

ORDINANCE 2021-009

AN ORDINANCE TO PROVIDE FOR THE PUBLIC PARTICIPATION IN A THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE CITY

WHEREAS, the Solid Wastes and Recyclable Materials Management Act (“the Act”) provides for the mandatory public participation in and subscription to solid waste collection and disposal services in municipalities; and

WHEREAS, the City of Ashville, Alabama (“the City”) has entered into an agreement to provide for the collection and disposal of solid waste within the City; and

WHEREAS, the City hereby finds and determines that mandatory public participation in and subscription to solid waste collection and disposal services made available to the general public by the City as provided for in the Act will the health, safety, and general welfare of the City.

NOW THEREFORE, be it ordained by the City Council of Ashville, Alabama, as follows:

Section 1: Mandatory Participation; punishment and remedies for failure to participate.

Every person, household, business, industry, or property generating solid wastes, garbage, or ash within the City as defined in Act (“Covered Entities”) shall participate in and subscribe to the system of solid waste collection and disposal service offered by the City to the general public for the collection and disposal of solid wastes provided for in this ordinance unless exempted by this ordinance or the Code.

All Covered Entities shall comply with the requirements of the Act, the requirements governing law or agency, and with all rules and regulations adopted by the City by resolution or ordinance. Failure of any Covered Entity to comply shall be punishable and remediable as provided by the Act.

Section 2: Fees, charges, rates; collection.

The following fees, charges, and rates are hereby established for each Covered Entity.

The fees, charges, and rates for each Covered Entity participating in the residential system of solid waste collection and disposal service offered by the City shall be as provided for in the City’s agreement with the entity providing such service, as that agreement is from time to time amended and/or replaced.

Covered Entities not eligible for participation in the residential system of solid waste collection and disposal service offered by the City may continue to utilize such service(s) as they may require provided only that such service must comply with all applicable regulations governing solid waste collection and disposal services.

The fees, charges, and rates enumerated in this Section will be billed by the City to the Covered Entity. It is the responsibility of the Covered Entity to ensure that the City has accurate, up to date billing information.

The City may collect unpaid fees, charges, and rates enumerated in this Section as provided by the Act and by all such other lawful means available for the collection of debts owed to municipalities.

Section 2. Severability.

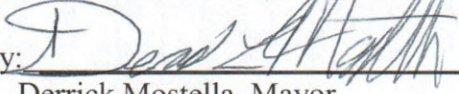
The provisions of this ordinance are severable. If any part of the Ordinance is declared invalid or unconstitutional, the remainder of the Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 3. Effective Date.

This Ordinance shall be in full force and effect immediately from and after its adoption and publication as required by law.

ADOPTED and **APPROVED** this the 4 day of October, 2021.

CITY OF ASHVILLE, ALABAMA

By: 
Derrick Mostella, Mayor

ATTEST: 
Chrystal St. John, City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Ashville, Alabama, do hereby, certify that the above is a true and correct copy of an Ordinance duly adopted by the City Council at its

meeting held on Oct. 4, 2021 and as same appears of record in Minute Book of said City, and approved by the City Council on the 4 day of October, 2021.

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Ashville, Alabama, this 4th day of October, 2021.

Christal St. John
City Clerk