ORDINANCE 2017-06

AN ORDINANCE TO ESTABLISH REGULATIONS AND FEES FOR COLLECTION AND DISPOSAL OF SOLID WASTE; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN THE CITY OF MULBERRY, COUNTY OF CRAWFORD, STATE OF ARKANSAS; REPEALING ORDINANCES 92-2, 2000-2, 2000-5, 2001-18, 2002-05, 2007-09, 2008-05, 2012-08, AND 2013-05; AND FOR OTHER PURPOSES AS FOLLOWS:

ARTICLE I

Definitions

AMENDED BY
ORD. # 2020-04
DATE 10/20/20

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Section 1: "City" shall mean the City of Mulberry or its authorized representative.

Section 2: "Person" shall include the singular and plural, and shall also mean any individual, persons, group, governmental agency, public or quasi public corporation, occupant, owner's agent, lease, or tenant.

Section 3: "Family" shall mean one or more persons occupying a premise and living as a single house-keeping unit, whether or not related to each other by birth, adoption, or marriage.

Section 4: "Solid Waste" shall be defined as garbage, rubbish, trash, waste, or refuse matter or vegetable matter from a kitchen, market, or store, paper food containers, small tree trimmings, leaves, grass and weeds. Solid Waste shall not in any way include or apply to large appliances, car bodies, dead animals, and other items which cannot be sealed in bags or containers as hereinafter provided.

Section 5: "Premises" shall mean house, yard, building, apartment, motel, mobile home park, dwelling place, or lot within the corporate limits of the City.

Section 6: "Solid Waste Container" shall mean a plastic bag, rodent and fly proof, durable and leak proof (2ml minimum), of the type commonly sold as garbage can liners and tied securely. It shall also include covered plastic or metal cans of sufficient size and number to hold the solid waste which accumulated on the premises. Each container of solid waste shall weigh less than sixty-five pounds (65 lbs) and no package exceeding sixty-five pounds (65 lbs) shall be picked up without first obtaining approval from the

solid waste disposal firm, and agreement being reached as to the charges to be imposed for special overweight pick-up.

Section 7: "Solid Waste Disposal Firm" shall mean any person, firm, or corporation engaged in the business of removal and disposal of solid waste as defined herein that has been given a contract by the City.

Section 8: "Small Business" shall mean any commercial business that does not contract with a Solid Waste Disposal Firm for a 2 yard or larger dumpster.

Section 9: "Yard Waste" shall mean grass clippings, leaves, brush, and small tree trimmings.

ARTICLE II

Accumulation of Solid Waste

Section 1: Except as provided in other sections of this ordinance, no person shall be permitted to accumulate on his premises any solid waste except in covered containers or as otherwise provided herein.

Section 2: All residential, commercial, institutional, and industrial establishments shall remove, or cause to be removed, all solid waste as provided for in Article III of this ordinance or as directed by the City Council, Mayor, or their respective authorized representatives to protect the health and safety of the inhabitants of the City and to prevent unsightly accumulation of solid waste or discarded materials.

ARTICLE III

Disposition of Solid Waste

Section 1: Every residential, commercial, institutional, and industrial entity shall utilize plastic bags or cans as herein defined in sufficient number to hold the refuse which accumulated on the premises. Commercial, institutional, or industrial customers who require more than six (6) bags or cans per pick up will be required to use a container as authorized by the solid waste disposal firm.

Section 2: Location of plastic bags and/or cans

a) Residential bags and/or cans shall be placed at the front of the property on pick up dates.
b) Commercial, institutional or industrial customers will arrange for location with the solid waste disposal firm.

c) Pick up crews shall not be required to pick up any loose waste or refuse, except that caused by their own negligence.
d) All bags, cans, and containers shall be kept in a clean and sanitary condition, and the area being used prior to placement for collection shall be kept clean and sanitary.
e) All broken glass and other sharp objects shall be wrapped in paper or other material to prevent punching holes in bags.

Section 3: No pickups or hauling of solid waste shall be made except by City authorized vehicles. Authorized vehicles shall be those for which the owner has a written contract with the City and has certified and/or permitted with the appropriate Solid Waste District.

Section 4: It shall be unlawful for any person, other than one legally authorized to do so, to remove, displace, injure, deface, destroy, uncover, or in any manner move or disturb any solid waste receptacle or in any manner withdraw or disturb any part or portion of the contents thereof.

Section 5: No person shall dump, or allow to accumulate, either directly or through an employee, agent or licensee, any solid waste in or upon any street, sidewalk, park or other public place, vacant lot or other vacant space, or in or upon any premises, waterway, drainage basin or sewer within the City except City owned and operated dump grounds or disposal facilities and in accordance with the provisions of this ordinance.

Section 6: No solid waste shall be burned, dumped or buried within the City limits except upon written consent or permit from the City Council or their authorized agent. See Article 6 for yard waste burning.

Section 7: All "hazardous waste" including but not limited to pesticides, acids, caustics, pathological waste, radioactive materials, ammunition, explosive material, similar chemicals and harmful waste which require special handling and disposal to protect and conserve the environment, and disposal equipment shall be disposed of as provided by the regulations of the agencies of the United States, the State of Arkansas or the City pertaining thereto.

ARTICLE IV

Mandatory Participation

All structures in the City in which persons reside or where any business, institutional, industrial, commercial, or other enterprise is operated shall use the solid waste disposal firm's services as provided for by this ordinance, and pay the charges specified by this ordinance in fixing the rates for such services, and amendments thereto.

ARTICLE V

Authorized Disposal Firm Service, Fees, and Regulations

Section 1: No person, firm, or corporation of any nature, whatsoever, acting as a solid waste collection and disposal firm or otherwise, shall remove solid waste, as defined in this ordinance, from any premises in the City or transport solid waste through the streets, alleys, or public ways of the City or dump, incinerate or in any manner dispose of solid waste originating in the limits of the City, or contract for a permit himself or itself to be employed or engaged, for any such removal, transportation or disposal without first having secured a permit for rendering such collection services from the City Council. The City will, upon authorization of the City Council, enter into a contract agreement with a solid waste disposal firm. Said contract is to comply with but not limited to the following provisions:

a) Service
    (1) Residential premises: One (1) day per week
    (2) Commercial, institutional, and industrial firms: No less than one (1) day per week.
b) Insurance: The authorized solid waste disposal firm shall carry the type of insurance hereinafter set out in the amounts listed, or in the amounts required by state law, whichever is greater, and policies reflecting same shall be deposited with the City at the time of executing the contracts as follows:
    (1) Motor Vehicle Insurance
        i. Public Liability: $25,000 any one person and $50,000 any one accident
        ii. Property Damage: $15,000

Section 2: Charges

a) Monthly charge for collection and disposal of solid waste shall be $13.25
b) Fees charged to commercial, institutional, and industrial firms are to be negotiated between the firm and the solid waste disposal firm.
c) Small businesses shall have the option to have their solid waste picked up by the Solid Waste Disposal Firm contracted by the City at the same rate and other applicable regulations as pertains to the residential participation.
d) None of the services shall be furnished without a charge therefore, except the City may perform free clean-up services on a non-regular basis in connection with a general city-wide clean-up campaign at such times and under such conditions as shall be authorized by the City Council.
e) Collection of Charges:
    (1) Charges for solid waste disposal shall be charged monthly on the water and sewer bill to each water customer within the City.

(2) Charges for commercial, institutional, and industrial establishments shall be handled by the solid waste disposal firm and billed directly to the customers.

f) Any customer, who shall fail or refuse to pay all water, sewer, and solid waste charges within the time set for payment shall be deemed to be delinquent and the City may cause all such utilities and solid waste services to be discontinued for non-payment of services. No future water, sewer or solid waste services shall be rendered to a delinquent customer until the past due charges have been paid in full and the required deposit made. No customer shall be furnished any utility or solid waste services at any other premises until the entire past due charges have been paid in full.

ARTICLE VI

Yard Waste Burning

The burning of yard waste will be permitted on private property, not in public roads, alleys or ditches, when weather conditions are favorable.

Extreme caution should be exercised to prevent the fire from spreading or creating a smoke problem for vehicular traffic or being offensive to nearby property owners. When large volumes of yard waste are to be burned at one time, the fire department shall be contacted for permission and instructions.

ARTICLE VII

Penalties

Any person who fails, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be fined not less than ten dollars ($10.00) plus court costs, and no more than two hundred dollars ($200.00) plus court costs for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

ARTICLE VIII

Validity

Section 1. All Ordinance and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 2. Should any portion of this Ordinance be unconstitutional or invalid and so declared by a court of competent jurisdiction, then the remainder of this Ordinance, and any remaining applications of this Ordinance, shall not be affected by such partial unconstitutionality or invalidity.

Section 3. In order to facilitate the immediate implementation of this project and to establish fees of such for the health, safety and welfare of the citizens of Mulberry, Arkansas, an emergency is hereby declared to exist and this Ordinance shall take full force and effect upon its passage as it is necessary to set these rates, penalties, and regulations for the safety and welfare of its citizens.

PASSED AND APPROVED THIS 21st DAY OF NOVEMBER, 2017

APPROVED:

Gary D. Baxter, Mayor

ATTEST:

Carla Southerland, City Recorder/Treasurer