



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 10/10/2024

File ID: TMP-4716

Department: Public Works

Subject:

Type of Action: Introduction

Introduction of an Ordinance amending Chapter 22, Article I, Section 22-1 of the Code of Ordinances of the City of Huntsville.

Ordinance No.

Finance Information:

Account Number: N/A

City Cost Amount: \$ N/A

Total Cost: \$ N/A

Special Circumstances:

Grant Funded: \$ N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: N/A

District: District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

Additional Comments: N/A

ORDINANCE NO. 24- _____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, that the following amendments are made to the Code of Ordinances of the City of Huntsville, Alabama:

Section 1. Chapter 22, Article I, Section 22-1 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

Sec. 22-1. 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:

Acceptable waste means that portion of solid waste characteristic of that collected or disposed of as part of normal municipal solid waste, including without limitation garbage, market refuse, rubbish, ashes, bulky waste, street refuse, construction and demolition waste, and industrial refuse, not including, however, any of the foregoing or other solid waste that constitutes unacceptable waste or hazardous waste; however, if any governmental agency or unit having appropriate jurisdiction shall at any time determine that any substances that were not theretofore acceptable waste because they were considered harmful, toxic or dangerous, are not harmful, toxic or dangerous, then such substances shall thereafter be considered acceptable waste unless they constitute unacceptable waste or hazardous waste; and any substances that were theretofore acceptable waste are harmful, toxic or dangerous, then such substances shall thereafter not be considered acceptable waste. Materials or substances which are discarded or rejected as spent, useless or worthless to the owners, and which have a positive market value for reuse may be excluded from acceptable waste by the owner of the premises when such material is sold and delivered for such reuse, provided that removal and processing shall be in accordance with all applicable laws and regulations and in a manner so as not to create any nuisance upon the premises.

Act means Code of Ala. 1975, tit. 11, ch. 89A (Code of Ala. 1975, § 11-89A-1 et seq.); Act No. 80-278 1980 regular session of the legislature and all amendatory or supplemental acts of the legislature.

Actual acceptance date means the date on which the plant begins accepting for disposal or processing acceptable waste from the public generally, which such date shall be deemed to have occurred only if prior to such date there has been published in a newspaper published and having general circulation in the city a notice specifying such date with particularity.

Agreement means the solid waste and sewage sludge delivery agreement between the authority and the city, the proposed text of which is set out in Ordinance No. 88-418, a signed copy of which is on file and available for public inspection in the office of the director of public works services and in the office of the clerk-treasurer at the city administration building.

Approved receptacle means the collection container provided by the city and where the container is not so provided, shall mean a durable, easily cleanable container with tightfitting lids, doors or covers, so as to be leakproof, rodentproof and insectproof and in the case of containers or receptacles provided for industrial and commercial premises, including, but not

limited to, premises designed for or intended for multiple occupancy, who contract with licensed private haulers, no container or receptacle shall be considered approved unless it is serviced and collected with sufficient frequency so as to prevent overflow, spillage and the emanation of offensive odors.

Ashes means residue from fires used for cooking and for heating buildings, and cinders.

Authority means the solid waste disposal authority of the city, a public corporation and instrumentality under the laws of the state.

Authorized disposal facility means any of the following:

- (1) The plant;
- (2) The existing landfill; and
- (3) Any other facility that constitutes an authorized disposal facility within the meaning of the agreement.

Authorized receiving facility means any of the following:

- (1) The plant;
- (2) The existing landfill; and
- (3) Any other facility that constitutes an authorized receiving facility within the meaning of the agreement.

Bonds means the original bonds and the other indenture-secured bonds.

Bulk waste means large auto parts; tires; furniture; large crates; large piles of tree limbs, tree parts or yard waste; or any waste not capable of being containerized. Also known as trash.

Bundle means a packaged bunch or accumulation of waste, bound with string or cord, and placed out by the customer for collection by the city. Bundles must not exceed 48 inches in any dimension or weigh more than 50 pounds.

Business day means each Monday, Tuesday, Wednesday, Thursday and Friday that is not a holiday.

City means the City of Huntsville, Alabama, a municipal corporation under the laws of the State of Alabama, its successors and assigns and, when used with reference to a geographic area, means the area within the corporate limits of the city as they exist at the time and does not include any area outside such corporate limits.

Construction and demolition waste means lumber, roofing and sheathing scraps, dirt, stones, bricks, ceramics, rubble, broken concrete, plaster, conduit, pipe, wire, insulation, carpet or carpet padding, gutters, sheet rock, siding, HVAC, etc.

Containerized collection service means the collection of waste from a premise by the sanitation division by emptying of an approved, specially designed container furnished and distributed by the sanitation division.

Existing landfill means that certain landfill that is located in the city at or near the south end of Leeman Ferry Road and that is now being utilized for the disposal of acceptable waste.

Facilities means the entire solid waste disposal and resource recovery system and facilities of the authority as they may at any time exist, including, without limitation:

- (1) The plant;
- (2) The existing landfill;
- (3) Any other landfills and similar facilities for the storage and disposal of acceptable waste or sewage sludge;
- (4) Steam and condensate lines for transmitting to others steam generated by the plant and for returning condensate to the plant;
- (5) Facilities for extracting landfill gas from the existing landfill and for pumping and transporting such gas to the plant;
- (6) Facilities for the management of sewage sludge from the city's wastewater or sanitary sewage collection and treatment system;
- (7) Transfer stations and other similar facilities for the temporary storage of acceptable waste pending transfer to other facilities for disposal or recycling; and
- (8) All other facilities, machinery, equipment, properties and interests in properties (real, personal or mixed) owned, leased or otherwise available for use by the authority in the collection, storage, utilization, processing or disposition of acceptable waste and sewage sludge, and all additions, renewals, replacements, enlargements, improvements and extensions.

Garbage means putrescible animal and vegetable waste resulting from the handling, storage, preparation, cooking, serving and consumption of food.

Hazardous waste means:

- (1) Any material that by reason of its composition or characteristics constitutes toxic or hazardous waste as defined in either the Solid Waste Disposal Act, as amended (42 USC 6901 et seq.), and the regulations under that act or the Hazardous Waste Management and Minimization Act, as amended (Code of Ala. 1975, § 22-30-1 et seq.), and any regulations under that act;
- (2) Special nuclear or byproduct materials within the meaning of the Atomic Energy Act of 1954, as amended;
- (3) Polychlorinated biphenyls, as described in section 6(e) of the Toxic Substance Control Act (15 USC 2605(c)); or
- (4) Any other material that may present a substantial danger to health or safety or has a reasonable possibility of adversely affecting the operation of the facilities;

however, if any governmental agency or unit having appropriate jurisdiction shall at any time determine that substances that were not theretofore considered harmful, toxic or dangerous are harmful, toxic or dangerous, then such substances shall thereafter be considered hazardous waste.

Holiday means New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, Christmas and not exceeding two other days during each calendar year as shall from time to time be designated by the authority, with the consent of the city, as holidays.

Indenture means the trust indenture between the authority and a trustee and under which the bonds are authorized to be issued.

Industrial refuse means solid or semisolid waste resulting from industrial processes and manufacturing operations, such as food processing wastes, boiler and house cinders, wood, plastic, metal scraps and shavings, byproducts accumulated as a result of treatment of liquid waste, etc.

Litter means all solid waste that can be or is subject to being blown or carried from place to place by the elements.

Market refuse means putrescible animal and vegetable waste from the handling, storage and sale of produce and meats.

Original bonds means the authority's solid waste disposal and resource recovery revenue bonds, series 1988, authorized to be issued under the indenture in one or more series to finance the facilities.

Other indentured-secured bonds means any of the following (if and to the extent that they are issued under and secured by the indenture):

- (1) Any bonds, and any notes or other securities or obligations, that may, subsequent to the issuance of the original bonds, be issued by the authority to complete, improve, extend or replace any of the facilities, or to acquire, construct, complete, improve, extend or replace any other facilities (including transfer stations and landfills) for the storage, processing or other disposal of acceptable waste; and
- (2) Any bonds, notes or other securities or obligations that may, subsequent to the issuance of the original bonds, be issued by the authority for the purpose of refunding any of the original bonds or any of the bonds, notes or other securities or obligations referred to in subsection (1) of this definition or for the combined purpose of refunding any such original bonds, or other bonds, notes or other securities or obligations and of acquiring, constructing, completing, improving, extending or replacing any of the facilities or any other facilities (including transfer stations and landfills) for the storage, processing or other disposal of garbage, refuse or other waste.

Plant means that certain plant or facility that is to be located on a 20-acre site approximately 1³/₄ miles south of Drake Avenue and bounded on the east by Triana Boulevard and on the south by the bed of the dismantled L & N Railroad and that is to be used for receiving, separating and sorting garbage, refuse and other waste and for producing steam by incinerating such garbage, refuse and other waste, as well as sewage sludge, landfill gas, oil, or other fossil fuels.

Premises designed or intended for multiple occupancy means any building or portion of a building, which is occupied as the home or residence of one or more families living independently of each other and doing their own cooking in the building, and shall include but is not limited to apartment complexes. For purposes of this definition, the term "family" means one or more persons living together, whether related by birth, marriage or adoption, and having common housekeeping facilities.

Receiving time means the period from 7:00 a.m. until 3:30 p.m. on each business day; the period from 7:00 a.m. until 12:00 noon on each Saturday that is not a holiday; and any additional

or substitute period that may at the time have been established by the authority, with the consent of the city, as a time when any particular authorized receiving facility or authorized disposal facility shall be open for the dumping, deposit or disposal of acceptable waste from the public generally.

Rubbish means paper, cardboard, cartons, wood, boxes, excelsior, plastics, rags, cloth, bedding, leather, rubber, metals, tin cans, metal foils, crockery, glass bottles and other mineral refuse.

Sanitation division means the sanitation division of the department of public works of the city.

Solid waste means all nonliquid materials or substances that are generally discarded or rejected as being spent, useless or worthless to the owners at the time of such discard or rejection, including (without limitation) garbage, trash, refuse, industrial and commercial waste, rubbish, ashes, contained gaseous materials, incinerator residue, and construction and demolition waste.

Street refuse means street sweepings, dirt, leaves, catchbasin dirt and contents of litter receptacles.

System means the "Huntsville, Alabama, Solid Waste Collection and Disposal System" created in section 22-3.

Unacceptable waste means any solid waste or portion of solid waste that is not acceptable waste or hazardous waste, including (without limitation) sewage sludge other than from the city's wastewater or sanitary sewer system, herbicides or pesticides, gaseous products and their containers (except household types), scrap motor vehicles, scrap boats, utility trailers, pharmaceutical products (other than those for normal household use) and pathological wastes.

White goods means refrigerators, stoves, dishwashers, clothes washers, clothes dryers, other large appliances, etc.

Yard waste means grass, leaves, yard trimmings, shrubbery clippings, trees, branches, palm fronds, and all other miscellaneous vegetation.

Section 2. Chapter 22, Article I, Section 22-3 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

Sec. 22-3. System created.

There is created for the city a system to provide for the storage, removal, transportation, disposal and regulation of solid waste generated or occurring within the city, such system to be known as the Huntsville, Alabama, Solid Waste Collection and Disposal System. The system shall be composed of the following components:

- (1) The solid waste removal and collection system operated by the sanitation division, for the collection and transportation of acceptable waste from the premises of single-family and multiple-family residences, apartments, commercial and industrial premises and other public and private premises. The sanitation division primarily provides waste collection

and disposal for single-family residential properties within the city limits. Premises designed or intended for multiple residential occupancy and all other commercial properties are intended to be served by private collection and hauling services. At the discretion of the director of public works, on a very limited basis, multi-occupancy residential or commercial premises may be served by the sanitation division.

- (2) Those vehicles and other facilities and properties operated, for the removal and transportation of solid waste from certain apartment, commercial and industrial premises, by so-called private collectors or haulers licensed or franchised by the city pursuant to law, this chapter, or any pertinent ordinance of the city (it being understood that such private collectors or haulers are not, and shall not be, agents of the city in any respect but are and shall be subject to regulation by the city as provided in this chapter and in any ordinance of the city at the time in force and effect); and
- (3) The facilities of the authority for the disposal of acceptable waste, including, without limitation, any authorized disposal or receiving facility owned, controlled or used by the authority for the purpose of disposing of acceptable waste by incineration, landfilling, recycling or otherwise, and any other facilities as defined in this chapter.

Section 3. Chapter 22, Article, III, Section 22-71 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

Sec. 22-71. Containers.

(a) *Required.*

- (1) Every person in possession, charge or control of any premises within the city where any solid waste is created or accumulated which is collected and disposed of by the sanitation division, shall cause all such material to be placed in the container provided by the city, except as required for leaves, grass clippings, yard waste and other bulk waste as provided in Sec. 22-75, Sec. 22-82 of this Article and Sec. 22-182 and Sec. 22-183 of Article VI. The sanitation division shall not collect waste placed in any container other than that provided by the city.
- (2) Persons disposing of their own solid waste pursuant to Code of Ala. 1975, § 22-27-3(g) shall cause all such materials to be placed in approved receptacles during collection, transportation and disposal at approved solid waste collection facilities.
- (3) Every person, owner, tenant and/or property management company (or their agent) in possession, charge or control of any premises within the city where any solid waste is created or accumulated, and which contracts or permits contracting with licensed private haulers shall cause all such material to be placed in approved receptacles.

(b) *Containerized collection service.*

- (1) Customers served by the city's sanitation division shall use a specified collection container for the collection and removal of solid waste, such container to be distributed by the city at no cost to the customer. The container shall remain the property of the city and shall not be removed from the property when a customer changes residences or

tenants vacate the premises as the container is assigned to the property address by an identifying number.

- (2) If a container is lost by theft, or damaged beyond use by any means other than by the customer's own neglect or misuse, a container shall be replaced by the city at no cost to the customer. If a container is lost by theft, the customer must file a report with the police department before the city will replace the container. If the container is lost or damaged beyond use as a result of the customer's neglect or misuse, a designated fee will be charged by the city for a replacement container.
 - (3) The customer shall promptly notify the city sanitation division in the event of the need for repair to or replacement of a container.
 - (4) On scheduled collection days, collection containers shall be placed within three feet of the street curb or edge of the road, or in a location designated by the sanitation division. All containers must be placed so as to face in the proper direction and so as not to obstruct the collection vehicle. Container lid must be kept closed at all times to prevent any accumulation of water. Bags, boxes or other items shall not be placed on top of the closed container lid.
 - (5) Solid waste placed in the container must be containerized in either plastic or paper bags to prevent the contents from being displaced by the elements when the container is being emptied.
 - (6) It shall be unlawful to overload containers in a manner which is likely to cause damage to the collection vehicle or the container, create a litter condition, or impede collection.
 - (7) The city sanitation division shall not collect solid waste on or around containers except as specifically provided in this subsection. If additional refuse is generated on the premises that cannot be accommodated by regularly scheduled service in the city-provided containers, the customer may request and use additional containers up to a maximum of four containers per household or premise. Waiver of the four-container limitation shall be at the sole discretion of the director of public works.
- (c) *Use by other customers.* It shall be unlawful for any person to place or deposit any solid waste generated elsewhere in or around a refuse container owned or provided for the use of another customer.
 - (d) *Spilling or scattering contents.* It shall be unlawful for any person to interfere with the contents of any container set out for removal by the city or any private collection agency in such a manner that the contents of the container are left spilled out or scattered on public or private property.
 - (e) *Damage to or destruction of.* It shall be unlawful for any person to damage or destroy any container placed at the curbside for collection.
 - (f) *Violation of section; penalties.* Any person who violates or fails or refuses to obey or comply with any subsection of this section shall upon conviction be punished, in addition to such other punishment, including a term of community service, as may be provided by the court, by minimum fines and penalties:
 - (1) For a first conviction of \$100.00 or by imprisonment for not more than ten days;

- (2) For conviction of a second offense committed within one year after the date of the first offense, by a fine of \$200.00 or by imprisonment for not more than 30 days or by both such fine and imprisonment;
- (3) For conviction of a third or subsequent offense committed within one year after the date of the first offense, by a fine of \$500.00 or by imprisonment for not more than three months or by both such fine and imprisonment.

Section 4. Chapter 22, Article, III, Section 22-71 of the Code of Ordinances of the City of Huntsville, Alabama which reads as follows

Sec. 22-73. Bailers and compactors.

Persons using bailers or compactors and whose waste collections are made by the sanitation division shall not place for collection bundles of waste exceeding 50 pounds in weight or 48 inches in any dimension. No bundles exceeding such weight or size limit shall be collected by the city, and it shall instead be the responsibility of the persons using such bailers or compactors to deliver such waste to a designated receiving facility. Bundles from bailers and compactors meeting these requirements will be collected only on nonautomated routes, and for the purpose of calculating collection fees, each bundle will be counted as one collection unit.

is hereby repealed.

Section 5. Chapter 22, Article III, Section 22-75 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

Sec. 22-75. Bulk waste, white goods and yard waste.

(a) All bulk waste, white goods or loose yard waste to be removed by the sanitation division from private residences shall be placed either between the sidewalk and curb or in an accessible place approved by the sanitation division. Tree limbs shall be cut in lengths not exceeding five feet in length, with protruding branches trimmed. All such waste shall be placed in an orderly, neat manner adjacent to that portion of the street right-of-way normally used by vehicles so as not to obstruct sidewalks or the flow of traffic or water. All bulk waste, white goods and loose yard waste shall be collected weekly. All such waste not removed by the city must be delivered by the owner to an authorized receiving facility.

(b) It shall be unlawful for any tree removal contractor, licensed or otherwise, to leave or deposit tree or limb removal debris at curbside for the city to remove. All contractors doing

business in the city shall collect and remove or arrange for the collection and removal of tree or limb removal debris to a facility permitted by ADEM to accept this type of waste, whether such facility is operated by the city or privately.

(c) It shall be unlawful to place for removal bulk waste, white goods or loose yard waste between utility poles and utility pole support cables, under trees, under low utility wires; around, adjacent to, or on top of fire hydrants; or adjacent to fences or building.

(d) Leaves and grass clippings shall be containerized (bagged) and placed for pickup on the designated collection day for that property. Leaves shall be placed in tied, closed, or sealed bags, and placed adjacent to that portion of the street right-of-way normally used by vehicles and in a location and manner so as to not obstruct the flow of storm drainage runoff in gutters and ditches. Each bag shall not exceed 50 pounds in weight.

(e) Shrubbery clippings and other small miscellaneous vegetation, including garden vegetation, if tied in bundles, shall not exceed 50 pounds in weight or 48 inches in any dimensions, and, if containerized (bagged), shall not exceed 50 pounds in weight.

(f) If customers choose to place waste out for collection in bundles, the bundles must not have any dimension greater than 48 linear inches or weigh more than 50 pounds.

(g) Cardboard or pasteboard boxes or other similar containers may be placed out for noncontainerized collection if because of their size or quantity they would be impractical to contain. Cardboard or pasteboard boxes or other similar containers shall be prepared in a manner so as not to create a litter problem, stacked in a manner that permits convenient removal, and placed in a location designated by the sanitation division for collection on the day determined by the manager of the sanitation division.

(h) Small quantities of yard waste, small enough to fit in the city provided container used for disposal of household waste, shall be placed in the container for collection and disposal by the sanitation division.

Section 6. Chapter 22, Article III, Section 22-76 of the Code of Ordinances of the City of Huntsville, Alabama, which reads as follows:

Sec. 22-76. Shrubbery clippings.

Shrubbery clippings and other small miscellaneous vegetation, including garden vegetation, if tied in bundles, shall not exceed 50 pounds in weight or 48 inches in any dimension, and, if containerized, shall not exceed 50 pounds in weight.

is hereby repealed.

Section 7. Chapter 22, Article III, Section 22-77 of the Code of Ordinances of the City of Huntsville, Alabama, which reads as follows:

Sec. 22-77. Cardboard or pasteboard boxes.

Cardboard or pasteboard boxes or other similar containers may be placed out for noncontainerized collection if because of their size or quantity they would be impractical to contain. Cardboard or pasteboard boxes or other similar containers shall be prepared in a manner so as not to create a litter problem, stacked in a manner that permits convenient removal, and placed in a location designated by the sanitation division for collection on the day determined by the superintendent of the sanitation division.

is hereby repealed.

Section 8. Chapter 22, Article III, Section 22-79 of the Code of Ordinances of the City of Huntsville, Alabama, which reads as follows:

Sec. 22-79. - Bulky waste, white goods and loose yard waste.

(a)

All bulky waste, white goods or loose yard waste to be removed by the sanitation division from private residences shall be placed either between the sidewalk and curb or in an accessible place approved by the sanitation division. Tree limbs shall be cut in lengths not exceeding five feet in length, with protruding branches trimmed. All such waste shall be placed in an orderly, neat manner adjacent to that portion of the street right-of-way normally used by vehicles so as not to obstruct sidewalks or the flow of traffic or water. All bulky waste, white goods and loose yard waste shall be collected weekly. All such waste not removed by the city must be delivered by the owner to an authorized receiving facility.

(b)

It shall be unlawful for any tree removal contractor, licensed or otherwise, to leave or deposit tree or limb removal debris at curbside for the city to remove. All contractors doing business in the city shall collect and remove or arrange for the collection and removal of tree or limb removal debris to a facility permitted by ADEM to accept this type of waste, whether such facility is operated by the city or privately.

(c)

It shall be unlawful to place for removal bulky waste, white goods or loose yard waste between utility poles and utility pole support cables, under trees, under low utility wires; around, adjacent to, or on top of fire hydrants; or adjacent to fences or buildings.

is hereby repealed.

Section 9. Chapter 22, Article III, Section 22-82 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

Sec. 22-82. - Residential collection practices.

(a) Garbage removal from occupied single-family residential units shall be made exclusively by the sanitation division on a once-per-week schedule approved by the mayor or his designee. Participation in the city's removal or collection system by single-family residential customers is mandatory for all residents of the city. Single-family residential customers may choose their level of service by choosing the number of containers they will use as provided in Sec. 22-71(b)(7) of this Article. Customers will be allowed to adjust their level of service one time during the year following the service start date. Otherwise, customers will be allowed to change service levels only on or about the anniversary of their service start date.

(b) Yard and bulk waste collection shall be made by the sanitation division on weekly schedules approved by the mayor or his designee. Participation in the city's removal or collection system by single-family residential customers is mandatory for all residents of the city. Yard and bulk waste shall be placed for collection as required by 22-75 of this Article.

Section 10. Chapter 22, Article VI, Section 22-182 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

Sec. 22-182. Residential.

(a) *Garbage, yard waste and other acceptable waste.*

(1) For each occupied single-family dwelling unit, there shall be a mandatory minimum charge in accordance with the following rate schedule:

a. For standard service of garbage and yard waste, \$16.50 per month (through December 31, 2024).

Effective January 1, 2025, \$21.50 per month.

Effective January 1, 2027, \$24.50 per month.

b. Additional 96-gallon containers may be requested and will carry an additional charge of \$3.00 per container per month, respectively (through December 31, 2024).

Effective January 1, 2025, \$9.00 per container per month.

Effective January 1, 2027, \$12.00 per container per month.

c. For less than a full month's service, the charge shall be prorated.

(2) Special residential rate program.

- a. Persons who are eligible to receive food stamps under the Federal Food Stamp Program operated pursuant to the provisions of 7 USC 2011, et seq., are eligible for a special rate for any residential dwelling unit occupied by such persons. Proof of eligibility, together with a valid driver's license or other identification containing a photograph of the applicant, shall be furnished when a special rate under this subsection is claimed.
- b. Application for the special rate shall be made upon a form prescribed by the city. The mayor may designate the director of community development or any other person to determine eligibility for the special rate. The decision of such person designated by the mayor shall be final. Any person who qualified for the special rate shall be required to reapply for the special rate on an annual basis. The form for reapplication shall be the same as for initial application. The reapplication period shall be between October 1 and December 1 of each calendar year.
- c. Persons who, as of January 1, 1999, have qualified for the special rate under the eligibility criteria set forth in prior versions of this article shall continue to be eligible for the special rate, and shall not have to reapply for the special rate on an annual basis.
- d. The special rate schedule for standard residential waste collection service shall be \$10.00 per month (through December 31, 2024).

Effective January 1, 2025, \$13.00 per month.

Effective January 1, 2027, \$15.00 per month
- e. Additional 96-gallon containers may be requested and will carry an additional charge of \$3.00 per container per month, respectively (through December 31, 2024).

Effective January 1, 2025, \$6.00 per month, respectively.
Effective January 1, 2027, \$9.00 per month, respectively.
- f. For less than a full month's service, the charge shall be prorated.

(b) *Collection of yard and bulk waste.*

(1) Fees for the collection of yard and bulk waste shall be set in accordance with the following rate schedule:

- a. Up to ten cubic yards per collection per week is included in standard residential service at no additional charge.
- b. Each additional five cubic yards, \$45.00 per collection (through December 31, 2024).

Effective January 1, 2025, \$55.00 per collection.

Effective January 1, 2027, \$60.00 per collection.

- (2) Fees due for special collection of yard or bulk waste shall be billed in the same manner as regular service and shall be due and payable under the same conditions as regular service. Waiver of the fees for excessive or special collection of yard waste resulting from natural disaster impacts is at the sole discretion of the director of public works.

- (c) *Special collections.* A minimum charge of \$45.00 shall be charged for each special collection (through December 31, 2024). The special collection charge for materials, including but not limited to rocks, bricks, cinder blocks, sand, ceramic tile, sheet rock, dirt, sod or any other like material, shall be the greater of the minimum charge or the city's actual disposal cost. The special collection charge for all other materials shall be the greater of the minimum charge or a charge of \$45.00 per five cubic yards (through December 31, 2024).

Effective January 1, 2025, \$55.00 per collection.

Effective January 1, 2027, \$60.00 per collection.

Section 11. Chapter 22, Article VI, Section 22-183 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

Sec. 22-183. Commercial and industrial; garbage and other acceptable waste.

- (a) The sanitation division may provide waste collection service to commercial or industrial premises at the sole discretion of the director of public works.
- (b) Single occupant premises best served by city-provided 96-gallon containers, as determined at the sole discretion of the director of public works, shall be served in accordance with the processes and procedures for single-family residential premises as provided in Sec. 22-71(b), Sec. 22-82 of Article III and Sec. 22-182 of this article, billed at the following rates:

1. For standard service of a commercial/industrial premise, \$29.00 per month (through December 31, 2024).

Effective January 1, 2025, \$35.00 per month.

Effective January 1, 2027, \$38.00 per month.

2. Additional 96-gallon containers may be requested and will carry an additional charge of \$21.90 per container per month, respectively (through December 31, 2024).

Effective January 1, 2025, \$26.00 per month, respectively.

Effective January 1, 2027, \$29.00 per month, respectively.

- (c) Any person using city garbage collection service and operating an approved business (other than a customary home occupation) at a residence, including short term rental,

shall pay a garbage charge at the commercial rate provided in this article, but shall not be required to pay any residential charge.

- (d) For a commercial complex comprised of multiple commercial establishments where all the refuse and garbage is collected by the city from a central point, the charge shall be made on a volume basis for total volume generated by all such establishments depositing waste at the central point of collection; and the city will bill the owner, manager or agent of such commercial complex for the collection, hauling and disposal of refuse and garbage from such central point consistent with the pricing structure provided for containerized collection service in Sec. 22-183(b).

Section 12. Chapter 22, Article VI, Section 22-184 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

Sec. 22-184. - Premises designed or intended for multiple long-term residential occupancy.

- (a) Premises designed or intended for multiple occupancy, including apartment buildings and complexes, are intended to be served by private haulers but may be served by the sanitation division at the sole discretion of the director of public works. If served by the sanitation division, these premises shall be charged for service using the residential rates set forth in Sec. 22-182 at the full rate per residential unit. In all other respects, premises designed or intended for multiple occupancy, including apartment buildings and complexes, will be treated as commercial establishments
- (b) Fees for service rendered with respect to premises designed or intended for multiple occupancy, including apartment buildings and complexes, which have master utility accounts, may be charged to the person or entity whose name is listed on the master utility account applicable to such property. Such accounts shall be charged at the full residential rates set forth in Sec. 22-182 per residential unit.
- (c) Residents of a unit within a premise designed or intended for multiple occupancy, including apartment buildings and complexes, if individually responsible for waste collection fees as provided in this Article and eligible for the special rate as provided in Sec. 22-182(a)(2) shall be charged at the special rate.

Section 13. Chapter 22, Article VI, Section 22-186 of the Code of Ordinances of the City of Huntsville, Alabama which reads as follows:

Sec. 22-186. Roominghouses or boardinghouses.

- (a) Roominghouses or boardinghouses in which no meals are served to roomers or boarders will be treated as residences, governed by applicable parts of this article.
- (b) Roominghouses or boardinghouses in which meals are served to roomers or boarders will be treated as commercial establishments, governed by applicable parts of this article.

is hereby repealed.

Section 14. The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville, Alabama shall apply to this ordinance.

Section 15. This ordinance shall become effective upon its adoption, approval and publication.

ADOPTED this the _____ day of _____, 2024.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2024.

Mayor of the City of
Huntsville, Alabama