

## **Chapter 8 GARBAGE, WEEDS AND LITTER**

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## **ARTICLE I. RESERVED**

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### **§§ 8-1—8-5. Reserved.**

#### **Editor's note—**

Section 1 of Ord. No. 1998-04, adopted April 6, 1998, repealed Art. I, §§ 8-1—8-5, in its entirety, which had pertained to unsanitary premises and derived from an ordinance adopted Aug. 2, 1965.

## **ARTICLE II. REFUSE AND WASTE COLLECTION AND REMOVAL <sup>[1]</sup>**

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## **§ 8-6. Definitions.**

The following terms, words and phrases, when used in this article, shall have the meanings respectively ascribed to them by this section unless the context clearly indicates otherwise.

*Bags.* Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by top.

*Bin.* A plastic receptacle with a capacity of eighteen (18) gallons designed for the purpose of curbside collection of recyclable materials.

*Bulky waste.* Stoves, refrigerators, and air conditioning units which are de-energized of chlorofluorocarbons (CFCs); water tanks, washing machines, furniture and other waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for containers.

*City.* City of Fayette, Alabama, a municipal corporation.

*Commercial and industrial refuse.* All bulky waste, yard waste, construction debris, garbage and rubbish, generated by a producer at a commercial and industrial unit not a residential unit.

*Commercial and industrial unit.* All premises, locations or entities, public or private, requiring refuse collection within the corporate limits of the city not a residential unit.

*Construction debris.* Waste building materials resulting from construction, remodeling, repair or demolition operations performed by third party contractor for occupant of residential unit.

*Container.* A receptacle for the storage of refuse having a tight fitting lid. The same not being greater in volume than ninety (90) gallons.

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*Contractor.* Private solid waste disposal company with whom the city has entered into a contract for the collection and disposal of residential solid waste or any such disposal company franchised by the city for the collection and disposal of refuse generated by commercial and industrial units.

*Dead animals.* Animals or portions thereof equal to or greater than ten (10) pounds in weight that have expired from any cause, except those slaughtered or killed for human use or consumption.

*Disposal site.* A refuse depository including but not limited to sanitary landfills, transfer stations and waste processing/separation centers licensed, permitted or approved by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals to receive refuse for processing or final disposal.

*Family.* In addition to the ordinary meaning of the word, family, an individual person, a married couple or a group of persons living together as one household.

*Garbage.* Any and all dead animals of less than ten (10) pounds in weight, except those slaughtered for human consumption. Every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used in tin cans and other food containers; and all putrescible or easily decomposable animal or vegetable waste matter which is likely to attract flies or rodents); except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

*Hazardous waste.* Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law, or waste, in any amount, which is regulated under federal or state law. For purposes of this contract, the term hazardous waste shall also include motor oil, gasoline, paint, paint cans and items containing freon or chlorofluorocarbons.

*Multifamily dwelling.* A house, building or structure, including an apartment building and duplexes, containing two (2) or more families.

*Person.* Shall mean any individual, firm or corporation.

*Premises.* Shall mean any dwelling, flat, rooming house, apartment house, house trailer, hospital, school, hotel, club, restaurant, boarding house, eating place, shop, church, place of business, manufacturing establishment, courthouse, jail, city hall, post office or other public building.

*Producer.* An occupant of a residential unit or a commercial and industrial unit who generates refuse.

*Refuse.* This term shall refer to yard waste, bulky waste, construction debris, residential refuse and commercial and industrial refuse generated at a residential unit or commercial and industrial unit.

*Residential refuse.* All garbage and/or rubbish generated by a producer at a residential unit.

*Residential unit.* An occupied single-family dwelling or an occupied multifamily dwelling within the corporate limits of the city requiring curbside collection. A residential unit shall be deemed occupied when the city is billing the occupant or owner for sewage service.

*Rubbish.* All waste wood, wood products, tree trimmings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage, hazardous waste or stable matter.

*Sanitary department.* Shall mean the sanitary department of the City of Fayette, Alabama.

*Single-family dwelling.* A house or house trailer or building which is occupied as the home, residence or sleeping place of one or more persons who comprise one family.

*Waste.* All refuse, construction debris, dead animals and hazardous waste generated by a producer.

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*Yard waste.* All waste wood, wood products, tree trimmings, dead plants, brush, weeds, leaves, grass clippings, lumber, felled trees and shrubbery or branches thereof.

(Ord. No. 1993-04, § 1, 9-24-93; Ord. No. 1996-09, § 1, 7-1-96)

### **§ 8-7. Residential refuse containers required.**

It shall be the duty of every producer in possession, charge or control of any premises where residential refuse is created or accumulated, and in case of multiple dwellings or multiple occupancy, the producer or owner of the premises, at all times, is to keep or cause to be kept, a container or containers with at least one container for each residential unit or commercial and industrial unit for the deposit of refuse therein. Lids or covers of such containers shall be kept tightly closed at all times other than when refuse is being deposited therein or removed therefrom. Containers, used for the deposit of refuse for collection by the city sanitary department or contractor, shall be in good condition so that collection therefrom shall not injure the person collecting the contents thereof. The containers shall not be greater in volume than ninety (90) gallons. Containers having ragged or sharp edges or other defects must be promptly repaired or replaced, upon receipt of notice from the superintendent of the sanitary department or his agent or the contractor, and if not so replaced within ten (10) days of receipt of such notice, such nonconforming or defective container may be collected by the superintendent of the sanitary department or his agent or the contractor and disposed of as waste and every producer in possession, charge or control and, in the event of multiple occupancy, the owner of the premises, shall be held responsible. However, subject to the approval of the superintendent of the sanitary department or contractor, persons charged in this section with the duty of providing suitable containers, may arrange for the refuse to be deposited in large removable dumpsters, or other receptacle, approved by the superintendent, his agent or the contractor. Also, subject to the approval of the superintendent of the sanitary department or contractor, commercial and industrial units may arrange for commercial and industrial refuse to be deposited in large, removable dumpsters or other receptacles approved by the superintendent, his agent or the contractor.

(Ord. No. 1993-04, § 1, 9-24-93)

### **§ 8-8. Access to refuse containers.**

It shall be mandatory for tenants, lessees, occupants, owners of said premises and producers to provide a safe and convenient area at curbside for the purpose of collecting refuse. All vicious animals shall either be confined or the containers placed at a point where collectors may empty same without attack from said animals. Where collections are made from commercial and industrial units, approaches shall be maintained in such a manner as not to be a hazard to sanitary or the contractor's personnel or equipment. Failure to comply with the above provisions, after notification by the sanitary department or the contractor, will cause service to be discontinued until such time as same is corrected.

(Ord. No. 1993-04, § 1, 9-24-93)

### **§ 8-9. Drive-in establishments.**

The owners, operators, lessees and employees of any commercial or industrial unit, which engages in "drive-in" service or makes delivery of goods to customers in parking areas adjacent to the streets of the city, shall see to it that the wrappings, food containers and other papers, which enclose or accompany such goods, are not thrown or deposited or allowed to blow upon his premises and the streets of the city. If any wrapping, food container, napkin, straw or other accompanying paper, garbage or trash shall accidentally fall or blow upon the streets of the city, the owners, lessees and employees of such commercial or industrial unit engaging in "drive-in" service, shall be, jointly or severally, responsible with the customers thereof for the immediate removal of the wrapping, container, napkin, straw or accompanying paper, garbage or rubbish, from the street.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-10. Containers for refuse—Required.**

It shall be the duty of every producer in possession, charge or control of any residential unit, or commercial and industrial unit, where refuse is created or accumulated, at all times, to keep or cause to be kept, a sufficient number of containers for deposit therein of refuse to prevent the spreading or scattering of such refuse upon said premises.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-11. Dumping waste other than in a disposal site prohibited.**

It shall be unlawful for any person to dump, or cause to be dumped, any waste upon any property other than a disposal site as defined in this article.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-12. Inspection of premises for waste authorized.**

It shall be unlawful for any producer or person in possession, charge of, or control of any premises to keep, cause to be kept, or allow the keeping, on any premises within the corporate limits of the city, refuse or waste in such manner that it will become offensive or deleterious to health or likely to cause disease and the same is hereby declared a public nuisance. The health officer of Fayette County, its authorized representatives, or such other duly authorized inspectors as may be designated by the city council of the city, are hereby authorized to inspect any premises in the city or its police jurisdiction for the purpose of seeing that the requirements of this article are being complied with. It shall be unlawful for any person, whosoever, to resist or interfere with such representatives by word, deed or act in the performance of such inspection.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-13. Collection from commercial and industrial units.**

All containers to be emptied by the sanitary department or contractor from commercial or industrial units shall be placed at curbside on the days and between the hours designated by the said department or contractor.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-14. Collection from residential units.**

All refuse shall be picked up only from curbside, and it shall be the duty of every producer having an accumulation of refuse to be picked up to place the refuse at curbside in a container, bag or cart, of a kind and a quality as hereinabove defined, on the day and at the time selected and advertised by the sanitary department or the contractor for refuse collection in each particular area of the city. All leaves, grass, weeds and pine straw shall be bagged or containerized which shall be securely closed, tied or fastened and placed at curbside on regular collection days. All other yard waste and bulky waste shall be placed at curbside on each regular collection day.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-15. Unlawful to dump waste.**

It shall be unlawful for any person to sweep, throw or otherwise deposit or cause to be swept, thrown or otherwise deposited any waste or any other substance of any kind in or on any curb, gutter, tunnel, highway, avenue, street, alley, sidewalk, park, parkway, lot, whether vacant or occupied, or the property

of another person, or property which is in the possession of another person within the corporate limits and police jurisdiction of the city, or to permit any waste to accumulate in such manner that it may be carried and deposited into or on any of the above places by action of the rain, wind or snow.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-15.1. Placement of trash, rubbish, etc. at stores, shops, etc.—Alleys to be kept free of trash, rubbish, etc.**

It shall be unlawful for the occupant of any store, shop, or building or for any other person to place trash, litter or other waste material on the premises out of such building except it be in a suitable receptacle or plastic bag or container at a readily convenient place easily accessible to the trash collector. It shall be the duty of the occupant of any such store, shop, room, house or building to keep the alley adjacent thereto and the lot on which [sic] is placed in proper receptacles on the premises. It shall be the duty of the occupant of any such store, shop, room, house, or building to store all such garbage, waste, and trash so that it cannot become scattered by wind, dogs or otherwise.

(Ord. No. 2004-09, § 1, 9-14-04)

**§ 8-15.2. Same—On street or sidewalk only where no alley exists.**

It shall be unlawful for the occupant of any store, house, shop, room, building, or other premises or for any person to place, whether or not in a receptacle, any trash, litter, empty boxes, or parts thereof, or other waste material or to cause or permit the same to be placed on any street or sidewalk, within the city, except for collection where no back alley is available.

(Ord. No. 2004-09, § 1, 9-14-04)

**§ 8-15.3. Abandoned freezers, refrigerators and other containers; removal of doors and locks required.**

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structures or on any premises and under such person's control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which might not be released from the inside, without first removing the door or lid, snap lock or other locking device from such icebox, refrigerator or container.

(Ord. No. 2004-09, § 1, 9-14-04)

**§ 8-16. Unlawful to dump waste into waterways.**

It shall be unlawful for any person to sweep, throw or deposit or cause to be swept, thrown or deposited into or on any canal, stream, public water drain, sewer or receiving basin, within the corporate limits and police jurisdiction of the city any waste or to permit same to accumulate in such a manner that it may be carried and deposited into or on any of the above by action of the rain, wind and snow.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-17. Authorized person to remove refuse from container.**

It shall be unlawful for any person to remove any refuse, or other like material, from any bag or container, within the corporate limits and police jurisdiction of the city after it has been placed therein,

except under the orders of an officer, agent or employee of the sanitary department or contractor or by some other person removing same for disposal.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-18. Collection of building debris, dirt and stumps.**

- (a) Building debris such as scrap lumber, plaster, roofing, concrete brickbats and sanding dust resulting from the construction, repair or remodeling of any building or appurtenances on private property, dirt and stumps generated by an owner/producer or third-party contractor will not be removed by the sanitary department or contractor, but the owner/producer or third-party contractor must cause this waste to be privately removed except that the city shall remove or carry away building debris such as scrap lumber, plaster, roofing, concrete brickbats and sanding dust resulting from the construction, repair or remodeling of any building or appurtenances on private property generated by an owner/producer if it is less than seven (7) cubic yards in volume. If the said building debris is more than seven (7) cubic yards in volume then the owner/producer shall be responsible for removing and carrying away all the said building debris and the city shall not be responsible for removing any part of it.
- (b) Every person engaging in the business of, or being hired for the purpose of, constructing, demolishing, remodeling, repairing, roofing, or altering, any building or other structure within the corporate limits of the city or within the police jurisdiction shall upon completion of the job or construction project, remove any debris, concrete, lumber, roofing material, or any other waste material resulting from such activity, to the lawful disposal area; and
- (c) Shall provide on-site receptacles for litter as defined hereinabove, and ensure that litter is properly placed in such containers, to prevent scattering of such litter by wind or rain if such litter is not otherwise properly disposed of on a daily basis.
- (d) It shall be unlawful for any person to deposit such wasted material, or litter on the public streets or public areas of the city and leave the same for pickup and removal by the city.

(Ord. No. 1993-04, § 1, 9-24-93; Ord. No. 2004-09, § 2, 9-14-04; Ord. No. 2011-04, § 1, 8-23-11)

**§ 8-18.1. Persons engaged in cutting and pruning trees for hire or in the business of landscaping—Required to remove debris.**

It shall be the duty of every person who engages in cutting, trimming, or pruning trees for hire in the city, and every such person engaging in the business of landscaping within the city, whether the same be done on a contract basis, hourly basis, barter basis, exchange basis, or otherwise, to remove the limbs, trunks, cuttings, dirt, trash, litter, or other debris, from the premises and deposit the same in the place prescribed for the lawful disposal of such debris except that the city shall remove or carry away limbs and cuttings generated by a third-party contractor if it is less than seven (7) cubic yards in volume. If the cuttings and trimmings are more than seven (7) cubic yards in volume then the third-party contractor or the owner/producer shall be responsible for removing and carrying away all the limbs and cuttings and the city shall not be responsible for removing any part of it. The term "limbs and cuttings" specifically does not include the following: (1) rocks, trash, dirt, stumps or trees; and (2) tree trunks, logs and limbs that are more than twenty-four (24) inches in diameter.

Any tree trunk, log or limb that is greater than eight (8) inches in diameter but less than twenty-four (24) inches in diameter shall be cut into sections six (6) feet or less in length if it is to be picked up by the city. If any of the above are longer than six (6) feet or greater than twenty-four (24) inches in diameter then they shall be privately removed.

Limbs, logs or tree trunks that are more than twelve (12) feet in length regardless of diameter will not be picked up by the city and shall be privately removed.

(Ord. No. 2000-02, § 1, 2-7-00; Ord. No. 2000-04, § 1, 4-17-00; Ord. No. 2011-04, § 2, 8-23-11)

**§ 8-18.2. Debris not to be left on public street.**

- (a) It shall be unlawful for any owner/producer or person engaging in the cutting, trimming or pruning trees in the city for hire, whether the same be done on a contract basis, hourly basis, barter basis, exchange basis or otherwise, to leave limbs, trunks, cuttings, trimmings or other debris therefrom on any part of the public streets or other public ways except that the city shall remove or carry away limbs and cuttings generated by an owner/producer or third-party contractor if it is less than seven (7) cubic yards in volume and this may be placed next to the public street or public ways for removal by the city. The term "limbs and cuttings" is the same as defined in [§ 8-18.1](#)

The same requirements and restrictions that apply to the length and diameter of tree trunks, logs or limbs in [§ 8-18.1](#) apply to this section also.

- (b) It shall be unlawful for any person engaging in the business of landscaping for hire in the city, to leave excess dirt, gravel, roots, debris, or other litter resulting from such landscaping, on any part of the public streets or other public ways.
- (c) For the purpose of this section, "public street" and "public way" shall include all of the area of a street or other public way right-of-way from property line to property line.

(Ord. No. 2000-02, § 1, 2-7-00; Ord. No. 2000-04, § 1, 4-17-00; Ord. No. 2011-04, § 3, 8-23-11)

**§ 8-18.3. City not responsible; unlawful to represent that city will remove debris.**

It shall not be the duty of the city to remove or carry away the limbs, trash, dirt, or debris, remaining from tree trimmings or landscaping generated by persons engaging in the cutting, trimming or pruning of trees for hire or engaging in landscaping for hire, whether the same be done on a contract basis, hourly basis, barter basis, exchange basis or otherwise, except that the city shall remove or carry away limbs and cuttings generated by a third-party contractor if it is less than seven (7) cubic yards in volume. If the cuttings and trimmings are more than seven (7) cubic yards in volume then the third-party contractor or the owner/producer shall be responsible for removing and carrying away all the limbs and cuttings and the city shall not be responsible for removing any part of it. The term "limbs and cuttings" is the same as defined in [§ 8-18.1](#).

The same requirements and restrictions that apply to the length and diameter of tree trunks, logs or limbs in [§ 8-18.1](#) apply to this section also.

It shall be unlawful for any person engaged in pruning, cutting, or trimming trees for hire, or engaged in the business of landscaping, to represent to the property owner, or other person in charge of the premises, that the trees, trimming, cuttings or debris, will be picked up or removed from the premises by the city sanitary department except as set forth above.

(Ord. No. 2000-02, § 1, 2-7-00; Ord. No. 2000-04, § 1, 4-17-00; Ord. No. 2011-04, § 4, 8-23-11)

**§ 8-18.4. Suspension of the prohibitions, requirements and restrictions of §§ 8-18—8-18.3 due to natural disaster or emergency.**

If the federal or state government declares Fayette County a disaster area or if the city council declares an emergency exists due to a natural disaster then the city council may suspend the prohibitions, requirements and restrictions contained in §§ [8-18](#)—8-18.3 for a period of time to be determined by the council.

(Ord. No. 2011-04, § 5, 8-23-11)



**§ 8-19. Collecting from private property prior to occupancy.**

The city or contractor shall not be responsible for the collecting and hauling of refuse or other debris from private property preliminary to, during or subsequent to, construction of new buildings of whatever type, prior to occupancy. Said material shall be removed by the owner of said property or the contractor responsible for the accumulation of same.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-20. Disabled residential unit occupants.**

Where there are no occupants of a residential unit fifteen (15) years of age or older, who are physically able to place residential refuse at curbside and such disability is established by appropriate medical evidence, the sanitary department or contractor shall collect such refuse in the cart provided therefor at the rear of such residential unit or other convenient location.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-21. Public refuse receptacles—Regulations.**

It shall be unlawful for any person to remove, or cause to be removed from any street or sidewalk in the city, any receptacle furnished by the city for the deposit of refuse. It shall be unlawful for any person to sit upon or deface any such receptacle or to cause it to be used in any way which will make it inaccessible for the receipt of refuse. It shall be unlawful for any person to place, store or cause to be placed or stored, any goods, merchandise, lumber, trash or any other material near any such receptacle, in such manner as to interfere with or preclude the use of any such receptacle for the purpose which it is intended to serve.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-22. Collection service established.**

There is hereby established in the city a refuse collection, hauling and disposal service to be operated by the sanitary department or a contractor. The collection, hauling and disposal of refuse shall be made by the sanitary department or contractor not less than once each week in residential areas and in all business areas, and the charges hereby imposed are based on such periodic collection, hauling and disposal. Yard waste and bulky waste shall be collected once per week in residential areas.

(Ord. No. 1993-04, § 1, 9-24-93)

**§ 8-22.1. Deposit.**

Any person making application for sewage and garbage/trash services who is not an owner of the premises to be served shall first deposit the sum of one hundred dollars (\$100.00) with the clerk of the city who shall issue a receipt for the same and shall maintain a list of depositors. Such sum shall be deposited in the general funds of the city.

The deposit required under this section shall be for the purpose of insuring the payment of all charges and fees imposed by the city for sewer and garbage/trash services.

Upon the termination of such services to the depositor, the full amount of the deposit shall be refunded to him, his heirs, successors, administrators or executors, less any change then due for such services, if any.

(Ord. No. 2000-14, § 1, 9-18-00)

**§ 8-23. Collection charges.**

The following charges shall be paid to the city by every person for the collection, hauling and disposing of refuse, rubbish and bulk waste:

- (a) *Residential garbage.* Fifteen dollars and fifty cents (\$15.50) per month for each residential unit.
- (b) *Residential rubbish and bulky waste.* Five dollars (\$5.00) per month for each residential unit.
- (c) *Commercial and industrial.* This charge shall be set by contract between commercial or industrial producer and sanitary department or contractor.
- (d) *Exemptions.* Any person whose sole income is derived from Social Security benefits shall be exempt from payment of such fee.

(Ord. No. 1993-04, § 1, 9-24-93; Ord. No. 1996-11, § 1, 7-15-96; Ord. No. 1998-09, § 1, 10-19-98; Ord. No. 2008-07, § 1, 11-17-08; Ord. No. 2009-03, § 1, 6-24-09)

**§ 8-24. Bills to be paid monthly.**

Bills, for services hereunder, shall be due and payable within fifteen (15) days following the end of the month in which service is rendered. If not paid within such period, a late fee of ten (10) percent of the amount due shall be added for each thirty-day period the same shall remain unpaid. When such service shall remain unpaid for a period of seventy-five (75) days, the city clerk shall institute civil proceedings and/or criminal proceedings for the collection of same.

(Ord. No. 1993-04, § 1, 9-24-93; Ord. No. 1997-11, § 1, 9-15-97)

**§ 8-25. Penalty for violation.**

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00). Each day any violation of this article continues shall constitute a separate offense.

City police officers may choose to cite and release the defendant for a violation of this article. The Uniform Non-Traffic Citation and Complaint (UNTCC) shall serve as the charging instrument. The UNTCC shall be issued in accordance with Rule 20 of the Alabama Rule of Administration.

In lieu of appearing in court to answer a citation, any person or corporation may after signing a waiver and guilty plea pay a fine or fines in accordance with the minor violation settlement schedule established in [section 12-14](#) of the Code of Ordinances.

(Ord. No. 1993-04, § 1, 9-24-93; Ord. No. 1997-11, § 2, 9-15-97; Ord. No. 2004-09, § 3, 9-14-04)

**§ 8-25.1. Mandatory service; duty to pay.**

- (a) Refuse and waste collection and removal, as provided for by this article, is mandatory for all residential units, commercial and industrial units, premises, family units, occupants or persons, etc., in the city, upon which or at which refuse is produced or accumulated and the occupant or other persons, as the case may be, shall pay to the city in accordance with the provisions of this article monthly service charges for refuse collection and disposal services rendered or made available by the city for the collection of refuse from such premises.
- (b) No person, firm, occupant, corporation or other entity that is required by this article to receive and pay for refuse collection services as herein provided shall be permitted to refuse to accept refuse collection and removal and other services by the city or contractor and the failure of any person, firm, corporation, occupant or other entity to receive such service by reason of such refusal or otherwise

shall not exempt any of the aforesaid from payment of the service charges or fees provided for by this article; provided, however, that such mandatory service and fee shall not apply to the following:

- (1) Commercial and industrial units utilizing the services of a private commercial solid waste collection firm under franchise with the city and duly licensed and permitted under applicable law.
- (2) A household, business, industrial or any property owner having obtained a certificate of exemption pursuant to § 22-27-3 Code of Alabama, 1975, or amendments thereto.
- (3) Persons occupying premises in areas of the city in which no garbage or refuse collection services are provided by the city for the entire area.

(Ord. No. 1993-05, § 1, 10-1-93; Ord. No. 1996-09, § 2, 7-1-96; Ord. No. 1996-15, § 1, 10-1-96)

#### **§ 8-25.2. Duty to pay when city fails to render service.**

The failure of the city or contractor to collect refuse from any premises, which failure results from the violation, by the owner or occupant of such premises, residential unit, commercial and industrial unit, of any provision of this chapter or any rule or regulation of the governing body governing the storage, preparation, handling or disposal of refuse, shall not relieve such person, owner or occupant of the duty to pay the refuse collection and disposal service charges imposed by this article, nor shall an inadvertent or temporary failure or omission on the part of the city or contractor to make any collection of refuse relieve any person from the duty to pay such charges.

(Ord. No. 1993-05, § 1, 10-1-93)

#### **§ 8-25.3. Deductions not allowed for interruption of service beyond city's control.**

No deduction from monthly charges provided for in this division shall be made or allowed by reason of any failure of the city or contractor to make collection of refuse as frequently as hereto provided, due to anything beyond the control of the city or contractor or due to stoppage of work by employees of the city or contractor or due to weather conditions.

(Ord. No. 1993-05, § 1, 10-1-93)

#### **§ 8-25.4. Delinquencies.**

Pursuant to § 22-27-5(e), Code of Alabama, 1975, or other applicable law, if the fees, charges and rates imposed by this article for the refuse collection and disposal services of the city are not paid within ninety (90) days after the same shall become due and payable, the city at the expiration of said ninety-day period may suspend such services and shall proceed to recover the amount of any such delinquency with interest in a civil action.

(Ord. No. 1993-05, § 1, 10-1-93)

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#### FOOTNOTE(S):

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**Editor's note**— Ord. No. 1993-04, § 1, adopted Sept. 24, 1993, repealed Ch. 8, Art. II, §§ 8-6—8-25, in its entirety and provided for a new Art. II, §§ 8-6—8-25 as set out herein. Former §§ 8-6—8-25 pertained

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to similar subject matter and derived from Ord. of July 18, 1966, §§ 1—16; Ord. No. 1982-6, adopted Aug. 30, 1982; Ord. No. 1990-10, §§ 1—4, adopted Oct. 3, 1990; and Ord. No. 1991-1, § 1, adopted Jan. 7, 1991. ([Back](#))

### **ARTICLE III - LITTER**

#### [Division 1 - - Anti-Litter Regulations](#)

#### [DIVISION 2. - RESERVED](#)

#### **Division 1 - Anti-Litter Regulations**

##### [§ 8-26 Fayette Anti-Litter Article](#)

##### [§ 8-27 Litter - Definitions](#)

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##### [§ 8-30 Merchants' Duty to Keep Sidewalks Free of Litter](#)

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##### [§ 8-32 Trucks not to Litter](#)

##### [§ 8-33 Littering in Parks - Prohibited](#)

##### [§ 8-34 Throwing or Distributing Handbills - Regulations](#)

##### [§ 8-35 Placing of Handbills on Vehicles - Prohibited](#)

##### [§ 8-36 Depositing Handbills in Vacant Private Premises - Prohibited](#)

##### [§ 8-37 Distribution of Handbills on Premises Properly Posted - Prohibited](#)

##### [§ 8-38 Distributing Handbills at Inhabited Private Premises - Regulations; Exception](#)

##### [§ 8-39. Dropping litter from aircraft—Prohibited.](#)

##### [§ 8-40. Advertisement, notices, etc., posting on streets, sidewalks, trees, fences, etc.](#)

##### [§ 8-41. Littering private property prohibited.](#)

##### [§ 8-42. Owner to maintain premises free of litter.](#)

##### [§ 8-43. Littering on open or vacant private property, prohibited.](#)

##### [§ 8-44. Penalty for violation.](#)

#### **§ 8-26 Fayette Anti-Litter Article**

This article shall be known and may be cited as the "Fayette Anti-Litter Article."

(Ord. of Oct. 15, 1973, § 1.)

#### **§ 8-27 Litter - Definitions**

For the purposes of this article the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the

## Chapter 8 GARBAGE, WEEDS AND LITTER

singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Aircraft - Shall mean any contrivance now known, or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle - Shall mean storage and collection receptacle as required and authorized in the preceding article.

City - Shall mean the City of Fayette, Alabama.

Commercial handbill - Shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- a. Which advertises for sale any merchandise, product, commodity or things; or
- b. Which directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of, either directly or indirectly, promoting the interest thereof by sales; or
- c. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such a meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such a license is or may be required by any law of this state, or under any ordinance of this city; or
- d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Garbage - Shall mean any putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter - Shall mean garbage, refuse and rubbish - all other waste material which, if thrown or deposited, as herein prohibited, tends to create a danger to public health, safety and welfare.

Newspaper - Shall mean any newspaper of general circulation, as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer, as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

Non-commercial handbill - Shall mean any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

Park - Shall mean a park, reservation, playground, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Person - Shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

Private premises - Shall mean any dwelling, house, building or other structure, designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously

## Chapter 8 GARBAGE, WEEDS AND LITTER

uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place - Shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse - Shall mean all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

Rubbish - Shall mean non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle - Shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(Ord. of Oct. 15, 1973, § 2.)

### **§ 8-28 Littering Public Places - Prohibited**

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection or in official city dumps.

(Ord. of Oct. 15, 1973, § 3.)

### **§ 8-29 Litter - to be Placed in Receptacles to Prevent Scattering**

Persons, placing litter in public receptacles or in authorized private receptacles, shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Ord. of Oct. 15, 1973, § 4.)

### **§ 8-30 Merchants' Duty to Keep Sidewalks Free of Litter**

No person, owning or occupying a place of business, shall sweep into or deposit in any gutter, street or other public place within the city, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons, owning or occupying places of business within the city, shall keep the sidewalk in front of their business premises free of litter.

(Ord. of Oct. 15, 1973, § 6.)

### **§ 8-31 Throwing Litter from Vehicle - Prohibited**

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

(Ord. of Oct. 15, 1973, § 7.)

### **§ 8-32 Trucks not to Litter**

No person shall drive, or move any truck or other vehicle within the city, unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive, or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit on any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

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(Ord. of Oct. 15, 1973, § 8.)

### **§ 8-33 Littering in Parks - Prohibited**

No person shall throw or deposit litter in any park within the city except in public receptacles and, in such a manner, that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(Ord. of Oct. 9, 1973, § 9.)

### **§ 8-34 Throwing or Distributing Handbills - Regulations**

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the city; nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful, on any sidewalk, street or other public place within the city, for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

(Ord. of Oct. 15, 1973, § 10.)

### **§ 8-35 Placing of Handbills on Vehicles - Prohibited**

No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful, in any public place, for a person to hand out or distribute, without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

(Ord. of Oct. 15, 1973, § 11.)

### **§ 8-36 Depositing Handbills in Vacant Private Premises - Prohibited**

No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(Ord. of Oct. 15, 1973, § 12.)

### **§ 8-37 Distribution of Handbills on Premises Properly Posted - Prohibited**

No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice, indicating, in any matter, that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

(Ord. of Oct. 15, 1973, § 13.)

### **§ 8-38 Distributing Handbills at Inhabited Private Premises - Regulations; Exception**

No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that

in case of inhabited private premises which are not posted, as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulation. The provisions of this section shall not apply to the distribution of mail by the United States [postal service], not to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Ord. of 10-15-73, § 14)

#### **§ 8-39. Dropping litter from aircraft—Prohibited.**

No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or other object.

(Ord. of 10-15-73, § 15)

#### **§ 8-40. Advertisement, notices, etc., posting on streets, sidewalks, trees, fences, etc.**

- (a) *Advertisement on streets, prohibited.* It shall be unlawful for any person whether or not a licensed bill poster, to paste, post, paint, deposit, print or in any way fasten or cause or allow the pasting, posting, painting, depositing, printing or in any way fastening of any handbill, sign, notice or advertisement of any kind or character, on any curb, sidewalk, street or right-of-way, or any part thereof, or upon any tree, post, pole, hydrant, bridge or any structure within the limits of any street in the city.
- (b) *Advertisement on private structures, prohibited.* It shall be unlawful for any person to paste, post, paint, deposit, print or in any way fasten or cause or allow the pasting, posting, painting, depositing, printing or in any way fastening of any handbill, sign, notice or advertisement of any kind or character upon any private wall, window, door, gate, fence, advertising board, automobile or upon any other private structure, building or premises unless such person is the owner or otherwise legally in possession thereof, without the consent of the owner or the owner's authorized agent in writing.
- (c) *Exception, legal notices.* Nothing herein contained shall be construed to apply to the posting of legal notices, required or authorized by law, regulation or ordinance, in a manner and/or placed therein prescribed.

(Ord. of 10-15-73, § 16; Ord. No. 2004-09, § 4, 9-14-04)

#### **§ 8-41. Littering private property prohibited.**

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner, or person in control of the private property, may maintain authorized private receptacles for the collection of litter, in such a manner, that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(Ord. of 10-15-73, § 17)

#### **§ 8-42. Owner to maintain premises free of litter.**

The owner, or person in control, of any private property shall, at all times, maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.



## Chapter 8 GARBAGE, WEEDS AND LITTER

(Ord. of 10-15-73, § 18)

### § 8-43. Littering on open or vacant private property, prohibited.

No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

(Ord. of 10-15-73, § 19)

### § 8-44. Penalty for violation.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day any violation of this article continues shall constitute a separate offense.

City police officers may choose to cite and release the defendant for a violation of this article. The Uniform Non-Traffic Citation and Complaint (UNTCC) shall serve as the charging instrument. The UNTCC shall be issued in accordance with Rule 20 of the Alabama Rule of Administration.

In lieu of appearing in court to answer a citation, any person or corporation may after signing a waiver and guilty plea pay a fine or fines in accordance with the minor violation settlement schedule established in [section 12-14](#) of the Code of Ordinances.

(Ord. No. 2004-09, § 5, 9-14-04)

## DIVISION 2. RESERVED [\[2\]](#)

[§§ 8-45—8-47. Reserved.](#)

### §§ 8-45—8-47. Reserved.

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FOOTNOTE(S):

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**Editor's note**— Section 2 of Ord. No. 1998-04, adopted April 6, 1998, repealed Art. III, Div. 2, which pertained to clearing of litter on private property by the city, and derived from an ordinance adopted Oct. 15, 1973, §§ 20 and 21. [\(Back\)](#)