

City of Ashford
Ordinance 2026-001 to amend
Ordinance 2021-007 and
Ordinance Number 2017-006 with addition in Section 8_____

**Collection of Solid Waste, Preservation of Health, Sanitation, and
Safety of the Public, and the Levying of and Collection of Fees**

Whereas, the Mayor and the Council of the City of Ashford, Alabama, pursuant to the authority granted by the code of Alabama 1975, S 11-47-135 and for the purpose of promoting public health, safety and welfare and to protect the interests of City residents and visitors by regulating the accumulation, storage, collection, removal and disposal of solid waste so that conditions that create fire, health or safety hazards, harbor undesirable pests, or impair the aesthetic appearance of neighborhoods are prevented and eradicated.

Now, therefore, be it ordained and enacted into law by the City of Ashford that:

Section 1 - Definitions

For the purpose of this ordinance, the following words, terms and phrases shall have the meanings set forth:

- A. **Bulky Waste:** All large, heavy or otherwise difficult to handle wastes with weights and/or volumes greater than that allowed for an acceptable container, including, but not limited to, appliances, white goods and furniture.
- B. **Commercial Building:** Any building, or part of a building, used for any business enterprise, commercial enterprise, industrial enterprise or institutional establishment, including a building containing five (5) or more rental dwelling units.
- C. **Commercial Solid Waste:** All solid waste which results from the operation of any business enterprise, including commercial waste, industrial waste, or waste from the cleanup or maintenance of property rental operations. For the purposes of this ordinance, commercial solid waste shall also include solid waste generated from a building containing five (5) or more rental dwelling units. Commercial solid waste does not include tree limbs, shrubbery, grass trimmings, leaves, pine straw, or other refuse resulting from property maintenance.
- D. **Container:** A rigid receptacle designed and intended for the storage of solid waste.
- E. **Dwelling Unit:** Any room or group of rooms located within a building and forming a single habitable residence with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- F. **Hazardous Waste:** Any material, solid waste, chemical or substance determined to be hazardous by state or federal regulations or may be potentially hazardous to any person, to property, or to the environment.

- G. Institutional Solid Waste: All solid waste which results from the operation of an institution such as a City-or County-owned and operated educational facility or other facility deemed to be a qualifying institution by the City of Ashford City Council. Institutional solid waste does not include tree limbs, shrubbery, grass trimmings, leaves, pine straw, or other refuse resulting from property maintenance.
- H. Occupant: The person in actual possession of the property, premises, building or dwelling unit, whether or not the owner.
- I. Owner: The legal or equitable owner of record who has a right to participate in controlling the property, premises, building or dwelling unit, whether or not the occupant.
- J. Person: Any individual, firm, association, partnership or corporation.
- K. Residential Building: Any building, or part of a building, that contains one (1) or more dwelling units, but excluding a building containing five (5) or more dwelling units.
- L. Residential Solid Waste: All household solid waste originating from a dwelling unit within the City service area and generated by the occupant. For the purposes of this ordinance, residential solid waste shall exclude solid waste generated from a building containing five (5) or more rental dwelling units. Residential solid waste does not include tree limbs, shrubbery, grass trimmings, leaves, pine straw, or other refuse resulting from property maintenance.
- M. Solid Waste: All solid and semisolid wastes, including garbage, litter, trash, refuse and rubbish as not defined by another defined item. Solid Waste shall not include those items described as "Bulky Waste" herein.
- N. Yard Waste: Vegetative matter resulting from landscaping and garden maintenance including, but not limited to, leaves, grass clippings, branches, brush, shrubbery, trees and flowers.

Section 2 - Administration and Enforcement

Enforcement of the provisions of this ordinance shall be under the jurisdiction of the City. A representative of the Utility Department shall have the authority to make inspections, determine violations, and take action to enforce the provisions of this ordinance.

Section 3 - Unlawful Disposal and Management of Solid Waste

- A. It shall be unlawful for any person to leave, place, throw or deposit, or cause or permit any other person to leave, place, throw or deposit, in or upon any street, alley, sidewalk, public place, public property, or private property within the City limits, solid waste of any kind.
- B. It shall be unlawful for any person to leave, place, throw or deposit within the City limits, or cause or permit any other person to leave, place, throw or deposit within the City limits, solid waste of any kind for the purpose of collection and disposal by the City when the solid waste is generated at a location outside the City limits or from a location where the City does provide solid waste collection

services.

- C. It shall be unlawful for any person to bury solid waste within the City limits.
- D. It shall be unlawful for any person to allow an accumulation of solid waste which creates a fire, health or safety hazard, or harborage for rodents or insects.
- E. No person shall deposit in a solid waste container, or otherwise set out for solid waste collection and disposal by the City, or its authorized representative, any yard waste consisting of leaves, trees, or hazardous waste.
- F. Construction debris such as scrap lumber, plaster, roofing materials, concrete, brick, paint cans, dirt, rocks or similar materials resulting from the construction, renovation, repair or demolition of any building or structure on private property, will not be collected by the City of Ashford. The contractor and/or property owner is responsible for removal and proper disposal of such debris.
- G. No batteries, electronics, propane tanks, tires and/or tire casings or portions thereof will be picked up by the City of Ashford. These are to be disposed of by the owner adhering to health and environmental regulations.
- H. It shall be unlawful for any person to sweep, throw, blow or otherwise deposit or cause to be swept, thrown, blown or otherwise deposited any garbage, trash, yard debris or other refuse (including leaves) into or on any public street, alley, sidewalk, park or on property in the possession of another person within the corporate limits of the City of Ashford and/or to permit any garbage, trash or other refuse 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.
- I. It shall be unlawful for any person to sweep, throw, blow or otherwise deposit or cause to be swept, thrown, blown, or otherwise deposited any garbage, trash, yard debris or other refuse (including leaves) into or on any canal, stream, public water drain, sewer or receiving basin within the corporate limits of the City of Ashford any garbage, trash or other refuse 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.
- J. It shall be unlawful within the corporate limits of the City of Ashford for any person to remove any garbage, trash or other like materials from any garbage can or other container after it has been placed therein except under the orders or direction of an officer, agent or employee of the City of Ashford or by some other person authorized to remove the same for disposal.
- K. It shall be unlawful to place in any garbage container or trash/debris piles, any acids or other dangerous liquids or substances which could cause injury to employees of the City of Ashford engaged in removing such refuse. Leaking and defective garbage cans with sharp or ragged edges posing a risk of injury to employees of the City of Ashford engaged

in removing such refuse will not be serviced.

- L. It shall be the property owner's sole responsibility to properly and humanely dispose of the remains of any dead animal on the property owner's premises. In no event shall any person having a dead animal on the premises occupied by or under control of said person allow it to remain indisposed of for a period in excess of twelve (12) hours.
- M. It shall be unlawful for any person to dump, or cause to be dumped, any garbage, trash, yard debris or other refuse upon a property within the corporate limits of the City of Ashford.
- N. It shall be unlawful for a person to transport, haul or carry garbage, trash, yard debris or other refuse through the streets, alleys, or public places within the corporate limits of the City of Ashford without having the vehicle or container in which the same is to be carried or hauled adequately secured and covered in a manner approved by the City of Ashford.

Section 4 - Duty of Occupant

- A. The occupant of any premises within the City, whether business, commercial, industrial, institutional or residential premises, shall maintain the premises in a clean, orderly, safe and sanitary condition, free from any accumulation of solid waste which creates a fire, health or safety hazard, or harborage for rodents or insects.
- B. The occupant of any premises within the City shall ensure that all solid waste is stored on the premises in containers provided by the City or the City's agent.
- C. The occupant of any premises within the City shall cover and/or secure all solid waste containers, keeping the storage area and area surrounding any containers in a clean, orderly and sanitary manner and preventing the waste from being scattered by animals, wind or other means. In the event that any solid waste is spilled or otherwise scattered, the occupant shall be responsible for clean-up of the area.
- D. The occupant of any premises within the City shall not store any solid waste, including bulky waste, outside for more than seven (7) days.

Section 5 - Duty of Owner

- A. The owner of any premises shall not allow the accumulation of solid waste on the premises to such an extent that the solid waste creates a fire, health or safety hazard, or harborage for rodents or insects.

Section 6 - Collection and Disposal of Solid Waste

- A. Commercial Solid Waste Collection and Disposal: The City, or its authorized representative, shall provide commercial solid waste collection and disposal services from eligible institutional, commercial, and/or industrial buildings for waste generated from the location. The City, or its authorized representative, is not required to collect any commercial solid waste that does not comply with the requirements of this ordinance.

1. The commercial entity shall select the appropriate collection schedule based upon the waste stream mass and characteristics generated by the entity. The City shall make available collection schedules to facilitate the needs of commercial entities and may, from time to time, modify offerings to meet these needs. Collection frequency for commercial businesses shall be based upon the needs of the commercial entity and in line with those schedules made available by the City.
- B. Residential Solid Waste Collection and Disposal. The City, or its authorized representative, shall provide residential solid waste collection and disposal services from eligible residential buildings. The City, or its authorized representative, is not required to collect any residential solid waste that does not comply with the requirements of this ordinance.
1. Residential solid waste will be collected once per week on a predetermined day of the week.
 2. The occupant shall place all residential solid waste at the designated location for collection and disposal by the City, or its authorized representative, no later than 6:00 a.m., local time, on the day of collection. The occupant shall retrieve all solid waste containers from any street side collection site and return the containers to the storage area by 10:00 p.m. on the day of collection.
 3. If solid waste is not placed for collection within the guidelines of this Ordinance on the scheduled collection day, that solid waste will not be collected until the next scheduled collection day on the following week.
 4. The occupant shall place all residential solid waste for collection by the City, or its authorized representative, within five feet (5') of the edge of the traveled portion of the alley if an alley is available, or if there is no alley, within five feet (5') of the edge of the street, or at such other place as approved or designated by the City.
- C. The City of Ashford may observe a number of holidays throughout the calendar year. Holidays will be published on the City's website as well as posted at City Hall.

Collection dates which fall upon these holidays will be rescheduled in advance of the holiday and alternate collection schedules made public.

- D. If the Utility Superintendent determined that a non-City maintained street could incur damage by garbage trucks or could present conditions making the operation of the garbage trucks hazardous, an alternate pickup location will be assigned for the pertinent residences and/or commercial entities.

Section 7 - Containers Required

- A. Commercial/Industrial/Institutional Solid Waste

1. The occupant responsible for the condition of property used as any business enterprise and generating commercial solid waste shall have and use solid waste containers of a number and size sufficient to contain all solid waste generated from the location. The owner of a building containing five (5) or more rental dwelling units shall supply the building with containers of sufficient number and size to contain all waste generated from the location.
2. The commercial entity shall select the appropriate collection container from those made available by the City based upon the waste stream mass and characteristics generated by the entity. The City shall make available solid waste containment and disposal containers to facilitate the needs of commercial entities and may, from time to time, modify offerings to meet these needs.
3. The commercial entity shall consult with the City regarding the proper placement of any and all solid waste receptacles.
4. All containers shall be maintained in a clean and sanitary condition, and in good repair.
5. The use of any non-City provided container must be promptly removed and replaced by a proper container upon receipt of notice to that effect from the City.

B. Residential Solid Waste

1. The occupant of a property shall have and use:
 - a. Solid waste containers shall be as provided by the City or its authorized representative and will, in general, consist of 95-gallon rolling collection carts.
2. All containers shall be maintained in a clean and sanitary condition, and in good repair.
3. The City of Ashford is not responsible for empty containers.

- C. Use of unapproved containers, such as wooden containers, screen/wire containers or 35-gallon drums for the storage and collection of solid waste are prohibited. The owner or occupant shall remove and replace such unapproved containers upon the condition of the container becoming deteriorated.

Section 8 - Solid Waste Fees

- A. All persons or entities desiring garbage collection and disposal service from the City of Ashford shall make application therefore to the Water Clerk; specifying the service required, paying in advance the prescribed fee, and agreeing to pay when due the proper charge foresaid until the City of Ashford has been notified to discontinue service. The application for service shall be in such form as may be prescribed by the Water Clerk.
- B. The Ashford City Council shall have authority to adjust and raise the solid waste collection rates outlined in this Ordinance at any time

deemed to be in the best interest of the City by resolution of the City Council with the specific amounts stated herein above being only the minimum amounts that must be charged for the said services of the City.

- C. Solid waste fees for residential, commercial, and institutional collection services shall be as reflected in this ordinance.
- D. Commercial solid waste fees will be based upon the commercial entity's selected container and desired collection schedule.
- E. The Ashford City Council shall have authority to adjust and raise the solid waste collection rates outlined in this Ordinance at any time deemed to be in the best interest of the City by resolution of the City Council with the specific amounts stated herein above being only the minimum amounts that must be charged for the said services of the City.
- F. All bills for service hereunder shall be due and payable in advance, monthly; and provided, further, that at the beginning of service, a person desiring such services shall pay a pro-rated fee for the month in which service is begun.
- G. All payments for garbage collection, hauling and disposal service are made to the Water Clerk of the City of Ashford, or such assistants he/she may designate for this purpose.
- H. No garbage collection, hauling and disposal service shall be rendered by the City of Ashford to any person whose account for said service is delinquent.
- I. Solid waste rates shall be as outlined herein and as presented in the following:

- 1) Residential solid waste collection fees shall be as noted in Table 1.

Table 1
Residential Solid Waste Collection Fees

ID	Monthly Fee	Collection Frequency	Container
RES.1	\$25.00 per residence	1 x week	City-provided 95-gallon cart
RES.2	\$11.00 per residence for each additional 95-gallon cart after first (i.e., RES.1)	1 x week	City-provided 95-gallon cart

- 2) Commercial solid waste collection fees shall be as noted in Table 2. Additional collection schedules and containers may be determined and fees developed based upon individual commercial entity needs.

Table 2
Commercial Solid Waste Collection Fees

ID	Monthly Fee	Collection Frequency	Container
COM.2-1	\$50.00 per entity	1 x week	City-provided 2-cubic yard dumpster
COM.4-1	\$70.00 per entity	1 x week	City-provided 4-cubic yard dumpster
COM.6-1	\$80.00 per entity	1 x week	City-provided 6-cubic yard dumpster
COM.6-2	\$150.00 per entity	2 x week	City-provided 6-cubic yard dumpster
COM.8-1	\$95.00 per entity	1 x week	City-provided 8-cubic yard dumpster
COM.8-2	\$180.00 per entity	2 x week	City-provided 8-cubic yard dumpster
COM.2-2	\$90.00 per entity	2 x week	City-provided 2-cubic yard dumpster
COM.4-2	\$130.00 per entity	2 x week	City-provided 4-cubic yard dumpster
COM.6-2	\$155.00 per entity	2 x week	City-provided 6-cubic yard dumpster
COM.8-2	\$180.00 per entity	2 x week	City-provided 8-cubic yard dumpster
COM.2-3	\$135.00 per entity	3 x week	City-provided 2-cubic yard dumpster
COM.4-3	\$200.00 per entity	3 x week	City-provided 4-cubic yard dumpster

COM.6-3	\$225.00 per entity	3 x week	City-provided 6-cubic yard dumpster
COM.8-3	\$265.00 per entity	3 x week	City-provided 8-cubic yard dumpster
COM95-1	\$30.00 per entity	1 x week	(1) City-provided 95-gallon cart
COM95-2	\$60.00 per entity	2 x week	(1) City-provided 95-gallon cart
COM95-5	\$145.00 per entity	5 x week	(1) City-provided 95-gallon cart

3) Institutional solid waste collection fees shall be as noted in Table 3.

Table 3
Institutional Solid Waste Collection Fees

ID	Monthly Fee	Collection Frequency	Container
INS.1	\$335.00 per entity	2 x week	(3) City-provided 8-cubic yard dumpster

4) Bulky waste collection fees shall be as noted in Table 4. The unit charge shall be based on the most appropriate line item as noted in Table 4 and as determined by the Utilities Superintendent. A written estimate of bulky waste fees may be requested to be provided prior to any pickup. Items that we do not accept include but not limited to tires, electronics (TV's, radios, computers, etc.), food products, chemicals, paints that are not dried, fluorescent light bulbs, phone poles or railroad ties.

Table 4
Bulky Waste Collection Fees

ID	Unit Charge
BUL.1	\$.00 per item
BUL.2	\$25.00 per half truck load
BUL.3	\$50.00 per full truck load

5) Yard waste collection fee shall be as noted in Table 5. The unit charge shall be based on the most appropriate line item as noted in Table 5 and as determined by the Utilities Superintendent of the City of Ashford. A written rate of the yard waste fees may be requested to be provided prior to any pick-up. Price is based on the capacity of the City of Ashford leaf and limb trucks. Limbs should be cut no longer than 4 feet. The placing of any trash, refuse, bulk items, etc., in public streets, gutters, or over storm drains is prohibited. Any trees, tree trunks, tree tops, tree limbs, stumps or any other tree part thereof resulting from cutting or any other work performed by contractors or any other person for economic gain, whether such gain is in the form of cash

or barter, shall be removed by the owner, occupant or producer. There is a two-week (14 calendar days) time frame to have all storm related yard waste ready for pick up following the storm.

Table 5
Yard Waste Collection Fees

ID	Unit Charge
Yard.1	\$.00 per item
Yard.2	\$25.00 per half truck load
Yard.3	\$50.00 per full truck load

Section 9 - Notice

- A. Upon discovery of a violation of this ordinance, the person or persons in violation shall be given written notice describing the violation, and if the City is seeking abatement of the violation, the City shall give the violator three (3) days from the service of the notice to abate the violation.

- B. The notice shall contain the following information:
 - 1. Date;
 - 2. Name of the person(s) to whom the notice is given, however, if the name of the occupant cannot reasonably be determined, it will be deemed sufficient for the notice to be given to "Occupant";
 - 3. Address and/or parcel number of the real property that is subject to the notice;
 - 4. Nature of violation and the action required, including the period of time in which the action is required to be accomplished measured from the time the notice is given;

****Addendum: Page 9,4) Table 4 - 07-01-2019****

- 5. Statement indicating the opportunity for a hearing or the date of any court appearance required;
 - 6. If the City is seeking abatement of the violation, a statement indicating that the notice becomes final three (3) days after the notice is given if a hearing is not requested in writing and delivered to the City before the end of the three (3) day period;
 - 7. Statement briefly indicating what action can be taken by the City if the notice is not complied with; and
 - 8. Name, address and telephone number of the enforcement authority.
- C. Service of this notice is deemed sufficient if given by one of the

following:

1. Sending a copy by registered or certified mail, return receipt requested, to the person(s) to be notified; or
 2. Delivering a copy personally to the person(s) to be notified; or
 3. Leaving a copy at the residence of the person(s) to be notified.
- D. It shall be the responsibility of the occupant to abate the existing violation after receipt of a notice. If the notice is not complied with, the City may take appropriate action to abate the violation, and cost thereof shall be assessed, or the City may elect to notify the owner of the premises of the violation and order the owner to abate the violation. The owner shall be entitled to the same notice and period of time to abate the violation that was originally given to the occupant. If the owner does not then abate the violation, the City may take appropriate action to abate the violation and assess the costs of the abatement to either the occupant or the owner.
- E. Enforcement of this ordinance against any owner of record shall not in any manner diminish the ability of the City to enforce the ordinance against an occupant of the real property, and the enforcement of this ordinance against any occupant shall not in any manner diminish the ability of the City to enforce the ordinance against an owner of record of the real property.
- F. This ordinance shall not prohibit a landlord from including a provision in a lease agreement to collect any enforcement costs imposed by the City against the landlord due to the actions or inactions of a tenant.

Section 10 - Hearing

- A. In the event that a person receiving a notice seeking abatement of a violation does not believe that he or she is in violation of this ordinance, the person may request a hearing before the Ashford City Council.
- B. The request for a hearing before the Ashford City Council must be in writing and delivered to the Utility Superintendent's Office within three (3) days after the date the notice is given.
- C. A hearing will be scheduled to be held within ten (10) days of receipt of the written request.
- D. At the hearing, the person will be given the opportunity to appear, with or without counsel, to present such evidence to the Ashford City Council that reasonably relates to whether the presence of the solid waste on the real property is in violation of this ordinance. Each person appearing will also be given the opportunity to cross-examine any opposing witnesses and present evidence and arguments.

Section 11 - Abatement of Violation by the City; Collection of Costs

- A. The City may take action to abate the violation from real property if any person who has been provided written notice fails, neglects or

refuses to comply with the notice; and has not requested a hearing, or, if a hearing was requested, the Ashford City Council affirmed the notice; and the notice is not being reviewed by the Court system. The City may abate the violation by contract with a contractor or with City personnel and equipment.

- B. The owner and occupant of the real property shall be jointly and severally responsible for the City's cost for the abatement of the violation under this ordinance. The costs for abatement shall be fifty dollars (\$50.00) or the actual costs of the work performed by a City department or contractor, whichever is greater.
- C. The City Utility Superintendent shall send a bill to the person violating this ordinance for the City's cost for abatement of the violation. Payment shall be due fifteen (15) days after the billing date.
- D. If the bill is not paid within forty-five (45) days of the due date, the City may file a civil action in a court of competent jurisdiction in Houston County against the violator to collect the costs for the abatement of the violation, including reasonable attorney's fees.

Section 12 - Penalty

Any person who violates a provision of this ordinance may be subject to a fine in an amount not more than five hundred dollars (\$500.00) for each offense. If the violation is of a continuing nature, each day of failure to comply with the provisions of this ordinance shall constitute a separate offense. A complaint for violation seeking imposition of a fine may be filed with any court of competent jurisdiction in Houston County.

Section 13 - Other Ordinances:

All other ordinances and parts of ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 14 - Severability:

If any provision, clause, sentence, or portion of this ordinance is held invalid by a court of law, such invalidity shall not affect other provisions of the ordinance which can be given effect without the invalid provisions.

Section 15 - Existing Commercial Contracts:

Commercial entities within the City of Ashford with existing contracts for solid waste services through a qualified, registered solid waste hauling firm may continue any contract that is in place and in good standing as of the effective date of this ordinance. After the effective date of this ordinance, contract extensions, renewals and new contracts will not be allowed following the elapsing of these in-place contracts and all commercial entities must conform to this ordinance. Services being conducted without contracts in place must be discontinued as of the effective date of the ordinance.

Section 16 - Effective Date:

This ordinance shall be in full force and effect from and after its passage, approval and publication according to the laws of the State of Alabama.

ADOPTED AND APPROVED this 2nd day of February 2026.

Approved:

Mayor Blake Rosenkoetter

Attest:

Mayor Pro Tem Gary Gibson

Janet Rumley
City Clerk

Councilmember Joel Waller

Councilmember Josh Johnson

Councilmember Brian McCraney

Councilmember James Smith