

ORDINANCE No. 4-77 AMENDED

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, 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, accepted or abandoned for final disposal 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, with a tight fitting lid, or a sufficient number of plastic bags securely closed at the open end, to accommodate and securely keep all refuse accumulating between collections thereof.

Each such container to be a size that can be readily handled

by the collectors, and shall not exceed 35 gallons capacity, or be of the type that is furnished by the collection contractor. All other containers, such as 55 gallon drums, not previously approved, will not be serviced by the contractor. The carcasses of dead animals must be placed in separate plastic bags and placed in the container. 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 at the edge of the street pavement in a place accessible to the collector, not more than twelve (12) hours previous to scheduled collection. The empty container must be removed from public property to a place on private property not visible from the street, no longer than twelve (12) hours following collection. However, any individual physically handicapped to the extent that it is impossible to place refuse at the edge of the street pavement, upon application to the City Council containing proof of such handicap, special permission may be granted by the City council to place refuse at another location.

SECTION IV: Collection Contractor shall collect refuse from residential areas at least once a week and from commercial and business establishments as often as necessary to meet sanitation requirements.

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

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

SECTION VII: 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 TWENTY FIVE DOLLARS (\$25.00) nor more than TWO HUNDRED FIFTY DOLLARS (\$250.00) for each violation, and each day of every violation of the aforesaid provisions shall constitute a separate offense and be punishable as such.

SECTION VIII: The fees charged for the collection of refuse shall be established by competitive bid covering a period of THIRTY SIX (36) months. Should an emergency beyond the control of either the contractor or the City Council arise within the contract period, the fees can be reviewed and adjusted by the City Council. Monthly fees for residential collection shall be billed together with charges for other services such water and sewer usage fees, and paid at the Cotter City Hall. Fees for collection of commercial, business or industrial refuse shall be established by competitive bid based on cubic yards collected or size of refuse container furnished. Billing and collection of those fees shall be responsibility of the Collection Contractor. In the event that the fee for collection of residential refuse shall cause an undue hardship to any person, upon proof of such undue hardship, the City Council may designate a lower fee. There shall be no more than TWENTY (20) such reductions allowed.

SECTION IX: All prior Ordinances or parts thereof, in conflict herewith are hereby repealed.

SECTION X: 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 of any agency thereof, the remainder of this Ordinance shall not be affected thereby.

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

PASSED THIS 17th. DAY OF OCTOBER, 1996.

APPROVED:


Bill Jennings,
Mayor

ATTEST:

Betty A. Anglin
Recorder-Treasurer

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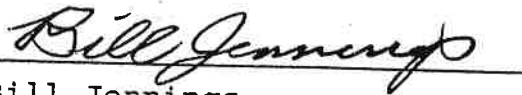
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