

ORDINANCE 1976- 10

AN ORDINANCE ADOPTING A WASTE MANAGEMENT SYSTEM,  
REGULATING COLLECTIONS OF GARBAGE WITHIN THE CITY,  
SETTING FEES THEREFOR, PROVIDING PENALTIES AND REMEDIES FOR VIOLATION,  
AND DECLARING AN EMERGENCY

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMBURG:

(1)

As used in this Ordinance, the following definitions shall apply:

- (a) "Person" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, city, town or municipal authority or trust, venture, or other legal entity however organized;
- (b) "Solid Wastes" means all putrescible and non-putrescible refuse in solid or semi-solid form including, but not limited to, garbage, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, hazardous wastes including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes, and all other solid and semi-solid waste materials resulting from industrial, commercial, agricultural, community, and residential activities;
- (c) "Disposal site" means any place approved by the Department of Pollution Control and Ecology of the State of Arkansas at which waste is dumped, abandoned, or accepted or disposed of for final disposition by incinerator, land filling, composting or any other method;
- (d) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of foods.
- (e) "Trash" means waste material not of a putrescible nature which is normally discarded by a home, including paper products, tin cans, and similar items.
- (f) "Other waste" means all "Solid Wastes" not consisting of "garbage or trash," including discarded furniture and appliances, wooden products, lumber, limbs, branches, leaves, grass clippings, and dead animals.
- (g) "Hamburg Garbage Service" means the collection system currently being operated by the City of Hamburg.
- (h) "Private Collection System" means any person who may hereafter establish or operate a business for the collection and transportation of solid waste within the City for which a fee or remuneration is paid.

(2)

From and after the passage of this Ordinance, all persons within the City of Hamburg shall dispose of Solid Wastes in a method approved by



the Arkansas State Department of Health. Disposing of said Solid Wastes at a "Disposal Site" as defined herein, either directly or by delivering such Solid Wastes to a person or collection point which will ultimately arrive at such an approved "Disposal Site" shall constitute prima facie compliance with this provision. No person shall knowingly dispose of solid wastes, directly or indirectly, personally or through an agent, servant, or contractor, in a method or place which violates any law of the State of Arkansas.

(3)

From and after this date, the Hamburg Garbage Service shall pick up and collect only "Garbage" and "Trash" as defined herein. No "other waste" as defined herein shall be collected by the Hamburg Garbage System.

(4)

Any person who may hereafter desire to operate a Private Collection System within the City of Hamburg shall first make application to the City for a franchise. Said applicant shall satisfy the City that all requirements of this Ordinance and all State laws, rules, and regulations shall be complied with. Upon approval of such application by the City Council, a franchise shall be granted for such Private Collection System. A franchise fee of \$100.00 shall be paid by said applicant. Said franchise shall be for a one year period, and shall be renewable annually by the City Council upon payment of the annual franchise fee of \$100.00.

(5)

The following requirements shall be met by all applicants for a Private Collection System before the application shall be approved and the franchise granted, and shall be continually met during all subsequent operations:

- (a) Solid wastes shall be collected and transported in such manner as to prevent public health hazards, safety hazards, and nuisances, in a self-contained vehicle or a vehicle with side boards, tail gate, and top which are sufficient to completely enclose and cover such solid wastes and to prevent their blowing out.
- (b) Collection and transportation equipment shall be designed and constructed so as to be leak-proof, easily loaded, readily emptied and easily cleanable. The waste shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vectors or creation of other nuisances.



- (c) Collection and transportation vehicles shall be kept in a clean and sanitary condition.
- (d) Regular collection days shall be established. Collection at commercial, institutional and public places shall be performed daily or as frequently as necessary. Collection at residential properties shall be performed a minimum of once each week or more often if necessary.
- (e) Collection and transportation of chemicals, poisons, explosives, radiological wastes and other hazardous materials shall be in accordance with the requirements of State and Federal regulatory controls.
- (f) All solid waste collected shall be transported to a Disposal Site as defined herein.

(6)

Fees for the Hamburg Garbage Service are hereby set as follows, effective with the billing to be mailed on or about August 31, 1976:

- (a) For commercial, industrial, and business service, such amount as may be contracted by the City.
- (b) For residential service \$2.50 per month.

(7)

All facilities for storage of garbage or trash temporarily pending collection or transportation by Hamburg Garbage Service shall be of such size and construction, or so anchored, as to prevent their being overturned or opened by animals.

(8)

The Hamburg Garbage Service shall not be responsible for cleaning of the area around storage facilities, garbage cans, and burn barrels. No garbage or trash shall be collected which is not located within a garbage can, burn barrel, or other container.

(9)

Violation of Sections 2, 4, or 5 of this Ordinance shall be a misdemeanor, subjecting the violator to a fine of not less than \$25.00 nor more than \$100.00; each day of violation shall constitute a separate offense.

(10)

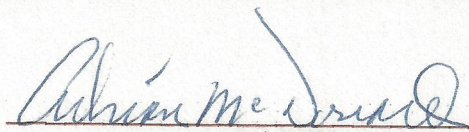
All Ordinances or Resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions hereof.



(11)

The City Council finding that the unsanitary disposition of solid wastes currently in vogue in the City of Hamburg constitutes a hazard to the public health and general welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect immediately.

ADOPTED this 9 day of August, 1976.

  
MAYOR

ATTEST:

  
CITY CLERK