

ORDINANCE NO. 1462

AN ORDINANCE AMENDING 4.40 SUBSECTIONS, DEFINITIONS, 4.40.04 AND 4.40.05, SOLID WASTE ORDINANCE, IN ORDER TO BRING SOLID WASTE PRACTICES UP TO EUREKA SPRINGS MUNICIPAL CODE, FOR THE PURPOSE OF PROTECTING THE HEALTH AND WELFARE OF THE CITIZENS OF EUREKA SPRINGS.

1. DEFINITIONS:

(d). Recyclable Materials shall mean materials such as newsprint, unwaxed corrugated cardboard, types of office paper, glass bottles and jars, aluminum cans, high density polyethylene plastic, polyethylene *terephthalate* plastic or other materials designated for separate collection by the City of Eureka Springs Recycling Department. These materials are considered to be recyclable if appropriate markets exist that will accept these recyclable materials.

(e). Residential Garbage containers shall mean securely tied and sealed garbage bags HAVING A MARK DESIGNATED BY THE CITY, for such purpose as collecting (non-recyclable) solid wastes.

Section 2. Subsection 4.40 .04, Eureka Springs Municipal Code amended.
Subsection 4.40.04 amended to read in its entirety, as follows, to wit:

4.40.04 Maximum rates and billing practices.

PART 1

(c) Other collection of residential, bulky or white items at a rate as contracted through the *City and the contracted waste hauler*.

PART 2 CITY'S CHARGE TO RESIDENT: the City shall not charge the residents for the provision of solid waste and recyclable collection in an amount which shall exceed the following maximum rate to wit:

(a) *A monthly service fee will be charged to each resident of the City for the removal of refuse. In addition, residents will purchase special bags used for non-recyclable waste. Such charges and bag sizes will be determined by the Council.*

(b) The City, *through designated agent(s)* shall make available to the responsible residential tenant, city marked garbage bags, at a cost of One Dollar and 00/100 (\$1.00) per 30 gallon bag .80¢ per 20 gallon bag.

(c) The City of Eureka Springs will *authorize an agent(s)* to distribute/sell the aforementioned garbage bags.

(d) *The City shall make available to the responsible residential tenant, special tags to be attached to bulky waste objects that will not fit into the designated bags. The tags will cost One Dollar and 50/100 (\$1.50) each. These tags will not allow for items to be discarded that are banned from landfills by state laws.*

(e) *The City of Eureka Springs will authorize an agent(s) to distribute/sell the aforementioned tags.*

Part 3: *Charge to hauler for RESIDENTIAL BILLING:* The City of Eureka Springs shall handle the residential billing for solid waste disposal through the Water and Sewer billing system. The charge to the contractee for the service of residential billing shall be an amount which shall not exceed 5% of total residential bills. Records of these billings will be available for the contracted waste hauler's review in order to assure an accurate account of the receipts.

Section 3. Subsection 4.40 .05, Eureka Springs Municipal Code amended.

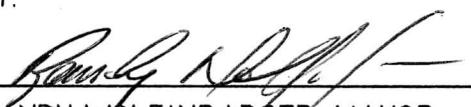
Subsection 4.40.05 amended to read in its entirety, as follows, to wit:

4.40.05 Modifications of schedule of maximum rates.

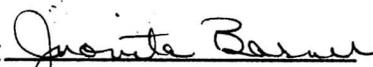
Any waste hauler, contracted by the City of Eureka Springs, under this Ordinance may petition the City Council, in writing, to modify one or more of the rates as set forth in Subsection 4.40.04 of this Ordinance *or the solid waste contract*, at any time provided that the contractee filing such written petition with the City Clerk shall comply with each of the following to wit:

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 12 DAY OF Nov 1991.

APPROVED


RANDY WOLFINBARGER, MAYOR

ATTEST:


NITA BARNER, CITY CLERK