

ORDINANCE NO. 2026 – 15
TO UPDATE CHAPTER 46 SOLID WASTE IN THE MUNICIPAL CODE OF ORDINANCES
FOR THE CITY OF CULLMAN, ALABAMA

SECTION I. PURPOSE. The purpose of this Ordinance is to update sections in Chapter 46 Solid Waste.

SECTION II. The following section of the City of Cullman Solid Ordinance, Chapter 46, "Solid Waste," Section 46-2, "Definitions," of the *Code of Ordinances City of Cullman, Alabama*, is deleted in its entirety and replaced with the following:

Sec. 46-2. - 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:

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, including wastes from markets, storage facilities, handling and sale of produce and other food products, and the wrappings and containers thereof; excepting such materials that may be serviced by garbage grinders and handled as household sewage, and excepting sewage and livestock and poultry waste.

Garbage and trash containers mean watertight containers which hold not less than sixty-five (65) gallons nor more than ninety-six (96) gallons, with tightfitting lids or tops, not to be fastened in such a manner that the containers may not be easily emptied, and with two handles. Garbage shall be placed in plastic bags and is required in all containers.

Landfill means the place designated by the city for dumping and disposing of garbage and trash.

Rubbish means nonputrescible solid wastes, consisting of both combustible and noncombustible wastes, except such wastes as are included within the term "garbage."

(1) The term "combustible rubbish" includes:

- a) Paper;
- b) Rags;
- c) Cartons;
- d) Wood;
- e) Furniture;
- f) Rubber;
- g) Plastics;
- h) Yard trimmings;
- i) Leaves;
- j) Similar materials; and
- k) Construction and demolition debris.

(2) The term "noncombustible rubbish" includes:

- a) Glass;
- b) Crockery;
- c) Metal cans;
- d) Metal furniture; and
- e) Like materials which will not burn at ordinary incinerator temperatures, not less than 1,600 degrees Fahrenheit (excluding hazardous waste and ashes).

Sanitation department means the city sanitation department and includes all officers and employees engaged in solid waste pickup for the city.

Solid wastes means all putrescible and nonputrescible discarded materials, except household sewage and livestock and poultry wastes including, but not limited to:

- (1) Garbage;
- (2) Rubbish;
- (3) Ashes;
- (4) Street and highway cleanings;
- (5) Abandoned vehicles; and
- (6) Such industrial wastes as are not controlled by other departments or agencies.

Trash includes garbage and rubbish.

SECTION III. The following section of the City of Cullman Solid Ordinance, Chapter 46, "Solid Waste," Section 46-23, "Proper rubbish placement; fee for additional removal," of the *Code of Ordinances City of Cullman, Alabama*, is deleted in its entirety and replaced with the following:

Sec. 46-23. - Proper rubbish placement; fee for additional removal.

Rubbish, which shall include trash (other than garbage), limbs, brush, and leaves, shall be placed within five (5) feet of the curblin or in an accessible place approved by the sanitation division. All such waste shall be placed in an orderly, neat manner adjacent to that portion of the street right-of-way, and as nearly as practicable to the property line of the parcel of property in question where said line intersects the right-of-way line of the public street or roadway, but not in the street, ditches or gutters for removal by the city without additional charge. However, not more than three (3) cubic yards per cycle shall be moved without charge in any one month. Amounts over three cubic yards per cycle will be subject to a fee as provided in the city fee schedule.

SECTION IV. The following section of the City of Cullman Solid Ordinance, Chapter 46, "Solid Waste," Section 46-25, "Preparation and collection rules," of the *Code of Ordinances City of Cullman, Alabama*, is deleted in its entirety and replaced with the following:

Sec. 46-25. Preparation and collection rules.

- a) All garbage, before deposit in the container as provided in this article, shall be drained free of water and bagged in such manner as to prevent moisture, as nearly as possible, from such garbage from coming in contact with the sides or bottom of the container.
- b) It shall be the duty of every person in possession, charge or control of any premises where paper cartons, shipping cases, cardboard, newspapers, or other like combustible material accumulates as wastes for disposal, to bundle and securely tie the bundle, and place such material in a location accessible for collection.
- c) Scrap lumber, plaster, roofing, brick, sawdust and other building debris will be picked up by the city through roll-off services for fees established by the city council.
- d) Rocks and dirt will not be picked up by the city.
- e) Tree limbs shall not exceed six feet in length or seventy-five (75) pounds in weight. Tree stumps shall not exceed two hundred and fifty (250) pounds in weight.
- f) Leaves and grass clippings shall be separated from all other material and placed along the curblin or street line, where they can be collected by the sanitation department.
- g) Fireplace ashes must be separated and cooled properly before placing for collection.
- h) Cat litter must be bagged before placing for collection.
- i) Needles, knives, broken glass, or other sharp objects shall be placed in a sealed hard plastic container before placing in a receptacle.

SECTION V. The following section of the City of Cullman Solid Ordinance, Chapter 46, "Solid Waste," Section 46-56, "Residential," of the *Code of Ordinances City of Cullman, Alabama*, is deleted in its entirety and replaced with the following:

Sec. 46-56. Residential.

Each householder in the city shall utilize the trash containers supplied by the City to dispose of garbage and trash to be taken up from time to time by the city. Such containers shall be kept on the premises of the householder at a place that will be accessible to the sanitation employees. Such householder(s) shall place in containers all garbage and trash, except as otherwise provided in this article, from the residence and premises connected therewith so that the same may be taken up by the city. All containers should be placed within three (3) feet of the curblin but not in the street.

SECTION VI. The following section of the City of Cullman Solid Ordinance, Chapter 46, "Solid Waste," Section 46-57, "Commercial," of the *Code of Ordinances City of Cullman, Alabama*, is deleted in its entirety and replaced with the following:

Sec. 46-57. Commercial.

The owner, operator or manager of each store, hotel, boardinghouse or rooming house or any other place of business shall provide garbage and trash containers, except as otherwise provided in this article, arising from the operation of such store, hotel, rooming house or boardinghouse or other place of business, and shall place in such containers that are supplied by the City for the garbage and trash, except as otherwise provided in this article, arising from the premises, so that the same may be taken up and carried away by the city.

SECTION VII. The following section of the City of Cullman Solid Ordinance, Chapter 46, "Solid Waste," Section 46-81, "Violations; procedure," of the *Code of Ordinances City of Cullman, Alabama*, is deleted in its entirety and replaced with the following:

Sec. 46-81. Violations; procedure.

- a) Upon discovery of a violation of this section, the designated city official shall cause to be served upon the violator and, if the violator is not the owner or occupant of the property, upon the owner and the occupant, a notice of violation. The notice shall include a description of the violation and an order to remove the violation in not less than seven days from the date of the notice.
- b) The notice provided for in this section shall be given by either personal delivery, U.S. mail or electronic mail and also by posting a copy of the notice on the container found to be in violation of this article.
- c) If the container found to be in violation of this article is not removed within two (2) business days from the date of the notice of violation and order to remove, the container shall be deemed to be a public nuisance and shall be removed by the designated city official and stored at an appropriate facility.
- d) The container owner, the property owner, and the property occupant shall be jointly and severally liable for costs of removal and storage of the container. The costs of abatement, including removal and storage costs, shall be enforceable and collectible by the city in the same manner as other nuisance abatement costs.
- e) The penalties and costs provided in this section shall be in addition to all applicable penalties for violation of this article as provided in section 1-19.
- f) Containers impounded pursuant to this section may be disposed of by the city in the same manner as provided for confiscated and abandoned property.

SECTION VIII. SEVERABILITY CLAUSE. Each and every provision of this Ordinance is hereby declared to be an independent provision and that holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provision which might have been held invalid. This Ordinance repeals any prior Ordinance in conflict therewith.

SECTION IX. EFFECTIVE DATE. This ordinance shall be effective following its passage, approval and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 15th day of December, 2025.

President of the City Council

ATTEST:

City Clerk

APPROVED BY THE MAYOR this the 15th day of December, 2025.

Mayor