

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-21**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE’S GARBAGE COLLECTION
ORDINANCE NO. 2017-59, AS CODIFIED IN CHAPTER 12, ARTICLE III, DAPHNE
CODE OF ORDINANCES, AND REPEALING AND REPLACING ORDINANCE NO.
2020-21, AN ORDINANCE ADDRESSING SOLID WASTE ENTERPRISE FUND
LOSSES**

WHEREAS, Ordinance 2017-59 established regulations governing the collection of garbage in the City of Daphne (the “City”); and

WHEREAS, Ordinance 2020-21 was adopted to provide for certain measures to be taken by the City to modify the City’s recycling program and provide for certain increases to fees charge for collection and disposal of garbage in the City; and

WHEREAS, certain of the fee increases established in Ordinance 2020-21 have not gone into effect because they were tied to the City’s re-commencement of normal recycling pickup, which has not occurred; and

WHEREAS, since the adoption of Ordinance 2020-21, plans for recycling services have been adjusted to account for the Baldwin County Solid Waste Authority expanding its curbside recycling program to include the City of Daphne; and

WHEREAS, the Solid Waste Enterprise Fund continues to experience significant losses on a year-to year basis, requiring annual subsidies from the City’s General Fund; and

WHEREAS, the fees charged by the City for the collection of garbage have not been revised in approximately seven (7) years; and

WHEREAS, the City desires for the Solid Waste Enterprise Fund to operate at no greater than a 10% subsidy on an annualized basis.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA as follows:

**SECTION 1. AMENDMENT TO ORDINANCE 2017-59, SECTION IV
(CHAPTER 12, ARTICLE III, DIVISION 1, SEC. 12-34) –
PREPARATION AND RECEPTACLE REQUIREMENTS**

Section IV of Ordinance 2017-59, as codified at Section 12-34 of Division 1, Article III, Chapter 12 of the Daphne Code of Ordinances, is hereby amended by adding a new subsection (d) immediately following subsection (c) as follows:

(d) Fees for Additional Receptacles.

(1) Replacement Receptacle. Every person or persons occupying either a residential unit or a commercial establishment that requests a new garbage receptacle to

replace a lost or damaged receptacle shall be subject to a one-time fee of seventy dollars (\$70.00) for each replacement receptacle.

- (2) Additional Receptacle. Every person or persons occupying a residential unit that requests an additional garbage receptacle for use in addition to one or more existing receptacles shall be subject to a fee of five dollars (\$5.00) per month for the first additional receptacle. Any additional receptacles beyond two shall be subject to a fee of nineteen dollars (\$19.00) per month per receptacle.

**SECTION 2. AMENDMENT TO ORDINANCE 2017-59, SECTION VI
(CHAPTER 12, ARTICLE III, DIVISION 1, SEC. 12-36) – FEES
FOR COLLECTION AND DISPOSAL**

Section VI of Ordinance 2017-59, as codified at Section 12-36 of Division 1, Article III, Chapter 12 of the Daphne Code of Ordinances, is hereby repealed and replaced in its entirety with the following:

FEES FOR COLLECTION AND DISPOSAL

- (a) Residential Units. Every person or persons occupying a residential unit which generates garbage within the City Limits of the City of Daphne, Alabama, shall be subject to a fee of nineteen dollars (\$19.00) per month per residential unit, which may only be adjusted by a subsequent ordinance amending this article. Said fee shall include service for garbage collection and disposal. Notwithstanding any automatic rate increase implemented pursuant to Section 3 of this Ordinance, such fees for the collection and disposal of garbage shall be subject to change from time to time as deemed necessary by the City Council in order to cover an increased cost of collection and disposal services. Any change in the fee for such services must be publicly advertised at least thirty (30) days before the effective date of the change.
- (b) Commercial Establishments. Every person or persons occupying a commercial establishment which generates garbage within the City Limits of the City of Daphne, Alabama, shall be subject to a fee of twenty-five dollars (\$25.00) per month, per garbage receptacle, which may only be adjusted by a subsequent ordinance amending this article. Said fee shall include service for garbage collection and disposal. Notwithstanding any automatic rate increase implemented pursuant to Section 3 of this Ordinance, such fees for the collection and disposal of garbage shall be subject to change from time to time as deemed necessary by the City Council in order to cover an increased cost of collection and disposal services. Any change in the fee for such services must be publicly advertised at least thirty (30) days before the effective date of the change.

**SECTION 3. SOLID WASTE ENTERPRISE FUND; AUTOMATIC RATE
INCREASE**

There is hereby established a defined annual subsidy in the amount of ten percent (10%) of Solid Waste Fund charges for services revenue from the General Fund to the Solid Waste Enterprise Fund to allow the City to continue providing affordable service and excellent value to its citizens. In the event that the annual transfer subsidy exceeds fifteen percent (15%) of Solid Waste Fund charges for service revenue as reported by the annual audit, the monthly rates for all

Solid Waste services shall automatically increase by one dollar (\$1.00) per month per residential unit and per garbage receptacle for commercial establishments. Any such automatic rate increase must be publicly advertised at least thirty (30) days before the effective date of the change, which shall be on or about the first day of April following the completion of the City's annual audit. No such rate increase shall go into effect prior to April 1, 2027.

SECTION 4. REPEAL OF ORDINANCE 2020-21

Ordinance 2020-21 is hereby repealed in its entirety.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

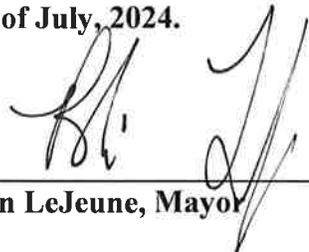
SECTION 6. SURVIVAL AND REPEALER

All other provisions of Ordinance 2017-59 not amended or repealed by this Ordinance remain in full effect. All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed to the extent of such conflict.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be effective as of October 1, 2024, upon its due adoption by the City Council and publication as required by law, including the public advertisement requirement set forth herein.

ADOPTED AND APPROVED on this 15th day of July, 2024.



Robin LeJeune, Mayor

ATTEST:



Candace G. Antinarella, MMC, City Clerk