

Failed on 1st reading

ORDINANCE NO. 1631

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.40, SOLID-WASTES COLLECTION, OF THE MUNICIPAL CODE

WHEREAS, the City Council of the City of Eureka Springs has determined that Chapter 4.40, Solid-wastes Collection, of the Municipal Code should be amended in order to regulate efficiently the collection of residential solid-wastes.

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

Section One: Amendment to Chapter 4.40, Solid-wastes Collection

The following section shall be added to Chapter 4.40:

4.40.11, Residential Services, Operations, and Performance

a. The Contractor shall provide residential solid-wastes collection and transfer services for all active, inactive, and hardship residential accounts located within the corporate limits of the City of Eureka Springs one (1) time per week. All solid wastes, i.e., all nonrecyclable materials, must be contained in City bags or bundled and tagged with a City tag; and bags must be sealed or tied. The customer is responsible for placing bags imprinted with the City's logo and bundles tagged with the City's logo curbside, or as close as practicable to collection vehicle routes by 5 a.m. on the designated collection day(s). Curbside refers to that portion of the right-of-way adjacent to paved or traveled roadways.

b. In accordance with the Americans With Disabilities Act and exceptional customers' needs, the Contractor shall make reasonable accommodations for collecting some customers' bags and/or bundles. Otherwise, the Contractor may decline to collect any solid wastes which are not contained in sealed or tied City bags, bundled and tagged with a City tag, or placed curbside.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS ____ DAY OF _____, 1994.

APPROVED:

ATTEST:

Juanita S. Barner, City Clerk

Failed on 2d reading

ORDINANCE NO. 1588

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.40, SOLID-WASTES COLLECTION, OF THE MUNICIPAL CODE

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PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS ____ DAY OF _____, 1994.

APPROVED:

Louise O. Berry, Mayor

ATTEST:

Juanita S. Barner, City Clerk

Amendments:

1. Sealed Bags: amend 4.40.01 par. c. and d.
 2. Center Street Garbage: amend 4.40.01 par. m.
- ✓ see 4.40.09 for law

{• ANNOTATED EXCERPTS)

Chapter 4.40
SOLID WASTE COLLECTION

Sections:

- 4.40.01 Definitions
- 4.40.02 Contract Requirement
- 4.40.03 Billing Procedures For Residential Accounts
- 4.40.04 Enforcement of Residential Accounts
- 4.40.05 Billing Procedures For Commercial Accounts
- 4.40.06 Enforcement of Commercial Accounts
- 4.40.07 Dedicated Revenues
- 4.40.08 Recycling Programs
- 4.40.09 Unlawful Disposal of Solid Waste
- 4.40.10 Penalties

4.40.01 Definitions:

a. Advisory Committee: a five-member committee, including the Contractor's representative, the Recycling Department manager, a City official, a residential customer, and a commercial customer. The City Official, the residential customer, and the commercial customer shall be nominated by the mayor and approved by the City Council. The responsibilities of the committee shall include: mediating complaints, conducting evaluations, and presenting recommendations to the City Council. NOTE: This committee has the authority to help resolve Center Street garbage complaints.

c. Bags, Commercial: Plastic sacks designed for refuse which (1) are used for collecting and transferring solid waste, (2) can be sealed or tied securely at the top, and (3) have a capacity not to exceed 50 pounds. >>>>>[Amend: par. 2 "can" to "shall"]

d. Bags, Residential: Plastic sacks designed for refuse which (1) are used for collecting and transferring solid wastes, (2) have an identifying imprint designated by the City, (3) are made available to customers by the City or sold by a designated agent(s), (4) can be sealed or tied securely at the top, and (5) have a capacity not to exceed 50 pounds. >>>>>[Amend: par. 4 "can" to "shall"]

g. Commercial Container: A container provided by a solid-waste Contractor and used to contain solid-waste material on site prior to collection and transfer.

m. On-Site Compactor: A commercial container with compaction capability used to contain solid-waste materials on-site prior to collection and transfer >>>>>[Amend by adding after

NITA -
For Agenda meeting -
addresses both
sealed bags +
CENTER ST. garbage

Rice

"transfer": " , which (1) shall be located not more than ten feet from any property line, and (2) shall be keep clean in such a manner as to not emit obnoxious odors."

q. Solid Wastes, Commercial: Normal garbage generated by businesses, including food refuse, containers, packaging products, and other common rubbish; excludes liquid wastes, gaseous wastes, rock, stone, concrete, dirt, and steel.

4.40.09 Unlawful Disposal of Solid Wastes.

Within the incorporated limits of the City, it shall be unlawful for any individual, partnership, or corporation to:

b. Sort, collect, transport, process, or dispose of solid waste contrary to Municipal, State, or Federal laws or in such a manner or place as to create or be likely to create a public nuisance or a public health hazard or to cause or be likely to cause water or air pollution within the meaning of the Arkansas Water and Air Pollution Control Act., 8-4-101.

c. Dispose of solid wastes, resulting from household or business activities, on public or private land within the City if the disposal creates a public or private nuisance or a hazard to health, violates Municipal, State, or Federal laws, or involves open dumping of solid wastes.

4.40.10 Penalties.

a. The criminal, civil, and administrative penalty provisions of environmental law included in the A.C.A., Chapter 6, "Disposal of Solid Wastes and Other Refuse," shall prevail in actions regarding the unlawful disposal of solid wastes.

b. Any individual, partnership, or corporation which violates any provision of this ordinance shall be guilty of a misdemeanor; and, upon conviction, shall be punished by a fine of \$250.00 for the first conviction, and \$500.00 for a second or subsequent conviction on the previous offense, plus all court costs. Each violation shall constitute a separate offense.

Amended by Ordinance #1509 dated 1/25/93 which repeals all previous solid-waste ordinances and regulations for the City of Eureka Springs.

(See page 101 of MC(body 100-