

## RESOLUTION

WHEREAS, the State of Alabama Environmental Regulations Subtitle D now mandate that Alabama municipalities and counties implement certain improvements in the management and disposal of solid waste, and

WHEREAS, the Dale County Commission recognizes that the accumulation of garbage poses a serious threat to the public health, and

WHEREAS, the Solid Wastes Disposal Act of Alabama prohibits the uncontrolled and unsupervised dumping of solid wastes, and

WHEREAS, the Dale County Commission is charged by the laws of the State of Alabama, specifically the Solid Wastes Disposal Act, with preventing public health hazards, public nuisances, and the spoilage of the environment which emanate from the accumulation and unmanaged disposal of garbage, refuse and filth, and

WHEREAS, the §22-27-1, et seq., Code of Alabama, 1975, as amended, provides for counties to adopt rules and regulations by resolution to provide for mandatory participation in, subscription to, and payment for the counties' costs of solid waste collection and disposal, and

WHEREAS, the Dale County Commission recognizes that such solid waste collection and disposal services must be in a manner acceptable to the Alabama Department of Public Health and the affected State and County Boards of Health, and

WHEREAS, §22-27-1, et seq., Code of Alabama, 1975, as amended, mandates that the Dale County Commission subscribe to and abide by the regulations of the Alabama Department of Public Health.

THEREFORE, BE IT RESOLVED AND ORDERED by the Dale County Commission (hereinafter COUNTY) as follows:

1. The Dale County Commission, as the governing body of Dale County, Alabama, pursuant to §22-27-1, et seq., Code of Alabama, 1975, as amended, does hereby provide for and establish mandatory public participation in, subscription to, and payment for the Dale County collection and disposal services for solid waste. The County hereby adopts the rules and regulations of the State of Alabama Department of Public Health regarding solid waste collection and disposal as may be amended from time to time and any local rules and regulations of the Dale County Health Department that may be promulgated and adopted from time to time with regard to solid waste collection and disposal in Dale County.

2. Mandatory public participation is hereby defined to require that every person, household, business, industry or property generating solid waste (as defined in the aforementioned statute) shall participate in and subscribe to the Dale County service for the collection and disposal of solid waste and shall pay such collection and disposal fees that may be established by the County for such services except as may be otherwise provided by law as set forth in §22-27-3(g), Code of Alabama, 1975, as amended, (as to

exceptions for participation and subscription) or §22-27-3(a)(2) (as to exceptions for payment).

3. Pursuant to §22-27-3(g), Code of Alabama, 1975, as amended, it shall be the responsibility of the Dale County Health Department, or its designee, to determine who, if anyone, is entitled to an exception to said mandatory participation and it shall be the responsibility of the Dale County Health Department, or its designee, to enforce compliance with the terms of any such exception granted. Any recommendation or statement of intention from the Dale County Health Department concerning the granting of an exception to said mandatory participation in Dale County's service for the collection and disposal of solid waste, as provided by law, shall be deemed approved by the County after 20 days of the receipt of same unless the County objects in writing to the Dale county Health Department within said 20 day period.

4. The County undertakes the responsibility for providing solid waste disposal services to the people of Dale County, Alabama, pursuant to and in compliance with the provisions of the Alabama Solid Waste Disposal Act, codified in §22-27-1, et seq., Code of Alabama, 1975, as amended; however, such solid waste collection and disposal service shall not be provided within the corporate limits of a municipality within Dale County without the express consent of the municipal governing body of such municipality.

5. The County hereby approves the designation of a county official or county employee as "Dale County Solid Waste Officer or Officers" and commissions these officials to exercise and perform the duties delegated to such officials having all the powers and authority of enforcement as provided in §22-27-1, et seq., Code of Alabama, 1975, as amended, and as may be amended from time to time.

6. The collection and disposal of solid waste generated, occurring, or accumulating within Dale County shall be subject to such further reasonable rules and regulations and fees as may, from time to time, be adopted or established by the County.

7. Any person violating any provision of this Resolution or any rule or regulation made pursuant to this Resolution shall be subject to the penalties as set forth in §22-27-7, Code of Alabama, 1975, as amended, any person violating any provision of this Resolution or any rule or regulation made pursuant to this Resolution shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50.00 nor more than \$200.00. If the violation or failure or refusal to obey or comply with the provisions of this Resolution or such rules and regulations made thereto is a continuing one, each day's violation shall constitute a separate offense and shall be punished accordingly. Any person, business or industry obtaining a certificate of exception under §22-27-3(g), Code of Alabama, 1975, as amended, and as amended from time to time, who fails to carry out or comply with the proposals

embodied in the application and plan upon which a certificate of exception was issued to such person, business or industry, shall be guilty of a misdemeanor and shall be punished as set forth in this Paragraph of this Resolution hereinabove. Any person, business or industry not issued a certificate of exception under §22-27-3(g), Code of Alabama, 1975, as amended, and as amended from time to time, and who utilizes Dale County's system of service for the collection and disposal of solid waste and who fails or refuses to pay any fee or charge established for such service, shall be guilty of a misdemeanor and shall be punished as set forth in this Paragraph of this Resolution hereinabove.

8. The invalidity or unenforceability of any particular provision of this Resolution shall not affect any other provision, and this Resolution shall be construed in all respects as if any invalid or unenforceable provisions were omitted.

9. The County hereby sets OCT 1, 1993 as the effective date for mandatory public participation in the solid waste collection and disposal service of Dale County.

ADOPTED this the 12 day of APRIL, 1993.

Curt Head  
Chairman

ATTEST:

Lana Rogers  
Clerk

  
Commissioner District One

  
Commissioner District Two

  
Commissioner District Three

  
Commissioner District Four