

ORDINANCE NO. O-16-18

**AMENDING CITY CODE ARTICLE III,
COLLECTION AND DISPOSAL**

WHEREAS, at the request of the Community Development Committee, the City has been asked to amend the Code of Ordinances, Article III, Collection and Disposal, by adding Section 106-89, Move-outs and evictions.

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

Section 1. Section 106-89 of the Code of Ordinances shall read as follows:

Section 106-89. Move-outs and evictions.

- (a) For rental properties, garbage, trash, or other solid waste originating from the property during the clean up between tenants shall be the responsibility of the landlord and/or the property owner. Collections of any quantity of bulk refuse from a rental property where the owner does not reside shall have a charge of \$1,000.00 levied against the property for the collection and must be paid before the property is again rented for occupancy. Following an eviction, any property, trash, belongings, or other items shall be placed adjacent to some portion of the property, immediately behind the sidewalk or if there is no sidewalk, a minimum of three (3) feet behind the curb or off the pavement and shall not be located as to impede or obstruct or divert either pedestrian or vehicular traffic or the flow of surface water or block drains.
- (b) The City is not responsible for and will not return any items collected curbside once the item has been removed. It is the property's owner or tenant's responsibility to ensure that items not intended for collection are not placed at and/or are timely removed from the curbside.

Section 2. The section, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any section, subsection, paragraph, sentence, clause and phrase of this ordinance is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this ordinance. The city council declares that it is its intent that it would have enacted this ordinance without such invalid or unconstitutional provisions.

Section 3. The provisions of this ordinance repeal any prior ordinance or provision of the Gadsden City Code to the extent of any conflict.

Section 4. This ordinance shall become effective on June 15, 2018.

I certify that this ordinance was duly adopted by the City Council of the City of Gadsden, Alabama, at an open public meeting held on May 15, 2018.

Iva Nelson, City Clerk

APPROVED on May 16, 2018

Sherman Guyton, Mayor