

**ORDINANCE NO. 0-97-5**

**AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF SOLID WASTE; ESTABLISHING FEES FOR SUCH COLLECTION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF THE CITY OF ARKADELPHIA, ARKANSAS:

SECTION 1 - PURPOSE: It is the purpose of this ordinance to provide for and regulate the collection of solid wastes in a manner that will protect the public health and welfare; prevent pollution; prevent the spread of disease and creation of nuisances, and enhance the beauty and quality of the environment, all within the meaning of ACA §8-6-201 and other applicable laws and statutes of the State of Arkansas.

SECTION 2 - DEFINITIONS: For the purpose of construing this ordinance, the following definitions shall apply.

SECTION 2.1 "REFUSE" means garbage, rubbish, bulky items, and other discarded materials, including materials resulting from household, industrial, institutional, commercial, business, and agricultural operations, and from community activities, but excluding contractor's construction and demolition wastes. Refuse is also known as solid waste.

SECTION 2.2 "GARBAGE" means putrescible materials resulting from the preparation, cooking and serving of food; market wastes, trimmings and other discarded matter from meat or produce, including containers in which packaged.

SECTION 2.3 "RUBBISH" means refuse, excluding garbage and bulky items, consisting of both combustible and noncombustible trash, such as paper, cardboard, tin cans, plastics, wood, glass and similar materials.

SECTION 2.4 "BULKY ITEMS" means discarded household appliances and furniture, tree stumps, large and small tree limbs, hedge and grass clippings, leaves, pine straw, and any other refuse of a noncompactable nature.

SECTION 2.5 "BUNDLE" means a package containing rubbish only, weighing not over fifty (50) pounds and not exceeding four (4) feet in its longest dimensions, securely tied with cord or ropes of sufficient strength to permit lifting and carrying of the full weight thereof without spillage or leakage and placed for collection immediately adjacent to the curb or normal pickup point on the day of collection.

**SECTION 3 - STORAGE OF REFUSE BY COMMERCIAL, BUSINESS, INDUSTRIAL OR INSTITUTIONAL ESTABLISHMENTS AND COLLECTION THEREOF.**

**SECTION 3.1 CITY OWNED CONTAINERS:** Commercial, business, industrial, or institutional establishments which deposit into City owned refuse containers shall place all refuse from their establishments in the refuse container assigned and shall break down or nest all cardboard boxes.

**SECTION 3.2 NON CITY OWNED CONTAINERS:** All refuse from collection points not served by a City owned refuse container shall be stored in a single or multiple refuse containers of sufficient capacity to fully contain all refuse accumulated between collection periods and no single patron refuse container shall contain over 50 pounds of refuse.

**SECTION 3.3 LOCATION:** All refuse containers must be located outside of buildings, off the street, placed in such a manner as to not block traffic or to be a fire hazard, be readily accessible to the truck used to transport the collected refuse, and be placed on a concrete pad, which pad must be large enough to accommodate the front wheels of the collection truck.

**SECTION 3.4 COMBINATION OF SOLID WASTE:** All garbage and rubbish may be stored in the same refuse container provided that garbage shall be drained of liquid substance prior to depositing in a refuse container.

**SECTION 3.5 COMMERCIAL CONTAINERS - MULTI-UNIT RESIDENCES:** When practical, and as available, the City may provide commercial collection containers to multi-unit residences, such as apartments, when in the interest of economy the City deems this acceptable. Requests for said containers will be considered on an as-available basis, however said multi-unit residences shall still pay a per unit fee for residences as established herein.

**SECTION 4 - RESIDENTIAL REFUSE CONTAINERS AND COLLECTION**

**SECTION 4.1 METHOD OF COLLECTION:** The City of Arkadelphia Sanitation Department shall provide curbside collection of refuse (household wastes) in all residential areas.

**SECTION 4.2 DISTRIBUTION OF PLASTIC BAGS:** The City of Arkadelphia Sanitation Department will distribute a bundle of fifty (50) bags to each household on or before the first day of January, May, and September of each year.

**SECTION 4.2A EXTRA BAGS:** Persons requiring or desiring extra bags may purchase them in bundles of fifty (50) from the City Manager's office in the City Hall.

**SECTION 4.2B QUALITY OF BAGS:** The city-provided bags shall be the measure of allowable thickness and strength. Bags obtained from other sources may be used provided they meet or exceed the thickness and strength of city-provided bags.

**SECTION 4.2C YARD WASTE:** Tree trimming, hedge and grass clippings, leaves, pine straw, and similar materials shall be placed in plastic bags or other similar throw-away containers or shall be cut not to exceed four feet in length or 50 pounds in weight and bundled as set forth in Section 2.5. Bundles and bags should be placed at the street curb.

**SECTION 4.3 USE AND PLACEMENT OF PLASTIC BAGS:**

**SECTION 4.3A COMBINATION OF SOLID WASTE:** Garbage and rubbish may be placed in the same bag provide that garbage shall be drained of liquid prior to depositing in the bag.

**SECTION 4.3B FASTENING BAGS:** When filled, bags shall be tightly twisted closed and securely fastened with the covered wire tags included in the bag distribution. Bags that are filled and closed between collection periods shall be stored and protected form marauding animals.

**SECTION 4.3C DUTY ON DAY OF COLLECTION:** On collection days only, residents will place filled bags on property owned, rented or under their control, at a point as near to the curbline as practical.

**SECTION 4.3D OTHER CONTAINERS:** Other disposable containers such as boxes, paper bags, ect. may be placed at the curb for collection provided they contain rubbish only.

**SECTION 5 - REGULAR COLLECTION:** Refuse pickups will be made for all collection points at regular intervals by the City Sanitation Department on a schedule to be established by the said department.

**SECTION 6 - REMOVAL & HAULING:** The City of Arkadelphia shall be responsible for the collection of all refuse within the City and no person, firm or corporation shall collect or transport refuse over the streets of the city.

**SECTION 7 - SPECIAL REFUSE COLLECTION:** Special refuse collection will be provided to any residence, institution, business, or industry within the City on a call basis by sanitation crews or the street department to collect on a scheduled pickup. A charge for each trip may be billed for such service for large quantity loads. This service will be rendered only during normal working hours, which hours shall be established by the City of Arkadelphia.

**SECTION 8 - UNLAWFUL TO BURN:** It shall be unlawful for any person, firm or corporation to burn or cause to be burned any refuse except as approved under the Arkansas State Fire Code and approved by the Arkadelphia Fire Department.

**SECTION 9 - HAZARDOUS OR DANGEROUS WASTE:** No hazardous or dangerous waste will be collected by the Arkadelphia Sanitation Department or the Street Department and hazardous or dangerous wastes are not to be placed in any of the city-owned refuse containers, in the plastic bags furnished by the city or any other container to be picked up by the City crews. The City of Arkadelphia Solid Waste department head will determine what safety precautions must be taken with any item which is considered hazardous or dangerous waste and will prescribe the rules and circumstances under which said waste will be picked up by the sanitation crew.

**SECTION 10 - REFUSE FEES:** Effective with the bills submitted for solid waste collection on or about April 1, 1997, the occupant of each dwelling unit, business, industry, church or institution shall cause to be paid the following monthly fees of Arkadelphia for the collection of refuse:

10.1A	Residential collections	\$7.50 per month
10.1B	Multi-family collections, more than two dwelling units, where refuse is picked up at one central location in bags.	\$6.75 per month
10.2	Commercial collection, church or any other multiple occupant (based on volume, difficulty, and frequency of collection:	
Frequency per week	One time <u>Twice</u> <u>Three</u> <u>Four</u> <u>Five</u> <u>Six</u>	
Four Yard	\$37            \$74            \$111            \$148            \$185            \$222	
Six Yard	\$56            \$123            \$167            \$222            \$277            \$333	
Eight Yard	\$74            \$148            \$222            \$296            \$370            \$444	
10.3	Special Refuse collection(Bulky items not normally or reasonably collected on a scheduled pickup such as old appliances and bulky materials)	\$5.00 minimum per trip with fee to be set by City Manager and Solid Waste department head.

**SECTION 11 - COLLECTION OF FEES:** The fees herein provided shall be collected by the Water & Sewer Department of the City of Arkadelphia on the monthly bills rendered and the event the fee has herein provided is not paid by the 14th day of each month, a penalty of ten percent (10%) shall be levied and each penalty shall be and become a part of and be collected with the regular fees herein levied. In the event any fee levied herein remains unpaid for a period of thirty days from the time it shall

become due, the City of Arkadelphia shall be authorized to institute civil suit for the recovery of said fees with penalties attached, together with courts, or to institute any other legal and proper action necessary for the collection thereof including stopping solid waste service or water and sewer service.


**SECTION 12 - SEPARABILITY:** The provisions of this ordinance are separable, and if any portion, section, provision or phrase of this ordinance shall be declared invalid or unconstitutional, such action shall not affect the validity of the remainder of this ordinance.

**SECTION 13 - EFFECT OF THIS ORDINANCE:** This ordinance will repeal Ordinance B-389 passed December 4, 1980 and, and Ordinance B-\_\_\_\_\_ passed February 6, 1997 except fees continue until this ordinance applies

**SECTION 14 - DECLARATION OF EMERGENCY:** It is hereby found by the City Board of Directors that there is an urgent need for change in the rate for collection of solid waste in order to provide adequate revenues to maintain the solid waste collection service, all for the public health, safety, and welfare of the residents of the City of Arkadelphia, Arkansas. Therefore an emergency is declared to exist and this ordinance being necessary for the preservation and advancement of public health and safety, shall be in full force and effect from and after the date of its enactment.

PASSED AND ENACTED this 5 day of April, 1997.

  
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MIKE KOLB, Mayor

  
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Nancy Anderson, City Clerk