ORDINANCE NO. 33

AN ORDINANCE PROVIDING FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND WASTE, IN THE CITY OF ATKINS, ARKANSAS, ESTABLISHING THE PROCEDURE AND FEES FOR SUCH SERVICES, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to provide for the orderly collection and disposal of garbage and waste in the City of Atkins, Arkansas.

NOW THEREFORE, be it ordained by the City Council of the City of Atkins, Arkansas:

1. The terms "garbage" and "waste" as used in this ordinance shall mean and be construed to include kitchen garbage, trash, ashes, waste paper, yard sweepings, tin cans, glass, rubbish and waste from homes, business and industry and other substances which are detrimental to the beauty and sanitation of the City of Atkins; provided however, that the terms "garbage" and "waste" shall not include large appliances, car bodies, dead animals, wood, limbs, brush and other such items which cannot be sealed in garbage bags as hereinafter provided.

2. The City of Atkins through its agents and employees will collect and remove garbage and waste from residences in the City of Atkins at least once a week at such time and day of the week as the City Council may from time to time specify, and from commercial and industrial establishments within the City of Atkins as required. All such garbage and waste shall be removed to the City of Atkins Solid Waste Disposal Plant and there disposed of by the custodian in charge.

3. All individuals occupying residences within the City of Atkins and all commercial and industrial establishments within the City of Atkins not previously enrolled as customers of the garbage and waste collection service operated by the City of Atkins, may so enroll by notifying City Hall of their desires. Each individual or establishment shall thereafter be included as a customer of the garbage and waste collection service operated by the City of Atkins.

4. No garbage or waste shall be collected and removed by the City of Atkins unless all such residential, commercial and industrial customers satisfy the following three conditions:

(a). All garbage and waste shall be placed in sealed plastic garbage bags or other such similar containers as specified by the City Council.

(b). All garbage and waste shall be drained of liquid substance before being placed in such garbage bags or containers.
(c). All such garbage bags or containers to be collected by the City of Atkins shall be placed on the curbline in front of each such residence or establishment.

5. The phrase "other similar containers" as applied to residential customers shall not include large barrels. Any accumulation of garbage and waste in such barrels shall not be collected or removed by the City of Atkins until each such residential customer complies with the conditions of Section 4.

6. The terms and provisions of this ordinance shall not obligate the City or its agents, servants or employees to pick up or remove any debris which results from construction, demolition or repair work or where wood or limbs are cut or removed from trees.

7. No person shall place or throw waste paper, trash or other garbage or waste on any street, sidewalk, alley or public place within the City limits of the City of Atkins, at any time.

8. No person or corporation shall have the right or privilege to collect and dispose of garbage and waste within the city limits of the City of Atkins for pecuniary gain until such individual, firm or corporation has applied for and received a permit issued by the City of Atkins authorizing such collection and disposal of garbage and waste.

9. Fees for the sanitation services rendered by the City of Atkins pursuant to this ordinance shall be charged the customer as follows:

(a). Two dollars and fifty cents--($2.50)--per month for each single residence or dwelling unit and for each single family unit of multiple family dwellings.
(b). Six dollars--($6.00) minimum per month for each commercial and industrial establishment. Additional fees to be negotiated between the City of Atkins and the customer, shall be charged if in the opinion of the City of Atkins the amount of work involved merits additional charges.

All such charges shall be billed monthly and added to the customers monthly water bill.

10. All garbage and waste collected hereunder by the City of Atkins shall be burned and disposed of at the Atkins Solid Waste Disposal Plant. All other persons, firms or corporations, including those collecting and disposing of garbage and waste for pecuniary gain, desiring to make use of said facility for the disposal of garbage and waste shall pay a fee for such use, to the

City of Atkins, said fee to be paid to the custodian of the Atkins Solid Waste Disposal Plant at the time of the use as follows:

(a). Carload--One dollar ($1.00).
(b). One-half ton truckload--Two dollars ($2.00).
(c). Over one-half ton truckload to and including one ton truckload--Three dollars--($3.00).
(d). Dump truckload (short bed)--Four dollars and fifty cents($4.50).
(e). Small deceased animals--Fifty cents (.50)
(f). Refrigerators, stoves, washing machines, hotwater heaters, air conditioning units and other such large appliances--Five dollars ($5.00).
(g). Television sets--Two dollars ($2.00).

All of the above fees represent charges for full loads. Fees charged for all other loads will be negotiated between the custodian of the Atkins Solid Waste Disposal Plant and the customer. The fees for the items listed in (e) through (g) shall be charged in addition to those fees listed in (a) through (d). In no event shall the items listed in (e) through (g) be considered a part of any load as described in (a) through (d).

11. The Atkins Solid Waste Disposal Plant shall be open to the public except on holidays during the following days and time of the week:

(a). Tuesday through Friday--8:00a.m. until 4:30 p.m.
(b). Saturday 8:00 a.m. until 3:00 p.m.

12. It shall be unlawful for any person, firm or corporation to dump or dispose of garbage or waste in the Atkins Solid Waste Disposal Plant except with the permission of the custodian and after having paid the prescribed fees as set out in Section 10. Any person, firm or corporation violating this section shall be deemed guilty of a misdemeanor and shall be fined in an amount of not less than Ten dollars ($10.00) and not more than One hundred dollars ($100.00).

13. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

WHEREAS, the Atkins Solid Waste Disposal Plant is operating at the present time, and the Atkins City landfill must be closed to the public in order to comply with Federal standards, an emergency is therefore declared and this ordinance, being necessary for the public peace, health and safety, shall be in full force and effect from and after its passage and publication.

DATED this 12th day of December, 1978..

ATTEST: _____ CITY CLERK

_____ MAYOR