

AN ORDINANCE REGULATING THE STORAGE, COLLECTION
TRANSPORTATION, AND DISPOSAL OF REFUSE WITHIN
THE CITY LIMITS OF THE CITY OF COTTER, ARKANSAS,
PROVIDING FOR PENALTIES FOR NON-COMPLIANCE
THEREWITH AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CITY COUNCIL, CITY OF COTTER, ARKANSAS:

SECTION I: DEFINITIONS:

A. "Refuse" means all solid or semi-solid wastes including, but not limited to, garbage, rubbish, ashes, street refuse, dead animals, debris, junk and trash of every kind and description.

B. "Premises" shall mean private residences, apartments, rooming and boarding houses, restaurants, cafes and eating houses, motels, camps, business and manufacturing establishments, and any and all other places within the City limits of the City of Cotter, Arkansas, hereinafter referred to as the "City", where refuse accumulates.

C. "Person" shall mean individual, firm, corporation, partnership, company, association, institution, and every legal entity however organized.

D. "Disposal Site" shall mean any place where refuse is dumped, abandoned, accepted or disposed of for final distribution thereof.

SECTION II: It shall be the duty of every person owning, managing, operating, leasing, or renting any premises where refuse accumulates to provide and maintain at all times in good order and repair on said premises a portable container for refuse, either metal or plastic garbage cans with tight fitting lids or plastic bags securely closed at the open end, in sufficient numbers to accommodate and securely keep all refuse accumulating between collections thereof, each such container to be a size which can be readily handled by the collector of refuse; the carcasses of dead animals must be placed in a ^{separate} plastic bag and plastic bag placed in the container; scrap lumber and tree limbs shall not be over four (4) feet in length, bundled and tied and each bundle shall not weigh over Sixty (60) pounds; ashes and incinerator residue must be wet; any container having broken glass therein must be so labeled.

SECTION III: It shall be the duty of every person owning, managing, operating, leasing, or renting any premises where refuse accumulates to place the container and bundled refuse on collection days at the street curb at a place accessible to the collector except that refuse from commercial establishments shall be placed at an appropriate place acceptable

to the collector. However, if any individual is physically handicapped to the extent that it is impossible to place refuse at the street curb, upon application, containing proof of such handicap, to the City Council, special permission may be granted by the City Council to place refuse at another location.

SECTION IV: Collection of refuse shall be made from residential areas within the City at least once a week and from commercial and business establishments as often as necessary to meet sanitation requirements.

SECTION V: The City may either act as its own collector of refuse or may contract for the collection, transportation and disposal of refuse.

SECTION VI: Each and every person is hereby required to utilize the facilities of the collector, whether it be the City itself or contractor with the City for this purpose. The collection, transportation and disposal of refuse shall be in accordance with the requirements of the Arkansas Solid Waste Management Act, regulations of the Arkansas Pollution Control Commission and all regulations now in effect or hereinafter promulgated by the City, the County of Baxter, the State of Arkansas, the United States of America, their agencies and commissions, which relate to pollution control, ecology and sanitation.

SECTION VII: From and after the passage of this Ordinance it shall be unlawful for any person to meddle with refuse containers, scatter their contents, dump or to throw refuse or place junk on any lot, ditch, street, alley, park or any other place within the City.

SECTION VIII: Any person violating any of the provisions of this Ordinance above set forth shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of not less than FIVE DOLLARS (\$5.00) nor more than FIFTY DOLLARS (\$50.00) for each violation, and each day of every violation of the aforesaid provisions shall constitute a separate offense and be punishable as such.

SECTION IX: The fee charged for the collection of refuse, except to business and commercial establishments, shall be in the sum of THREE DOLLARS (\$3.00) per month, but may be changed from time to time by the City Council of the City, the fee to be billed to the person serviced and paid by such person at the Cotter City Hall. Fees to be paid by business and commercial establishments shall be negotiated with the collector of refuse and the rate shall be based on cubic yards collected. In the event that the fee of

THREE DOLLARS (\$3.00) per month shall cause undue hardship to any person, upon proof of such undue hardship satisfactory to the Cotter City Council, at its discretion said Council may designate a lower fee but there shall be no more than TWENTY (20) reductions within the City because of hardship.

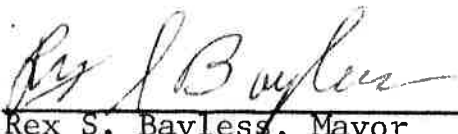
SECTION X: All prior ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION XI: If any section, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason by a Court of competent jurisdiction or by laws of the State of Arkansas or the United States of America or by the rules and regulations of any agency thereof, the remainder of this Ordinance shall not be affected thereby.

SECTION XII: This Ordinance, being necessary for the preservation of the public interest, health, welfare and safety of the residents of the City of Cotter, Arkansas, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately upon and after its passage.

PASSED AND APPROVED this 17th day of August, 1977.

APPROVED:

BY: 
Rex S. Bayless, Mayor

ATTEST:


L. A. Rice, Recorder

(SEAL)