

ORDINANCE NO. B-389

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 Arkansas Statute §82-2701 et. seq. 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 industrial, commercial and agricultural operations, and from community activities.

SECTION 2.2 "GARBAGE" means 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, yard clippings, wood, glass and similar materials.

SECTION 2.4 "BULKY ITEMS" means discarded household appliances and furniture, tree stumps, large tree limbs, 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 BUSINESS, INDUSTRIAL OR INSTITUTIONAL ESTABLISHMENTS.

SECTION 3.1 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 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 refuse container shall contain over 50 pounds of refuse.

SECTION 3.3 All refuse containers must be located outside buildings, placed in such a manner as not to block traffic or to be a fire hazard, and be readily accessible by the truck used to transport the collected refuse.

SECTION 3.4 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 4 - RESIDENTIAL REFUSE CONTAINERS AND COLLECTION

SECTION 4.1 METHOD OF COLLECTION: The City of Arkadelphia Sanitation Department shall provide curbside collection of 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 each calendar quarter (January-April-July-October of each year).

SECTION 4.2A Persons requiring or desiring extra bags may purchase them in bundles of fifty (50) from the Water Utilities Office in City Hall.

SECTION 4.2B Persons who do not use a full allotment of bags may, when a bundle of fifty (50) has been accumulated, turn in the full bundle for one month's credit on their sanitation service charge.

SECTION 4.2C 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 4.2D Tree trimmings, hedge and grass clippings 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.

SECTION 4.3 USE AND PLACEMENT OF PLASTIC BAGS:

SECTION 4.3A Garbage and rubbish may be placed in the same bag provided that garbage shall be drained of liquid prior to depositing in the bag.

SECTION 4.3B 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 from marauding animals.

SECTION 4.3C 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 disposable containers such as boxes, paper bags, etc. 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 over the streets of the city any refuse without first obtaining a written permit from the city. A permit may be obtained from the City of Arkadelphia under such rules and regulations and at such fees as may be from time to time established by the City of Arkadelphia. Current rules and regulations shall remain on file for inspection of any interested party at the office of the City Sanitation Department.

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 to collect bulky items or items not normally or reasonably collected on a scheduled pickup. A charge for each trip will be billed for such service. 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 caused 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 and hazardous or dangerous waste are not to be placed in any of the City-owned refuse containers, in the plastic bags furnished by the City or in any other container to be picked up by the City Sanitation 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 February 1, 1981, the occupant of each dwelling unit, business or church shall cause to be paid the following monthly fees to the City of Arkadelphia for the collection of refuse:

- Residential collection . . . . . \$4.25
- Commercial Collection, Church or any other multiple occupant (based on volume and difficulty of collection). . . . . Rate will be set by City Manager and Solid Waste department head
- 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 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 collections turned over to the City Treasurer each month for the previous month's billing. In the event the fee as herein provided is not paid by the 14th day of each month, a penalty

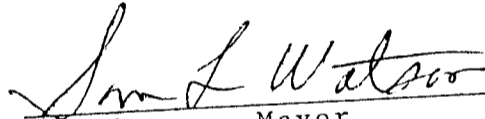
of ten per cent (10%) shall be levied and each penalty shall be and become a part of and be collected with the regular fees herein levied. In the event any fee levied herein remains unpaid for a period of thirty days from the time it shall become due, the City of Arkadelphia shall be authorized to institute civil suit for the recovery of said fees with penalties attached together with court costs, or to institute any other legal and proper action necessary for the collection thereof including stopping 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.

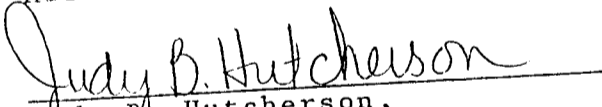
SECTION 13 - EFFECT OF THIS ORDINANCE: This ordinance will repeal Ordinance B-288 passed January 4, 1973 and Ordinance B-355 passed January 18, 1979 except fees continue until this ordinance applies.

SECTION 14 - DECLARATION OF EMERGENCY: It is hereby found by the City Board of Directors that there is an urgent need for a change in the rate for collection of solid waste 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 4th day of December, 1980.

  
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Sam Watson, Mayor

ATTEST:

  
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Judy B. Hutcherson,  
Clerk-Treasurer