

ORDINANCE NO. 1087

AN ORDINANCE AMENDING SECTION 4.40.04 OF THE
EUREKA SPRINGS MUNICIPAL CODE TO PROVIDE FOR
INCREASES IN MAXIMUM RATES ALLOWED FOR SOLID
WASTE DISPOSAL SERVICES AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS,
ARKANSAS:

Section 1. Section 4.40.04 amended to provide for increases
in certain maximum rates allowed for solid waste
disposal services.

Section 4.40.04 of the Eureka Springs Municipal Code
is hereby amended to read, in its entirety, as follows, to wit:

4.40.04 Maximum Rates. No licensee under this chapter shall
charge any customer of such licensee in an amount which shall exceed
the following maximum rates, to wit:

(a) The charge by the licensee for each special collection and
disposal, on a "call" basis, of bulky, heavy and/or loose articles or
of refuse resulting from construction, remodeling, demolition, tree-
trimming, tree-felling and/or lawn and yard maintenance shall be
established and disclosed by the licensee to the party requesting
such special collection and disposal prior to the rendering of such
service by the licensee. The charge shall be commercially reasonable
and shall be based upon the bulk and weight of the articles or refuse
involved and the manpower necessary to provide the requested service.
The licensee shall disclose the charge to the party requesting such
service within seventy-two (72) hours after the request for such
service is received by the licensee and shall provide the requested
service within a reasonable time unless unless the party requesting
such service advises the licensee that such service is no longer
desired.

(b) Normal Household or Business generated refuse:

(1) Monthly charge for one day per week service to res-
idences with one occupant: \$3.00

(2) Monthly charge for one day per week service for
residences with two or more occupants and churches:
\$4.50

(3) Monthly charge per apartment for one day per week
service for apartment houses: \$4.50

(4) Monthly charge for up to seven days per week service
for hotels, motels, rooming houses and boarding houses:
\$85.00

(5) Monthly charge for up to seven days per week service
for restaurants and cafes: \$135.00

(6) Monthly charge for up to three days per week service for garages, automobile repair shops, service stations and grocery stores: \$25.00

(7) Monthly charge for up to two days per week service for gift shops, antique shops, artisan and craftsman shops, studios, galleries, and retail shops and stores not otherwise provided for, per thirty gallon container: \$15.00

(8) Monthly charge for up to three days per week service for public facilities, except those public facilities otherwise provided for herein, per thirty gallon container: \$10.00

(9) Monthly charge for up to two days per week service for hospitals, clinics and nursing homes: \$35.00

(10) Monthly charge for up to five days per week service for schools: \$150.00

(c) The schedule of maximum rates shall apply only to "curb-side" service, that is, where the customer places the refuse, trash garbage and offal to be disposed of by the licensee adjacent to the street used by the licensee when providing service to the customer.

(d) In the case of single family residences and apartments the above rates apply to three or less 30 gallon container. For containers in excess of three, an additional \$.50 per container will be charged.

(e) A surcharge of ten percent (10%) of the amount due may be assessed and collected by the licensee for accounts not paid within thirty (30) days after the date of billing. A surcharge of one dollar (\$1.00) may be assessed and collected by the licensee for each overdue notice furnished to any customer of the licensee having an overdue account.

Section 2. Severability.

If any part of this Ordinance is held to be unenforcable by a court of competent jurisdiction, such holding shall not affect the remaining parts of this Ordinance, which shall remain in full force and effect.

Section 3. Repeal.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

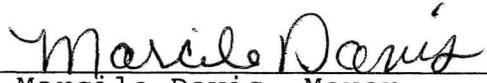
Section 4. Emergency Declared.

The City Council hereby delcares that solid waste disposal is an essential part of the public policy of the City of Eureka Springs, Arkansas, and finds that this Ordinance is essential to the health, safety, peace, and welfare of the community and its inhabitants and that this Ordinance should take effect without delay retroactively

to January 1, 1980. Therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect retroactively to January 1, 1980 upon its publication according to law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, WITH SECTION 4 BEING SEPARATELY VOTED UPON AND PASSED, ON THIS 1st DAY OF FEBRUARY, 1980.

APPROVED:



Marcile Davis, Mayor

ATTEST:



John J. Muzio, Jr., Clerk/Treasurer
(SEAL OF THE CITY)