

AN ORDINANCE ESTABLISHING A MANDATORY WASTE MANAGEMENT SYSTEM, SETTING THE FEES THEREFOR, AND REPEALING ORDINANCE 1976-10, WITH EMERGENCY CLAUSE.

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 or commercial establishment, 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) "Residential Unit" means each single family residence, mobile home, and each unit of a duplex, apartment house or other multi-family structure shall be considered a residential unit under this ordinance and shall be charged the rate provided for each residential customer. "Residential Unit" shall also include any "commercial unit" as hereinafter defined which does not generate more than one 20 gallon garbage can or barrel of "trash" and "garbage" per week and does not require more than one pick-up per week.
- (i) "Commercial Unit" means each separate governmental, professional, commercial, or business establishment and for purposes of this definition, each individual, corporation, office, department or other entity which pays rent or uses any office within a building shall be treated as a separate commercial unit, irregardless of whether they are located in the same building or structure as another office or business; provided, further, that for purposes of this Ordinance, a hotel or motel shall be treated as one commercial unit.

(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 the "Hamburg Garbage Service" or a 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)

All residential units within the City of Hamburg in which persons reside shall use the garbage and trash pick-up services provided for by this Ordinance and shall pay the charges specified by this Ordinance. Each occupant or resident of each such residential unit shall place such garbage or trash in either (a) a covered barrel or garbage can of 20 gallons or smaller size or (b) in a plastic bag of at least 2.0 mills thickness. Such plastic bags shall be tied with wire tie closures or their equivalent before being placed at the location for pick-up. City pick-up crews shall not be required to pick up any refuse except that contained in authorized bags or cans as specified above. Pick-up crews shall not be required to pick up any loose refuse, except that caused by their own negligence.

(5)

All commercial units within the City of Hamburg which are being operated or used shall use the garbage and trash pick-up services provided for by this Ordinance and shall pay the charges specified by this Ordinance.

(6)

All garbage and trash in the City shall be collected regularly by employees of the City, and no other person shall be allowed to collect garbage or trash unless prior permission is hereafter granted by the Hamburg City Council. Provided, however, that nothing herein shall prevent a person or commercial unit from carrying off and disposing of his (or its) own garbage and trash at a place and in the manner provided in Section 2 hereof, so long as such person or commercial unit is paying the charges provided for in this Ordinance. Provided further, that nothing herein contained shall prevent a person or commercial unit from carrying off and disposing of his (or its) own "other waste" at a place and in the manner provided in Section 2 hereon.

(7)

The following monthly rates which the City Council finds to be reasonable are hereby fixed as rates to be charged for the services herein provided:

- (a) A charge of \$3.00 per month shall be made for each residential unit for one pick-up per week.
- (b) A charge of \$10.00 per month shall be made for each commercial unit for 2 pick-ups per week.
- (c) For any commercial unit desiring more than 2 pick-ups per week, the City Council or some persons designated by them shall negotiate a reasonable fee for such services, which shall be not less than \$15.00 per month.

(8)

The foregoing fees shall be billed on the sewer bills of each such customer each month.

(9)

This Ordinance shall be effective January 1, 1980.

(10)

Ordinance 1976-10 is hereby repealed on the effective date of this Ordinance.

(11)

Violation of any section of this Ordinance shall be a misdemeanor and, upon conviction thereof, shall subject the violator to a fine of not less than \$10.00 nor more than \$100.00. Each separate occurrence of violation shall constitute a separate misdemeanor.

(12)

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 at the earliest date allowed by law

ADOPTED this 6th day of December, 1979.

ATTEST:

Mary Ann White
CITY CLERK

Richard Thie
MAYOR