

SANITATION ORDINANCE 2018-12

Whereas, the City Council of the City of Heber Springs has reviewed its ordinance with regards to Commercial and Residential Sanitation operations, and whereas, the City Council has determined that it is in the best interest of the City, its citizens and residents to revise and update such Ordinances.

Now, therefore, be it ordained by the City Council of the City of Heber Springs, Arkansas as follows:

Section 1. The following provisions of the Heber Springs Municipal Code, Title 5, Health and Sanitation, Chapter 5.16, Solid Waste Collection, are hereby amended to read as follows:

Sections:

5.16.01 Contract

5.16.02 Definitions

5.16.03 Removal, generally

5.16.04 Containers

5.15.05 Fees

5.16.06 Extra Service

5.16.07 Right

5.16.08 Unlawful Disposal of Solid Waste

5.16.09 Authority to Contract for Service

5.16.10 Penalty

5.16.11 Recycling

5.16.01 Contract:

- A. The City of Heber Springs is hereby authorized to enter into agreement for the provision of solid waste disposal services with Waste Connection Corporation, an Arkansas Corporation. Any agreements previously approved by the Mayor and City Council of Heber Springs, in existence at the time of this amendment, continue in full force and effect unless contradicted or voided herein or hereafter.
- B. The Mayor and City Clerk are hereby authorized and directed to enter and execute such agreement, along with any other necessary documents, to accomplish the Agreement.

5.01.02 Definitions

Garbage Bag—A durable, watertight plastic bag with a wall thickness equal to or greater than one and two tenths (1 2/10) mil polyethylene plastic with a capacity of not less than twenty (20) gallons and not exceeding forty (40) gallons and having a maximum loaded weight of fifty (50) pounds.

Garbage Can—A watertight, galvanized metal or heavy-duty plastic container of a capacity of not less than twenty (20) gallons and not exceeding forty (40) gallons, having a maximum loaded weight of fifty (50) pounds. No more than three containers. Extra containers will be charged as shown on the rate schedule. These containers shall have a handle or handles on the sides of sufficient durability by which it may be lifted, having a tight-fitting metal or plastic top with a handle and being so constructed as to permit the free discharge of its contents. Boxes, trash can holders or other containers designed to store garbage cans will not be permitted on the street right-of-way or in front of residential housing.

5.16.03 Removal, generally:

A. From and after the passage of this Ordinance, all solid waste of all residences, of all multi-family and commercial establishments within the corporate limits of the City of Heber Springs, Arkansas, shall be collected and disposed of exclusively by the sanitation department of the City, except as herein provided. Multi-family and commercial users shall have the right to collect and dispose of only recyclable solid waste by removing or causing the same to be removed from their premises, residential users as needed, multi-family and commercial users on no less than a weekly basis.

B. All solid waste storage areas and grounds are to be kept in a clean, unlittered condition and all solid waste generated from any property is contained as required by this Ordinance and other Ordinances of the City.

C. No person or business shall place their solid waste or co-mingle their solid waste with that of another person or business for pickup except as herein provided. An apartment complex or office building housing separate persons or businesses may place their solid waste in one (1) container or containers with the pickup fee to be accessed against and paid for by the owner of the apartments or office building.

D. Regular curbside pickup service for residential users shall be on a once per week pickup schedule, and for multifamily and commercial establishments, pickup service shall be on as necessary basis.

5.16.04 Containers

A. Residential pickups shall be made at curbside only, in garbage bags as defined herein. Residential users shall be allowed three (3) containers per week. The containers shall be placed at the edge of the user's property adjoining the street. All solid waste must be bagged and placed inside the trash containers. The containers must be in place no later than 7:00am on the scheduled route day and should be removed from the street at the end of the day. Sanitation Department employees shall not enter houses, outbuildings, garages, carports of any structure for the purpose of collection of solid waste.

B. 1. Multi-family and commercial establishments shall be allowed to purchase their own containers, commonly referred to as "dumpsters" from the City of Heber Springs, or may rent them from the city on a monthly basis. If a multi-family or commercial establishment does not have a sufficient amount of monthly waste to necessitate the need for a dumpster, then such multi-family or commercial

2. The litter is placed into a receptacle intended by the owner or tenant in lawful possession of that property for the deposit of litter, if it is deposited in such a manner as to prevent the litter from being carried away or deposited by the elements upon any part of the private or public property or waters, or

3. The person is the owner or tenant in lawful possession of the property and the litter remains upon the property and the act does not create a public health or safety hazard, a public nuisance or a fire hazard.

B. Penalty. A person convicted of a violation of 5.16.08 for a first offense shall be guilty of an unclassified violation and shall be fined in the amount of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1000). An additional sentence of not more than eight (8) hours community service may be imposed in addition to the monetary sanctions. A person convicted of a second or subsequent violation of the same subsection within three (3) years of the first offense shall be guilty of an unclassified misdemeanor and shall be fined in an amount of not less than two hundred (\$200) and not more than two thousand (\$2000) dollars, with an additional sentence of not more than twenty (20) hours of community service to be imposed as well.

5.16.09. Authority to contract for service. The City Council shall be empowered, in its sound discretion, to contract with one or more reliable persons, firms or corporations to gather, transport and dispose of solid waste generated in the city limits to supplement the service as provided to the Heber Springs Sanitation Department. Should the City Council so determine that such contract or contracts are necessary, they shall be upon the terms and conditions which shall most benefit the city and its inhabitants and preserve and protect the public health, safety and welfare including, but not limited to, the regulation of charges to be levied for such service, requiring the use of approved equipment, regulating the frequency and schedule of such service in any and all other areas of the city, requiring such contractor or contractors to perform such service in the same manner it would require of its own employees, agents and servants.

5.16.10. Penalty. Any person, persons or entity that shall violate any provisions of this chapter (other than 5.16.08) shall be guilty of an unclassified misdemeanor and upon conviction shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100). Each occurrence shall constitute a separate violation.

5.16.11. Recycling. The following items and materials, will, depending on market conditions, be recycled by the city and all its residential customers may sort and package the following items and materials: aluminum, plastics, steel cans, cardboard, newspaper, magazines, fabric and glass. Information with regard to sorting and packaging these items may be disseminated from the Sanitation Department or the Mayor's office. The Mayor is hereby authorized to enter into a contract, which shall be approved by the City Council, in furtherance of this chapter and the city's desire to engage in recycling of certain items.

Section 2. Any ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That the provisions of this ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

ADDENDUM

FEE SCHEDULE

Residential: \$ 17.50 per month

Commercial Can Service (3

cans) \$ 20.00 per month (\$5.00 each additional can)

Multi-family and Commercial – dumpsters

Two (2) yard \$20.00 per month rental

Three (3) yard \$25.00 per month rental

Four (4) yard \$30.00 per month rental

Six (6) yard \$40.00 per month rental

Eight (8) yard \$50.00 per month rental

Disposal fee of \$ 12.00 per yard. Container presumed to be full

Class four trash and debris \$25.00 per yard. Overfilled dumpsters to be additionally charged

Mixed class four and 1 dumpster \$ 25.00 per yard

Refundable deposit for dumpster \$ 100.00

Short-term dumpster \$ 25.00 per yard plus monthly rental fee (30-day window)

Roll off processing fee \$100.00

Special Pick-up fees: Fee Schedule for additional pick up items available at the Public Works or Mayor's office.

The mayor or his representative will make a determination of fees in special cases of construction, remodeling, demolition, or etc.