

ORDINANCE NO. 2024 -3

**AN ORDINANCE AMENDING ORDINANCE NO. 1979-7, AS AMENDED FROM TIME TO TIME, ESTABLISHING A SYSTEM AND RATES FOR SOLID WASTE COLLECTION, ESTABLISHING PENALTIES FOR NONCOMPLIANCE, AND DECLARING AN EMERGENCY**

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WHEREAS, Ark. Code Ann. § 8-6-211 authorizes municipalities to provide a solid waste management system which will adequately provide for the collection and disposal of all solid wastes generated or existing within the incorporated limits of the municipality or in the area to be served and in accordance with the rules and orders of the Arkansas Pollution Control and Ecology Commission and further grants the governing body of the municipality the authority to levy and collect such fees and charges and require such licenses as may be appropriate to discharge its responsibility under Subchapter 2 of Chapter 6 of Title 8 of the Arkansas Code, and

WHEREAS the rates and practices set forth herein are found by the City Council of the City of Hamburg to be reasonable and necessary,

BE IT, THEREFORE, ORDAINED that:

Section 1. No person or entity shall dispose of solid waste within the corporate limits of the City in any manner other than that set forth herein;

Section 2. The following definitions apply as the terms are used herein:

a. As used herein, “Garbage” means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

b. As used herein, “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.

c. As used herein, “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, activities;

d. As used herein, "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.

e. "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;

f. "Hamburg Garbage Service" means the collection system operated by the City of Hamburg. The Hamburg Garbage Service shall pick up and collect only "Garbage" and "Trash" as defined here. No "Other Waste" as defined herein shall be collected by the Hamburg Garbage Service. Nothing in this Ordinance shall preclude the City of Hamburg, as resources permit, from making special pick up of limbs and other debris at times designated by the Mayor.

g. "Residential Unit" means each single-family residence, mobile home, and each unit of a duplex, apartment house or other multi-family structure. Each Residential Unit shall be charged the rate provided for a residential customer. "Residential Unit" shall also include any "commercial unit" as hereinafter defined which does not generate more than one 96-gallon garbage can or barrel of "trash" and "garbage" per week and does not require more than one pick-up per week.

h. "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, regardless 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.

Section 3. 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 by 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" as defined herein. 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 waste, 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.

Section 4. 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.

Section 5. 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. City pick-up crews shall not be required to pick up any refuse except that contained in authorized bags or cans as specified herein. Pick-up crews shall not be required to pick up any loose refuse, except that caused by their own negligence.

Section 6. 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.

Section 7. 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 (its) own garbage and trash at a place and in the manner provided in Section 3 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 3 herein.

Section 8. All garbage and trash shall be in the container specified and provided by the Hamburg Garbage service, which shall be situated as follows:

- a. The containers shall be at the road and ready for pickup by 6 a.m. on the day that pick up is scheduled and shall be removed from the road side no more than 24 hour after same is emptied;
- b. The containers shall be placed two feet from the edge of the road and four feet away from any structure, including a mailbox;
- c. The handle and wheels of the container shall be facing away from the road and the lid closed;
- d. The container shall be on a level surface, preferably on the corner of the driveway, and at least two feet from another container;
- e. Use of a container other than that assigned to the household or business is a violation and is punishable by a fine. Further, the Hamburg Garbage Service is not required to pick up materials that are not in the containers specified herein;
- f. Damaged containers shall be reported immediately to the Hamburg Garbage Service;
- g. Maintenance of the containers shall be as follows
  - i. Hamburg Garbage Service will maintain or replace cans as required by normal wear and tear;
  - ii. Damage caused by user neglect shall be paid by the user;
  - iii. The containers shall be cleaned with water and cleaner at least once per month.

Section 9. The Hamburg Garbage Service will assign, at no cost to the user, one container. Additional containers can be leased by the user at a cost to be

determined by the City from time to time, based on the cost of same;

Section 10. The monthly rates set out on the attached table are hereby fixed for the services and goods provided by the Hamburg Garbage Service to commercial users, to be collected with each customer's sewer bills each month. Residential customers are not permitted to specify pick up more than one time per week. The Residential Basic Rate shall be \$20.00 per month

Section 11. A violation of this Ordinance shall be punishable a fine of not less that \$50.00 nor more than \$100.00. Each day a violation is permitted to exist shall constitute a separate violation.

Section 12. The orderly pick up and disposal of Solid Wastes being essential to the health and welfare of the citizens of Hamburg, an Emergency is declared to exist and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED THIS May 20, 2024.



DAVID STREETER - MAYOR

ATTEST:



MELISSA CARPENTER, CITY CLERK

**TABLE OF GARBAGE PICKUP RATES PER MONTH  
COMMERCIAL**

Days Picked Up	NUMBER OF CANS							
	1	2	3	4	5	6	7	8
1	\$30.00	\$34.35	\$38.70	\$43.05	\$47.40	\$51.75	\$56.10	\$60.45
3	\$90.00	\$94.35	\$98.70	\$103.05	\$107.40	\$111.75	\$116.10	\$120.45
5	\$150.00	\$154.35	\$158.70	\$163.05	\$167.40	\$171.75	\$176.10	\$180.45