ORDINANCE NO. 1672

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,
ADOPTED JULY 24, 1989, AT CHAPTER 14,
GARBAGE, TRASH, JUNK AND WEEDS,
ARTICLE III, MUNICIPAL COLLECTION,
SECTION 14-35.1,
MANDATORY GARBAGE COLLECTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON April 9, 2012, as follows:

Section 1. That Chapter 14, GARBAGE, TRASH, JUNK AND WEEDS, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by changing and adding certain language at Article III, Municipal Collection, Section 14-35.1, Mandatory Garbage Collection, so the entire Section shall read as follows:

CHAPTER 14 GARBAGE, TRASH, JUNK AND WEEDS

* * *

ARTICLE III. MUNICIPAL COLLECTION

* * *

Sec. 14-35.1 Mandatory Garbage Collection

Except as provided in section (1) below, every person, household, business, condominium, or industry generating garbage or rubbish in the corporate limits of the City of Gulf Shores, and every owner of rental or lease property whose occupants generate garbage or rubbish in the corporate limits of the City of Gulf Shores shall subscribe, directly or through a property owner's association or other formal participation agreement, to a weekly garbage collection program offered by an individual, corporation, partnership, or other agency or entity duly permitted, licensed and franchised to engage in the collection and disposal of garbage and rubbish within the corporate limits of the City of Gulf Shores. All properties not using dumpsters shall exclusively use rollable plastic containers with hinged lids; these containers shall be of durable construction suitable for mechanized collection, with a minimum capacity of 90 gallons for all rental, lease and commercial properties and 25 gallons for all residential non-rental properties. All plastic and other bags shall be placed inside these containers. Every owner of rental or lease property that is not served by a dumpster and that is let for occupancy of intervals of seven (7) days or less shall subscribe to such a waste collection program providing for collection at least twice weekly during tourist season from March 1 through October 31, and, on sections of streets designated by Resolution of the City Council, three (3) times weekly from March 1 through Labor Day, inclusive, to include one (1) pick up on Saturdays. Rental property owners and/or their managers, acting as agents, shall provide the minimum number of rollable 90-gallon containers per unit based upon the number of bedrooms in that unit, as follows:

March 1 through October 31		November 1 through February 28	
1 Bedroom:	(2) containers	1 Bedroom:	(1) container
2 Bedrooms:	(2) containers	2 Bedrooms:	(1) container
3 Bedrooms:	(2) containers	3 Bedrooms:	(1) container
4 Bedrooms:	(3) containers	4 Bedrooms:	(2) container

5 Bedrooms: (3) containers 5 Bedrooms: (2) containers
6 Bedrooms & above:(3) containers 6 Bedrooms & above: (2) containers

The City Zoning Administrator or his designee shall have the right to require owners of rental units and/or their agents or property managers, by written notice, to rent additional containers beyond the above minimums as necessary to ensure sufficient container capacity to contain all garbage generated from the aforementioned units. Any person desiring to contest the requirement for additional containers may appeal the City Zoning Administrator's notice to the City Council.

(1) The requirements of this section shall not apply to any person, household, business, industry, or property owner holding a current certificate of exception under section 22-27-3(g), Code of Alabama 1975 or to any person whose sole income is derived from social security benefits unless there is an individual, corporation, partnership, or other agency or entity duly licensed and franchised to engage in the collection and disposal of garbage and rubbish within the corporate limits of the city that offers collection and disposal services to such persons without charge. Any person, household, business, industry or property owner claiming exclusion under this provision must document entitlement to such exclusion to the satisfaction of the public works director of the city. The requirements of this section shall be suspended during any period in which there is no individual, corporation, partnership, or other agency or entity duly permitted, licensed, and franchised to engage in the collection and disposal of garbage and rubbish within the corporate limits of the city.

(2) Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), and, if the violation or failure or refusal to obey or comply with such provision is a continuing one, each day's violation shall constitute a separate offense and shall be punished accordingly.

Section 2. That this Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this 9th day of April, 2012.

Robert Craft, Mayor

ATTEST:

Wanda Parris, CMC, City Clerk

C E R T I F I C A T E

I, Wanda Parris, CMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1672 (prepared by City Clerk), which Ordinance was duly and legally adopted at a regular meeting of the City Council on April 9, 2012, and the same was duly published as required by law.

City Clerk