

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1649 IN PART TO AMEND DEFINITIONS IN SAID ORDINANCE; TO REQUIRE BAGGING OF ALL HOUSEHOLD GARBAGE; TO REQUIRE PROPER LOCATION OF GARBAGE CONTAINER; TO LIMIT PLACEMENT OF GARBAGE OUTSIDE OF GARBAGE CONTAINER; AND TO REQUIRE PROPER PLACEMENT OF YARD WASTE, TRASH, REFUSE (LIMITED AND UNLIMITED); AND IN NO OTHER PARTICULARS.

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WHEREAS, the City Council of the City of Talladega, Alabama, desires to amend Ordinance Number 1649 in part to amend definitions in said ordinance; to require bagging of all household garbage; to require proper location of garbage container; to limit placement of garbage outside of garbage container; and to require proper placement of yard waste, trash, refuse (limited and unlimited);

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Talladega, Alabama, as follows:

**SECTION I:**

SECTION I of Ordinance Number 1649 is hereby amended to read as follows:

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively prescribed to them by this Section, together with the usual meanings thereof, unless the context clearly indicates otherwise:

1. "City" shall mean the City of Talladega, Alabama, a municipal corporation, acting through the City Council, City Manager, City Clerk or City employees designated by the City Manager as the case may be.
2. "Contractor" shall mean a corporation, business or individual who agrees, for a stipulated sum, to perform the work or service, or to furnish materials or equipment, or both, in connection with the collection and disposal of garbage, trash, refuse and waste.
3. "Disposal Site" shall mean the location at which all collected refuse is disposed of by the Contractor, its agents, servants or employees, and which qualifies as a sanitary landfill operation approved by the City and all other County and State agencies who hold jurisdiction over such matters.
4. "Garbage" shall mean every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use in cooking and dealing in or storage of meats, fish, fowl, fruit or vegetable including wastes from markets, storage facilities, handling and sale of produce and other food products and excepting such materials that may be serviced by garbage grinders and handled as household sewage; any matter of any nature whatsoever, which is subject to decay and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ carrying insects; and any bottles, cans or other containers, which due to their facility to retain water, may serve as breeding places for mosquitoes or other insects.
5. "Garbage Container" shall mean a 95-gallon wheeled container provided by the Contractor.
6. "Limited Trash" shall mean any material provided for in this ordinance as long as it does not exceed six cubic yards (6 cu. yds.) per collection point.
7. "Recycling/Recyclables" shall mean cardboard, newspaper, magazines, aluminum cans, tin cans and #1 and #2 plastics, but shall not include glass.
8. "Refuse" shall mean all trash, rubbish, paper, glass, metal and other discarded matter which is abandoned for disposal.
9. "Refuse Regulations" shall mean those regulations described and adopted by the City, or any other governmental entity or agency together with such administrative rules, regulations and procedures as may be established regarding the collection and disposal of all residential refuse, garbage, trash and waste.
10. "Resident" shall mean any adult person occupying a residential dwelling unit within the corporate limits of the City and any person occupying a residential dwelling unit within the police jurisdiction of the City who is receiving water service from the City.
11. "Residential Service" shall mean the municipal refuse collection service available to persons occupying residential dwelling units within the corporate limits of the City who have not contracted for commercial refuse collection service and all persons occupying residential dwelling units within the police jurisdiction of the City

who are receiving water service from the City.

12. "Yard Waste" shall mean limbs cut into maximum six foot (6') lengths with a maximum of ten inches (10") in diameter, bagged grass clippings, pine straw and bagged leaves.

**SECTION II:**

SECTION II, paragraph 3 of Ordinance Number 1649 is hereby amended as follows:

3. Each adult resident shall be responsible for placing all bagged household garbage in the appropriate furnished garbage container and placing the garbage container beside the curb of the street, or adjacent to the street if no curb exists, of each residence for a period of up to and including two (2) days prior to the day designated (a total of three days per week) by the Contractor for the pick-up of the resident's garbage.

**SECTION III:**

SECTION II, paragraph 5 of Ordinance Number 1649 is hereby amended as follows:

5. It shall be unlawful to place household garbage on top of or beside the furnished garbage container regardless if such garbage is placed in any other type container or bag. Garbage container lid must be closed with no extra bags of garbage placed on the ground. Garbage container must be placed with the opening of the garbage container lid facing the street and at least five (5) feet away from obstructions such as a mailbox, flower beds, fences, utility poles, signs and sign poles, low hanging wires or limbs, and parked vehicles.

**SECTION IV:**

Section II of the Ordinance Number 1649 is hereby amended to add the following:

9. Yard waste, trash and/or refuse shall be placed within three (3) feet of the public street for pickup and at least five (5) feet away from obstructions such as a mailbox, flower beds, fences, utility poles, signs and sign poles, low hanging wires or limbs, and parked vehicles

10. No garbage containers, yard waste, trash or refuse shall be placed on top of any utility meter boxes.

11. Any items such as Styrofoam, sheet rock, roofing shingles and/or loose glass shall be bagged.

**SECTION V - Severability:** all sections of this Ordinance are hereby declared to be severable; and if any word, phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION VI - Effective Date:** this ordinance shall take effect immediately upon its passage and publication as provided by law. Upon the effective date of this ordinance, except as amended herein, Ordinance Number 1649 and any amendments thereto shall remain in full force and effect.

Adopted and approved this the 29<sup>th</sup> day of November, 2021.

Council President Betty C. Spratlin

Councilman Horace Patterson

Council Member Vickey Hall

Councilman Joe Power

Councilman Trae Williams

City Manager Seddrick Hill

Attested to: Joanna Medlen, City Clerk

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