

ORDINANCE NO. _____

AN ORDINANCE FOR SOLID WASTE PICKUP

AN ORDINANCE PROVIDING FOR THE COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE AND TRASH WITHIN THE CITY OF LAVACA, ARKANSAS; DEFINING TERMS; REQUIRING ALL OWNERS, OCCUPANTS, TENANTS OR LESSEES OF RESIDENCES WITHIN THE CITY OF LAVACA, ARKANSAS TO USE PROVIDED CONTAINERS; FIXING MONTHLY CHARGES TO BE MADE TO OWNERS, OCCUPANTS, TENANTS, OR LESSEES OF RESIDENCES RECEIVING THE SERVICE; PROHIBITING ANYONE EXCEPT AGENTS OR EMPLOYEES OF THE CITY OF LAVACA, ARKANSAS, FROM EMPTYING RESIDENTIAL CONTAINERS OR RECEPTACLES OR TRANSPORTING THE CONTENTS THEREOF ON THE STREETS OR PUBLIC THOROUGHFARES OF THE CITY OF LAVACA, ARKANSAS; LEVYING A PENALTY; FIXING A PENALTY FOR VIOLATIONS HEREOF; REPEALING RDINANCE NUMBERS 83-3, 87-1, 91-3, 93-1, 00-01 AND ALL ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVACA, ARKANSAS, AS FOLLOWS:

SECTION 1: TITLE.

From and after its passage and approval, that short title of this ordinance shall be: "TRASH AND REFUSE DISPOSAL ORDINANCE OF THE CITY OF LAVACA, ARKANSAS."

SECTION 2: DEFINITIONS.

The following words and terms when used in this ordinance shall have the meanings respectively ascribed to them by this section unless the context clearly indicates otherwise.

(A) SOLID WASTE. A collective term including all garbage, trash, refuse, rubbish and non-combustible waste, including putrescible animal and vegetable waste resulting from the preparation, cooking and serving of food and the use of produce, tin cans, glass containers and papers (all normal household waste will be considered garbage) and non-putrescible waste, consisting of combustible and non-combustible

material such as, but not limited to yard clippings, leaves, wood, glass and similar materials.

(B) PERSON. Person means any individual, firm, partnership, association, or corporation.

(C) LANDFILL. Landfill means a place or places designated, approved and licensed by proper authority for the purpose of dumping or disposing of household garbage, trash and other solid waste.

(D) RESIDENTIAL CUSTOMER. Any customer whose use of the premises owned, leased, occupied, or managed, is for a residential purpose in a single family structure, duplex structure, or individual apartment in a multi-family structure.

(E) COMMERCIAL CUSTOMER. Any customer whose use of premises or portions thereof owned, leased, occupied, or managed by such customer is for a purpose other than residential use.

SECTION 3: USE OF SOLID WASTE CONTAINERS.

(A) It shall be the duty of every person in possession, in charge or control of any residential premises where solid waste is created or accumulated to use a poly cart solid waste container provided by a contractor of the City of Lavaca for deposit therein solid waste and for placement of such solid waste at or near the edge of the residential property for pick up by the solid waste contractor. The collections services provided by the City or the City's contractor for each residential unit shall be limited to the amount of bagged solid waste that will fit inside the provided container. Any solid waste not placed inside the provided container, whether or not bagged or otherwise contained outside the provided container will not be collected by the city or the contractor.

(B) It shall be incumbent upon tenants, lessees, occupants, or owners of said premises to provide a safe and convenient curbside location for collection of the solid waste. The provided container shall be loaded only with acceptable residential solid

waste and placed at the curbside by each residential unit or within three feet of the curb at a road or right of way on the designated weekly collection date. Any damaged, stolen or lost carts will be replaced by the contractor at a charge representing the cost of the cart to the contractor which shall be billable to and payable by the tenant, lessee, occupant, or owner of said premises.

SECTION 4: DUMPING SOLID WASTE OTHER THAN IN LANDFILL PROHIBITED.

It shall be unlawful for any person to dump or caused to be dumped any solid waste on any property within the City of Lavaca.

SECTION 5: PREVENTION OF PUBLIC NUISANCE.

It shall be unlawful for any person in possession, charge of, or control of any premises to keep, cause to be kept, or allow the keeping on any premises within the corporate limits of the City of Lavaca, garbage, refuse, or other solid waste in such a manner that it will become offensive or deleterious to health or likely to cause disease, and the same is hereby declared a public nuisance.

SECTION 6: DEAD ANIMALS.

All dead animals in the corporate limits of the City must be removed within 12 hours by the owner. It shall be unlawful for any person to throw or put into the streets, lanes, alleys, parkways, or rights of way any dead animal.

SECTION 7: LITTERING.

It shall be unlawful for any person in possession, charge or control of any premises to keep, caused to be kept, or allow to keep on any premises any solid waste not contained in a proper solid waste container. It shall be unlawful for any person to throw, cast, or otherwise deposit or caused to be thrown, cast, or otherwise deposited any paper, garbage, rubbish, containers, or any other substance of solid waste of any kind in or upon any curb, gutter, street, avenue, highway, sidewalk, park or parkway.

SECTION 8: UNAUTHORIZED DISPOSAL OF SOLID WASTE PROHIBITED.

It shall be unlawful for any person, firm, corporation or other legal entity to engage in the business of hauling residential solid waste for hire within the City of Lavaca unless a contractor of the City of Lavaca.

SECTION 9: RATE SCHEDULE AND DAYS OF SERVICE.

(A) The collection, hauling and disposal of solid waste shall be made by the City not less than one time each week except Sundays and authorized holidays and the changes hereby imposed are based on such periodic collection. In the event that a normal collection day falls on a legal holiday, or collection services cannot be safely and timely performed by the contractor due to severe weather, an emergency declaration or acts of God, the City's contractor will have the right to adjust collections days so that collection may be safely and timely performed.

(B) RESIDENTIAL CHARGES. Solid waste shall be collected from residential customers once per week on a day of the week to be established by the City's contractor and as approved by the city, and the charge for said collection shall be \$12.00 per month.

SECTION 9: PENAL CLAUSE.

Any person doing any act or thing declared by this ordinance to be unlawful shall be guilty of an offense against the City of Lavaca and upon conviction, shall be punished by a fine of not less than \$50.00 nor more than \$500.00 or by imprisonment in jail for a period not exceeding six months, or both such fine and imprisonment and each day any violation of this ordinance continues shall constitute a separate offense.

SECTION 10: REPEAL.

Ordinance numbers 83-3, 87-1, 91-3, 93-1, 00-01 and all ordinances or parts of ordinances of the City of Lavaca in conflict herewith are repealed.

SECTION 11: SAVINGS CLAUSE.

If, for any reason, any clause, sentence, section, sub-section or provision of the this ordinance or the application thereof to any person or circumstances is held invalid or inoperative, the remainder of the ordinance and the application thereof to other persons and circumstances shall not be effected thereby.

SECTION 12: EMERGENCY CLAUSE:

For the preservation of public safety, health and peace, an emergency is declared to exist and this ordinance shall be in full force and effect from and after its passage and publication.

PASSED AND APPROVED this _____ day of _____, 2021, by a majority or more of the city Council of the City of Lavaca, Arkansas.

APPROVED:

Mayor, Hugh Hardgrave

ATTEST:

City Recorder, Shelly Hockaday