STATE OF ALABAMA)
COUNTY OF BALDWIN)

RESOLUTION #2017-020
OF THE
BALDWIN COUNTY COMMISSION

WHEREAS, THE BALDWIN COUNTY COMMISSION IS COMMITTED TO PROTECTING THE HEALTH, WELFARE, AND PUBLIC SAFETY OF THE BALDWIN COUNTY CITIZENS, AND THE BALDWIN COUNTY COMMISSION HAS ADOPTED THESE REGULATIONS TO REQUIRE ALL RESIDENCES IN THE UNINCORPORATED AREAS OF THE COUNTY TO PARTICIPATE IN A PROGRAM OF SOLID WASTE COLLECTION AND TO REGULATE THE OPERATION OF THAT PROGRAM.

BALDWIN COUNTY SOLID WASTE REGULATIONS

SECTION 1 – DEFINITIONS

1. "Approved Residential Collection Service" means a residential solid waste collection service operated by Baldwin County or an entity granted a collection service franchise by the Baldwin County Commission.

2. "Bulky Waste" means furniture, appliances, mattresses, carpet, and auto tires.

3. "Clean Debris" means any waste which is virtually inert and which is not a pollution threat to ground water or surface waters and is not a fire hazard, and which is likely to retain its physical and chemical structure under expected conditions of disposal and use, including uncontaminated concrete with embedded pipe or steel, brick, glass, ceramics, and other wastes designated by the Department.

4. "Business" means all commercial establishments, including, but not limited to, motels, hotels, apartments, trailer parks, stores, office buildings, restaurants, service stations and garages, laundries and cleaning establishments, industrial establishments, and all other places not classified as residential that produce or accumulate Solid Waste, including adjacent unimproved property.

5. "Commission" means the County Commission of Baldwin County, Alabama.

6. "Construction and Demolition Waste" means materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt, roofing material, pipe, gypsum wallboard, and lumber, from a construction or demolition project and including rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing.

Mixing of Construction and Demolition Debris with other types of Solid Waste, including material from a construction or demolition site which is not from the actual construction or destruction of a structure, will cause it to be classified as other than Construction and Demolition Debris.

7. "Container" means an enclosed container usually constructed of metal with a close fitting cover or doors with a capacity in excess of one (1) cubic yard, approved by the County Health Department, which is used to store large volumes of Solid Waste for collection. An approved container must be serviced by mechanical equipment.

8. "Container Service Franchise" means a licensed waste hauling Service Company that provides approved waste containers and the related waste hauling service and has been granted a franchise by the County Commission to serve customers in Baldwin County.

9. "Department" means the Baldwin County Solid Waste Department.

10. "Designated Disposal Facility" means the Magnolia Landfill located in the County, or any other Solid Waste Facility or Solid Waste Management Facility so designated by the Baldwin County Commission in writing.

11. "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food, including, but not limited to, waste from markets, storage facilities, handling and sale of produce and other food products and excepting such materials that may be serviced by garbage grinders and handled as household sewage, trimmings and other discarded matter from meat or produce, including packaging materials and containers and other refuse as defined by rules of the Department (see "Putrescible Waste").

12. "Four or More Accounts" mean residential units such as: condominiums, apartments, mobile homes, and RV parks.

13. "Garbage Can" means a closed container for storage of residential waste and rubbish which meets the requirements of the Baldwin County Solid Waste Regulations as stated in its Policy Manual and includes wheeled containers provided to customers for storage and collection of residential solid waste by the county. See ADPH Admin. Code 420-3-5-.10 Solid Waste Storage. Baldwin County Solid Waste is not responsible for damage to personal cans or carts.

14. "Hazardous Waste" means a Solid Waste, or combination of Solid Wastes, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

15. "Owner" means Person or Persons or Entity or Entities, according to the records of Baldwin County Revenue Commissioner and/or the records in the Office of the Judge of Probate of Baldwin County, Alabama, owning an occupied property which generates Solid Waste. Such person or persons or entity or entities shall be responsible for enrolling an occupied property in the County's solid waste disposal program with an Approved Collection Service and shall be jointly and severally responsible for payment of all solid waste fees incurred by residents or occupants of the Owner's property.

16. "Policy Manual" means the applicable sections of the Baldwin County Policies and Procedures Manual as amended from time to time.

17. "Putrescible Waste" means food waste or garbage that will rot or decay producing foul odors or attract vermin. Putrescible waste includes containers that are contaminated by such waste.

18. "Qualifying Non-Residential Customer" means small businesses, nonprofit organizations, and government agencies whose weekly waste generation is less than three 35-gallon garbage cans.

19. "Recyclable Material" means those materials which are suitable for recycling, which have undergone source separation, and which would otherwise be disposed of as Solid Waste.

20. "Residential Unit" means a dwelling within the unincorporated areas of the County occupied by a person or group of persons comprising not more than four families. A condominium dwelling consisting of four or less contiguous or separate single-family dwelling units, shall be treated as a Residential Unit, except that each single-family dwelling within any such Residential Unit shall be billed separately as a Residential Unit.

21. "Residential Waste" means Garbage, Rubbish, and Recyclable Materials resulting from the normal housekeeping activities of a Residential Unit.

22. "Rubbish" means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste. Combustible waste includes paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves and similar materials. Noncombustible waste includes glass, crockery, metals, cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures, not less than 1600 degrees F.

23. "Solid Waste" means all putrescible and nonputrescible discarded materials, except household sewage and livestock and poultry wastes, including, but not limited to, garbage, rubbish, scrap tires, offal, abandoned automobiles and such industrial wastes as are not controlled by other agencies. For the purposes of these regulations, all material declared by the Customer's word or deemed to be destined for final disposal or requiring alteration or modification before reuse, is deemed to be Solid Waste until otherwise declared by the Department.

24. "Special Services" means any Solid Waste collection and/or disposal services which require services beyond the minimum requirements of a waste collection agreement.

25. "Special Wastes" means Solid Waste that requires special handling and management, including, but not limited to, whole tires, used oil, lead acid batteries, and Biological Wastes.

26. "Vector" means an organism that is capable of carrying or transmitting a human pathogen, or human disease-causing agent, from one host to another.

27. "Vermin" means any of small various animals or insects that are destructive, annoying or injurious to health, including, but not limited to, flies, cockroaches, rats, foxes and weasels.

28. "White Goods" means refrigerators, ranges, water heaters, freezers, and other large appliances.

29. "Yard Waste" means material resulting from landscape maintenance, including, but not limited to, grass clippings, leaves, twigs, etc., and material resulting from land-clearing operations.

SECTION 2 – MANDATORY PARTICIPATION

1. Every Owner, person, household, business, industry or property, including but not limited to, every property with an E911 address, shall subscribe to an approved collection service unless granted a certificate of exception.

(A) Residential units shall subscribe to an approved residential collection service.

(B) Qualifying non-residential customers may subscribe to an approved residential collection service or to a franchised container service.

(C) Owners of "four or more account" properties shall subscribe to an approved collection service and follow Baldwin County Commission Policy #7.2 as outlined in the Baldwin County Commission Policy and Procedures Manual.

(D) All other waste generators must subscribe to a franchised container service.

(E) Only approved collection services may provide residential garbage collection service in the unincorporated areas of Baldwin County.

(F) All occupied residences must subscribe to an approved collection service unless granted a certificate of exception. The fact that any Residential Unit is occupied shall be prima facie evidence that Solid Waste is being produced and accumulated upon the premises thereof.

(G) Certificate of Exception, (Haul-Your-Own Certificate).

No owner, resident or household shall transport their own solid waste for handling or disposal until such household has made application for and received a Certificate of Exception from the Baldwin County Commission. The Baldwin County Health Department may issue the exception for households, but may not issue the exception for businesses or industries as are enumerated in Ala. Code Section 22-27-3 (1975), as amended. The applicant shall meet the following criteria:

1. The application shall be made on forms provided by the Baldwin County Health Department.
   a. The application shall be accompanied by a written plan for the transportation of the household's solid waste, including, but not limited to, the method and frequency of transportation, the name and location of the facility to be used, and written verification that such facility agrees to accept the applicant's waste.
   b. Solid waste containing garbage shall be transported at least weekly and shall be deposited at a facility approved to receive such waste.
   c. Solid waste shall be stored and transported in a manner that will not create a public nuisance and will prevent the leakage, spilling, or escape of solid, semi-solid, or liquid wastes.
   d. The certificate holder shall promptly retrieve or remove any waste materials that leaked, spilled, or escaped during storage or transportation, and deposit such waste at an approved facility.
   e. The certificate holder shall obtain a receipt for each deposit of solid waste.

2. Said receipts shall be maintained for at least two (2) years from the date of issue and shall be made available to the Local Health Officer upon request.

3. Each receipt for deposit of solid waste shall give the name and location of the facility used and the date of deposit.

4. Certificate of Exception issued by the Baldwin County Health Department approved by the Baldwin County Commission.

A person, household, business, industry, or property owner may store, haul and dispose of their own solid waste on their land or dispose of it in a designated disposal facility, provided they have received a certificate of exemption (Haul-Your-Own Certificate) issued by the County Health Officer. The County Environmental and Community Department will receive and screen applications for the State Health Department. Certificates of exemption must be approved by the Baldwin County Commission before being issued.

To receive a Certificate of Exception, the applicant must prepare a haulage and disposal plan which sets out the proposed method of storing, hauling, and disposing of the solid waste so as to comply with rules and regulations adopted by the State and County and so as not to create a public nuisance of hazard to public health.

(H) Less than Once Per Week Haul-Your-Own

State Health Department rules prohibit holders of a certificate of exemption from storing putrescible waste for more than 7 days. To enforce this rule, certificate holders are expected to make weekly trips to the landfill. Where a household generates a very small quantity of putrescible waste and occupant has secured a waste hauling permit, he may apply to the County for a variance to the once per week disposal requirement. Examples include home compost makers and those who feed waste to domestic animals. Such variances will be considered on a case by case basis after a review of the applicant's haulage and disposal plan and an interview which may include an onsite inspection.

(I) Shared Service

a. Subject to all applicable rules and regulations, exclusion from a full coverage collection program may be renewable annually; however, such exclusion is non-transferable from one person to another. In addition, if the collector discontinues service and is not replaced by another collector who agrees to collect the combined waste, the sharing activity is no longer valid.

b. Persons who request to be excluded from participating in a full coverage collection program due to shared service, shall provide documentation to the Local Health Officer that their activity satisfies the following criteria which define shared service, which shall be used in determining if an activity is shared service:

1. Said person did mutually agree with other person(s) to combine their solid waste for collection, and began such activity at least six months prior to the implementation of the full coverage collection program.
2. All persons under such agreement were located within the same governing body's collection jurisdiction.
3. All persons under such agreement were sharing in the cost of the solid waste collection, pursuant to the agreement between them.
4. Collection of the solid waste was accomplished pursuant to an agreement with an approved collector, in a manner approved by the Local Health Officer.
5. The applicant must provide documentation that the collector was aware, at least six months prior to implementation of the full coverage collection program that the service was being shared, and said collector did agree to collect the combined solid waste for the single price charged.
6. The solid waste being combined was generated on properties which are located adjacent to each other, and do not require the transportation of the solid waste either offsite or to other properties other than those located immediately adjacent to the property on which the waste was generated.

SECTION 3 – GARBAGE CANS AND CONTAINERS

1. All solid waste which is not bundled must be placed in an approved container or garbage can.

2. Commercial Containers will be leak proof. Containers shall be maintained in a clean condition, and the area around the container shall be kept litter free.

3. Approved Garbage can means a rollable plastic container with hinged lids of durable construction suitable for mechanized collection approved by the Solid Waste Officer. Approved Garbage cans shall have tight fitting lids and shall be kept closed when placed for collection. Garbage cans shall be maintained in good condition. Any Garbage can that does not conform with the regulations or that may have ragged or sharp edges, or any other defect liable to hamper or injure the person working with or around the can, must be promptly repaired or replaced upon receipt of notice to that effect.

SECTION 4 – BUNDLED WASTE AND BULKY WASTE

1. Residential waste which does not fit into a Garbage can shall be bundled as outlined in the Baldwin County Commission Policy and Procedures Manual Policy #7.1. Bundles shall be bound securely together so as to avoid disintegration or spillage when lifted or moved.

2. The Department will collect White Goods and Bulky Waste from residential units on a call for service basis as described in the Baldwin County Commission Policy and Procedures Manual Policy #7.1. This service is provided for waste generated from the residential use of the property and does not include waste generated by home businesses.

SECTION 5 – RECYCLING PROGRAM

All waste generators are encouraged to participate in Baldwin County's voluntary recycling program. The County maintains recycling drop-off centers throughout the County for collection of recyclable materials. Future recycling program activities will be implemented in stages across the County.

SECTION 6 – COLLECTION SERVICE AND CONTAINER PLACEMENT

Residential collection service will be provided along all County maintained roads and along all other roads in the unincorporated area which can be safely traveled by a collection vehicle as determined by the County.

1. Garbage cans, bundles, recyclable materials, white goods, waste automobile tires and bulky waste for Residential Waste Collection Service shall be placed at ground level, on the property of the Customer. Materials left for collection shall be placed upon the portion of the public right-of-way fronting along the Customer's property immediately adjacent to the traveled, graded or paved portion thereof, but off the shoulder of the roadway, where it can be easily accessible for inspection and collection.

2. At no time shall any Garbage cans or materials left for collection, be placed on or within the traveled, graded or paved portion of any right-of-way, or on or within any gutters, ditches or sidewalks.

3. Garbage cans for Residential Waste Collection Service shall be placed after 5:00 p.m. of the day before scheduled collection, but in no case shall receptacles remain at the curb later than 8:00 p.m. on the scheduled day of collection.

4. Customers not wishing to place garbage cans or bundles at the designated location shall contract with the county operated service or with an approved collector for collection and disposal of Solid Waste as a Special Service.

5. Any garbage can left for collection which does not comply with the County's rules shall not be emptied by the collector. The collector will cause such garbage cans to be clearly marked specifying the manner they fail to meet the approved standards.

6. The Department is authorized to grant exception to these container placement rules to Customers with residences on roads which cannot be safely traveled by collection vehicles and to grant exceptions to the container placement time rule to customers who cannot reasonably comply.

SECTION 7 – EXCLUDED WASTE

Baldwin County's waste collection system and franchises do not cover construction and demolition debris, liquid waste, hazardous waste, medical waste or other special wastes. Waste generators are responsible for disposing of these wastes in a manner which meets all federal and state requirements.

SECTION 8 – ONLY WASTE GENERATED ON PREMISES COLLECTED

Residential collection service customers shall not place any waste out for collection which was not generated at the residential unit subscribing to the collection services.

SECTION 9 – SERVICE FEES AND CUSTOMERS EXEMPT FROM SERVICE FEES

1. The fee for collection service will be established on an annual basis by the Solid Waste Department and approved by the Commission. Each residential unit will pay a collection fee as outlined in Policy #7.6 in the Baldwin County Commission Policy and Procedure Manual, unless granted a certificate of exemption, or unless exempted from payment by one of the following exceptions. The Owner of a property shall be jointly and severally liable for the fee for collection service for the Owner and any person, household, business or industry generating solid wastes, garbage or ash on the Owner's property.

2. State Social Security Exemption:

   Social Security Exemption – The exemption shall apply only so long as the household's sole source of income is Social Security and shall be requested no later than the first billing date of any year in which the exemption is desired in accordance with the Code of Alabama, 1975, Section 22-27-3(a) (3), as the same may be amended from time to time. Sole source of income may include Social Security, SSI Benefits, VA Benefits or any combination thereof. Proof of income must be SSA- 1099 and prior year 1040 tax return or three (3) months bank statements, unless additional information is required by the Solid Waste Officer or the County Commission or its designee. If any member of the household has any income other than a combination of Social Security, SSI Benefits, and VA Benefits, the entire household is deemed ineligible for the Social Security exemption. Social Security exemptions cannot be granted unless the request for exemption and proof of income is presented to the County no later than the first billing date of the year the exemption is requested. An administrative grace period will be granted until February 28th of each year. Any changes or updates to this exemption can be found in The Baldwin County Commission's Policy and Procedures Manual, Policy #7.6 or the ADPH Administrative Code 420-3-5-.08 Social Security Benefits Exemption.

3. The County Commission allows the following exemptions from full or partial payment of fees associated with garbage collection service:

   (A) Low Income Exemption – The exemption shall apply only so long as the household total income does not exceed 75% of the federal poverty level pursuant to Code of Alabama, 1975, Section 22-27-3(a)(3), as the same may be amended from time to time. The Alabama Legislature approved Act No. 2000-336 which authorized Baldwin County to allow the Baldwin County Commission to grant this exemption. If denied, the Head of

Household can only apply every six (6) months. If approved, the exemption is only good for six (6) months. If it is found that the Head of Household or household members have provided false information, the head of household will be back billed for any provided services and will not be allowed to reapply for the exemption, and the Head of Household or household members may be subject to additional penalties as set forth in applicable laws, rules or regulations.

(B) Local Baldwin County Social Security Interest/Dividend Income Exemption – Any person applying for the Social Security Exemption set forth above but who is disqualified because said person has received interest/dividends income, said person otherwise meeting all other requirements for the Social Security Exemption, shall be entitled to receive the Local Baldwin County Social Security Interest/Dividend Income Exemption, as long as the interest/dividend income received does not exceed $25.00 per year.

(C) Vacancy Exemption. Vacant accounts are properties in which no one resides or no business is being operated or conducted, and the buildings or facilities located on the property are vacant. This could be for a number of reasons which include:

1. The property has been deemed uninhabitable;
2. No one is residing at the residence or no business is operating, and the building or facilities located on the property are vacant;
3. The owner or resident has passed away, and no one is living at the home at the present time; or
4. The property is either up for sale or rent, and no one is currently living there. At the end of the time frame approved in the vacancy exemption, they will either need to fill out another vacancy form, or the account will be billed to property owner.

(D) Seasonally occupied homes may apply for seasonal collection service. The fee for seasonal service will be established annually and stated in the approved Baldwin County Commission Policy and Procedure Manual, Policy #7.6.

(E) Dumpster Exemption. Where the owner of a business has a garbage service dumpster at the business location and the owner's primary residence is immediately adjacent to the Owner's business, the Owner may dispose of household waste in that business' dumpster and be exempted from payment for his residential unit. A copy of the contract must be submitted with their exemption form. Dumpster exemptions must be renewed annually.

(F) Volunteer Fire Departments – Volunteer fire departments are exempt from payment of services provided by the County's Solid Waste Department under Alabama Code Section 40-9-13(a) (1975).

(G) Search and Rescue Units/Squads – Voluntary nonprofit search and rescue units or squads which are operated as a public service for the benefit of the citizens of Baldwin County, and as approved by the Baldwin County Commission in accordance with Section 45-2-142.01 of the Code of Alabama 1975, are exempt from payment of services by the County's Solid Waste

Department.

Residents who qualify for these exemptions will subscribe to the County's residential collection service and then apply to the County's Solid Waste Department for said exemption. Upon approval, the resident shall be removed from the billing list. If the application is disapproved, the collection service will bill the resident for service provided. All exemptions, or Certificates of Exception, must be renewed on an annual basis.

SECTION 10 – OTHER FEES

1. The County will provide roll-out containers as outlined in the approved Baldwin County Commission Policy and Procedure Manual.

2. Special Services will be provided to customers who qualify for a fee in addition to the charge for basic service.

   (A) Handicapped residents in residential units where no one is physically able to bring the household garbage to the curbside will be provided special services at no charge.

3. Neighborhoods which request twice a week collection service will pay an additional fee for additional services.

4. The County Commission will approve charges for other special services requested by customers.

SECTION 11 – MISCELLANEOUS

1. The department will establish and maintain a list of all residential units in the unincorporated area which will serve as the customer billing list for the collection service.

2. Billing will be established as outlined in the Policy and Procedure Manual.

3. The Clerk/Treasurer will establish an enterprise fund separate from the Environmental Enterprise Fund to account for all operations of the Collection Service.

4. Customers are responsible for keeping their dogs confined so that collection personnel can safely empty garbage cans.

SECTION 12 – ENFORCEMENT

County staff will assure that every Owner, household, residence, business, industry, or property generating solid waste, subscribes to an approved collection service or is granted a certificate of exemption. Whenever possible, staff will attempt to make personal contact with property owners and residents to encourage them to subscribe to the service or to get a certificate of exception. Formal enforcement procedures will be used in instances where there has been a failure to subscribe to the service or to receive a certificate of exemption.

1. Failure of an Owner, household, residence, business, industry, or property generating solid waste to subscribe to an approved collection service may result in formal enforcement

procedures. Failure to participate shall constitute, but is not limited to, solid waste being transported and disposed in violation of these regulations and in violation of any in state and federal environmental laws, rules or regulations.

2. County staff will investigate each such violation.

3. SHOW CAUSE HEARING

The Baldwin County Solid Waste Officer will issue a Citation to Appear for a Show Cause Hearing to the "failure to participate" households, owner, resident, person, business, industry or entity. The Citation will be sent by certified mail or served in person to the apparent violator.

The Citation will explain that the purpose of the hearing is to allow the apparent violator to show that they are taking part in the mandatory participation program and that they should not be summoned to court for violating the solid waste disposal law.

The Citation will include a summary of the law and County solid waste regulations which are the subject of the violations.

The Citation will specify the time, place, and date of the hearing.

The hearings will be conducted at a Satellite Courthouse or at the Bay Minette Court House.

The hearing will be conducted by a County Solid Waste Officer appointed by the County Commission.

A second staff member will be present in the room to take notes and assist with the hearing.

The hearing will consist of the following sequence:

The Solid Waste Officer will review the solid waste disposal law, the county mandatory participation program, and information about the apparent violation.

The apparent violator will have an opportunity to show why they should not be considered in violation of the regulations.

If the Solid Waste Officer determines that the apparent violator is not taking part in the mandatory participation program, the Solid Waste Officer will set a deadline for the household, owner, resident, person, business, industry or entity either to subscribe to the collection service or to receive a Certificate of Exception.

The Solid Waste Officer will explain that, if action is not taken to participate in the program by the deadline, the Solid Waste Officer will confer with the District Attorney's office about issuing a summons to court for violation.

4. COURT CASE

If an apparent violator is still not participating in the program after the deadline set at a show cause hearing, the Solid Waste Officer will prepare a case file summarizing known

facts and include all supporting documents.

The Solid Waste Officer will review the case file with the District Attorney's staff, and jointly, they will decide whether the case meets the requirements for prosecution and whether a summons should be issued.

If the decision is made that a case should be taken to Court, the Solid Waste Officer will sign the complaint.

The Clerk of Court will set a court date and issue a summons.

The District Attorney's Office will prosecute the case. The Solid Waste Officer and County staff will provide any assistance requested by the District Attorney.

5. CIVIL ACTION

In addition, the County Commission may authorize the County Attorney to file a civil action for collection of delinquent collection service fee.

6. REPEALER CLAUSE

Resolution #2016-010, adopted at the January 19, 2016, regular meeting is hereby repealed.

7. SEVERABILITY CLAUSE

If any part, section or subdivision of this Resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Resolution, which shall continue in full force and effect notwithstanding such holding.

DONE, under the Seal of the County of Baldwin, at the County Seat in Bay Minette, Alabama, on this the 1st day of November, 2016.

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Commissioner T. Christopher Elliott,
Chairman

ATTEST:

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Ronald J. Cink, County Administrator