

SANITATION ORDINANCE NO. 22- 12

AN ORDINANCE REVISING AND UPDATING PROVISIONS OF THE HEBER SPRINGS MUNICIPAL CODE, TITLE 5, HEALTH AND SANITATION, CHAPTER 5.16, SOLID WASTE COLLECTION, AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Heber Springs, Arkansas, 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

5.16.05 Fees

5.16.06 Extra Service

5.16.07 Right

5.16.08 Unlawful Disposal of 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 an 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.

5.1.02 Definitions:

Residence: A location within the corporate limits of the City of Heber Springs, Arkansas, serviced by a single water meter by the Heber Springs Municipal Waterworks where a single household consisting of

one (1) or more persons normally resides. Residents shall not include multi-family residences or commercial establishments.

Multi-Family Residences: A location within the corporate limits of the City of Heber Springs, Arkansas, serviced by one or more water meters of the Heber Springs Municipal Waterworks where more than one household consisting of one or more persons in each household normally resides sharing a common wall or roof. The terms shall not include residences or other commercial establishments.

Commercial Establishments: A location within the corporate limits of the City of Heber Springs, Arkansas, serviced by one or more water meters of the Heber Springs Municipal Waterworks, no part of which is occupied as a household residence and where any trade, occupation, calling, profession, job, venture, or business is conducted. The definition shall not include residences or multifamily residences.

Solid Waste:

1. Solid waste means all putrescible and non-putrescible wastes in solid or semi-solid form, including but not limited to, yard or food waste, waste glass, waste metals, waste plastics, waste pasteboard and other solid or semi-solid wastes resulting from industrial, commercial, agricultural or community activities.

2. Provided, however, that hazardous waste or hazardous material as presently or hereafter defined by the rules, regulations, orders, statutes, and codes of all agencies, departments, and branches of the governments of the United States of American and/or the State of Arkansas, shall be disposed of in accordance with the law and not within the terms of this Ordinance.

3. Items of solid waste which are too large, too heavy, or too cumbersome shall not be included in regular commercial or residential pickup service. These items shall include, but not be limited to, appliances, furniture, batteries, large or heavy scraps of metal, larger pieces of waste pasteboard, and construction debris. These items shall be collected and disposed of in accordance with Section 5.16.06.

Location: A physical place within the corporate limits of the City of Heber Springs where a multifamily residence or other commercial establishment is located.

Applicable Law: Deemed to include all the rules, regulations, orders, statutes, codes and ordinances of all agencies, departments, and branches of the governments of the United States of America, the State of Arkansas, the County of Cleburne and the City of Heber Springs, Arkansas, which may now or hereafter be in full force and effect.

Recycling: Recycling means to separate or divert an item from the solid waste stream for the purpose of processing it, causing it to be processed into a material product, including the production of compost, in order to provide for the final disposition of the material product in a manner other than landfilling or incineration.

Garbage Bag: A durable, water-tight 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-five (45) 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-five (45) 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, or 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, uncluttered condition and all solid waste generated from any property is to be 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 assessed 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 an 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 7:00 a.m. 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 establishment may elect to use, with the permission of the City, the approved containers for a residential user and the fee for such service shall be based upon volume.

2. The emptying of dumpsters may be either on a fixed schedule, or on a call-in basis. It shall be the responsibility of the business owner to ensure that the dumpsters are accessible for dumping.

C. Street-side pens and/or containers of any form, utilized to contain trash cans are restricted and must be approved by the City prior to being utilized by the residential or commercial user. The City Council hereby authorizes the Mayor and/or his/her representative to be designated to give such approval for

street-side pens or containers on behalf of the City. All street-side containers not approved by the City must be built according to Sanitation Department specifications and are subject to the approvals set forth above.

5.16.05 Fees: Fees for residential, business, or commercial customers shall be charged as listed on addendum "A" to this Ordinance. The City retains the right to change, modify or increase the rates shown on this addendum without changing the rules and regulations contained in this Ordinance. All residential users' monthly fees for curbside pickup shall be billed by the Heber Springs Municipal Water Department. All residential hardship cases, multi-family and commercial users shall be billed from Heber Springs City Hall.

5.16.06 Extra Service: The City may provide pickup service of items of solid waste which are too large, too cumbersome, or not otherwise included in normal pickup service. These items will be removed at an additional fee. The Mayor or his/her representative shall make a fee determination on these items. A user asking for these items to be picked up shall contact the Sanitation Department and make an appointment for this service and will identify the type and number of items to be picked up.

5.16.07 Right. The City of Heber Springs shall have the sole right to provide the service of collecting and disposing of household solid waste in the city and to collect a fee from each user of said service. No person, persons, or other entity shall have the right to collect and dispose of their own solid waste by removing it from the city to a lawful landfill or other authorized disposal site. No person or persons or other entity may collect or dispose of the solid waste of another in the city, whether or not a fee is collected for doing so, and no person, persons or entity shall have to pay any other person, persons or entity a fee for the collection of or disposing of their solid waste except for the City of Heber Springs.

5.16.08 Unlawful Disposal of Solid Waste: It shall be unlawful to drop, deposit, discard, or otherwise dispose of litter upon any public or private property in this city or upon or into any river, lake, pond or other stream or body of water within this state, unless:

A.1. The property has been designated by the Arkansas Department of Environmental Quality as a permitted disposal site.

A.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

A.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-time offense shall be guilty of an unclassified violation and shall be fined in the amount of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1000.00). 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

dollars (\$200.00) and not more than two thousand dollars (\$2000.00), 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, 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 (\$100.00). 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, cardboard, and newspaper . Information with regard to sorting and packaging these items may be disseminated from the Sanitation Department. 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.

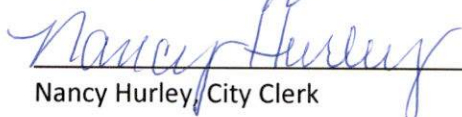
SECTION 3. That the provisions of this ordinances are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4. Emergency Clause. The need to provide a consistent source of funding for the City of Heber Springs Sanitation Department and the requirement to update fee schedules and to provide for the public peace, health, safety, and welfare, is deemed by the City to be an emergency and this ordinance shall be in full force and affect from and after December 1st, 2022.

Passed this 17th day of November, 2022.

Approved:


Kasey Griffin, Mayor


Nancy Hurley, City Clerk

ADDENDUM – FEE SCHEDULE

Residential: 3 cans 25.00 per month

Commercial Can Service (3 cans) 25.00 per month (\$8.75 for 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 15.00 per yard. Container presumed to be full.

Class four trash and debris 28.00 per yard. Overfilled dumpsters to be additionally charged.

Mixed class four and 1 dumpster 28.00 per yard.

Refundable deposit for dumpster 100.00 per yard.

Short-term dumpster 28.00 per yard, plus monthly rental fee (30-day window)

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

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