarantee any particular day or number of pick-ups per month. Special pick-ups cannot be requested as the trucks follow assigned routes.

Section 3. WHITE GOODS, FURNITURE AND ABONDONED REFRIGERATORS, ETC.

1. All white goods and furniture items from residential accounts shall be picked up by the City of Geneva at no charge.
2. White goods and furniture shall be placed between the curb and property line for pick-up.

3. It shall be unlawful to abandon any refrigerator, freezer, icebox or other device having a compartment large enough to enclose a human being in any place accessible to children without first removing the door(s) of such refrigerator, freezer, icebox, or other device.
4. It shall be in violation of City ordinance to place or allow any item not eligible for pick-up to remain on any right-of-way.

Section 4. BUILDING, ETC., DEBRIS, BULKY MATERIAL.

1. Any individual or commercial contractor, including but not limited to, fence companies, tree surgeons, pulpwood contractors, nursery and landscape contractors, doing work on private property shall be responsible for the removal of all residue and rubbish resulting from such work on said property.
2. All building debris, such as scrap lumber, plaster, roofing, concrete, brickbats and sanding dust resulting from construction, repair, remodeling, removal or demolition of any building or appurtenance on private property, and/or dirt, stumps and tree trunks shall be removed by the resident of such property or the contractor responsible for the accumulation thereof.
3. The City of Geneva will not be responsible for the collecting and hauling of rubbish, trash, limbs, brush or other debris from private property preliminary to, during or subsequent to construction of new buildings, of whatever type, prior to occupancy. Such material shall be removed by the resident of such property or the contractor responsible for the accumulation thereof.

Section 5. PENALTIES. Any person firm, association or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and, on conviction, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and /or (30) days in jail or both such fines and imprisonment. Each day of violation of this ordinance shall be deemed a separate offense.

Section 6. That Ordinance Number 10-2005-09 dated the 3rd day of October, 2005 and Ordinance Number 10-2005-09A dated the 18th day of February 2013 and Ordinance Number 10-2005-09B dated the 18th day of August, 2014, and Ordinance Number 04-2017-02 dated the 17th day of April, 2017, be hereby repealed along with any other ordinance which may be in conflict with the provisions of this ordinance.

Section 6. The invalidity or unenforceability of any particular provision of the Ordinance shall not affect any other provision, if any clause, sentence, section or provision of this ordinance is

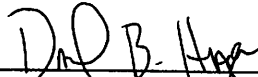
held invalid or inoperative or unenforceable, the remainder of the ordinance shall not be affected thereby.

Section 7. This ordinance shall become effective on publication.

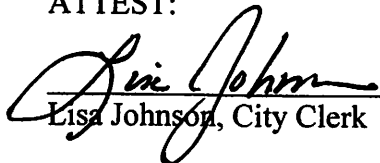
Section 8. The City Clerk is hereby directed to cause this ordinance to be published one time in the Geneva County Reaper, a newspaper of general circulation in the City of Geneva, Alabama.

ADOPTED AND APPROVED on this 19th day of April, 2021.

The City of Geneva, Alabama

By: 
David B. Hayes, Mayor

ATTEST:


Lisa Johnson, City Clerk