

STATE OF ALABAMA     )  
  )  
CITY OF WINFIELD     )

**RESOLUTION NO. 1240**

WHEREAS, the City Council of the City of Winfield does hereby find and determine that it is in the best interest of the City of Winfield and its residents that the City establish certain policies and procedures regarding the billing and collection of fees and charges related to garbage collection in the City.

WHEREAS, the City is authorized to implement a regulatory scheme to protect the public health, safety and welfare of citizens by collecting and disposing of garbage so as to minimize the occurrence of disease, sources of disease and to promote a clean and healthy community.

WHEREAS, assessments in the form of service charges and fees are authorized by statute, including, but not limited to, Code of Alabama 1975, Section 22-27-5 (Solid Waste Disposal Act) to cover the cost of providing garbage services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Winfield, Alabama, that the City does hereby establish the following policy and procedures relating to all charges and timetables relative to the City's garbage collection services:

- (1) Customers requesting garbage collection service will be required to pay a non-refundable account origination fee in the amount of \$50.00, complete a contract for service(s) and provide two forms of identification: a picture identification such as driver's license, non-driver's identification, state or U S Government identification card or Medicaid or Medicare card along with a social security card or social security number.
- (2) Customers applying for service must be at least eighteen (18) years old.
- (3) A notarized application is required if it is not signed in person at the City Hall.
- (4) Customers requesting more than one name on the account will be required to provide the proper identifying information on those individuals.
- (5) Customers will be required to provide a signed copy of a lease in the case of rental property.
- (6) Anyone requesting information on an account must provide proper identification before information can be released unless the customer service person has actual knowledge of the person's identity.

- (7) Information on an account may only be released to persons listed on the account or if person has power of attorney or other legal documents that authorizes them to access the account.
- (8) Anyone requesting collection service to be suspended or discontinued or to change information on the account must provide proper authorization to do so.
- (9) The City will use reasonable efforts to begin collection immediately upon the setting up of a new account or upon the payment of a suspended or de-activated. However, such collection services may take up to seven (7) days to commence.

### **INTERRUPTION OF SERVICE**

The City of Winfield will use reasonable diligence in providing collection services, but shall not be liable for breach of contract in the event of, or for loss, injury, or damage to persons or property resulting from suspension of service or otherwise.

### **RETURNED CHECK/BANK DRAFT FEES**

- (1) A fee of \$30.00 will be charged for each check or bank draft that has been presented as payment for any service provided by the City of Winfield and has been returned by the issuing bank unpaid. An attempt to notify the customer of the returned check or bank draft will be made by telephone when available. No representation is made by the City of Winfield that they are obligated to substantiate that the notification attempt was received by the customer. The customer shall have (48) hours from receipt of the returned instrument to redeem the item by cash or certified funds. If payment is not received within (48) hours from receipt of a returned instrument, collection service will be suspended and a certified letter will be sent to the customer as required by law notifying them they have 10 days to pick up the returned item and pay all applicable fees before being turned over to the District Attorney. An account that has been suspended due to a returned item will be subject to the standard account activation fees.
- (2) Any customer or person presenting two checks or two bank drafts for payment of services which are returned unpaid within a one (1) year period shall be unable to issue a check for payment on their account for the subsequent twelve (12) month period. During this period their account must be paid by cash or certified funds. A certified letter will be sent to any customer upon receipt of a second unpaid check informing the customer of the period for which checks will not be accepted as payment on their account.
- (3) The only exception to the returned check or bank draft fees shall be a bank/financial institution error. The bank/financial institution shall be required to certify that the returned check or bank draft was a bank error and the reasons for it.

### SUSPENSION OF SERVICES

- (1) Garbage collection bills are due by the 15<sup>th</sup> of the month. A \$5.00 late penalty will be added to bills not paid by the due date.
- (2) If an account is not paid in full by 2:30 p.m. on the last working day of the month a service fee of \$25.00 per account will be added and the service will be suspended. To have the services re-instated, the account shall be paid in full to include the service fee by cash payment only. If the account remains unpaid by the 15<sup>th</sup> day of the following month, in addition to the suspension of collection services, the account will be de-activated. To re-establish collection service, an account origination fee in the amount of \$50.00 will be required and any unpaid balance in the customer's name shall be paid in full.
- (3) The City of Winfield may refuse to provide collection services for the violation of any of its Rules and Regulations or for failure to pay all Rates and Charges. The discontinuance of service as stated in this rule does not release the customer from their obligation to City of Winfield for the payment of monthly garbage collection charges as specified in the City's ordinance.

FURTHER RESOLVED that this resolution shall become effective June 1, 2019.

PASSED, ADOPTED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

ATTEST

\_\_\_\_\_  
CITY CLERK