



STATE OF ARKANSAS
City of Brookland

ORDINANCE NO. 2008-8

AN ORDINANCE ESTABLISHING AND REGULATING GARBAGE AND WASTE COLLECTION IN THE CITY OF BROOKLAND, ARKANSAS, AND PRESCRIBING PENALTIES FOR THE VIOLATION HEREOF, AND FOR OTHER PURPOSES.

BE IT ORDAINED AND ENACTED by the City Council of the City of Brookland, Arkansas, that:

SECTION 1: GARBAGE AND WASTE COLLECTION.

- (A) All garbage, waste and refuse from either single or multi-family residences within the corporate limits of the City of Brookland, Arkansas will be collected by a service under contract to the City.
- (B) All garbage, waste and refuse from commercial businesses within the corporate limits of the City of Brookland, Arkansas will be collected by a service under contract with each individual commercial business.
- (C) All garbage, waste and refuse from single residences, multi-family residences or commercial businesses within the corporate limits of the City of Brookland shall be collected and properly disposed of in the Legacy Landfill located in Craighead County, Arkansas.
- (D) Persons providing sanitation services to the City of Brookland must pay all privilege licenses and fees as required by the City Council.

SECTION 2: DEFINITIONS.

- 1. City: City of Brookland, Arkansas.
- 2. Garbage, Trash and Waste: The term "garbage", "trash" or "waste" as stated herein is to be defined by their plain meaning and as defined pursuant to Arkansas Solid Waste Management Act, Arkansas Code Annotated §8-6-201 et seq.

SECTION 3: RECEPTACLES.

- (A) The City will provide the necessary receptacles for single or multi-family residences through its contract with the waste collection company, with the waste collection company to retain ownership of said receptacles. All residents of single or multi-family residences shall deposit daily their accumulation of garbage in such receptacles as herein provided. Provided that yard and stable manure, ashes, cinders, etc., shall not be placed in the garbage can, but shall be kept near such can and convenient or accessible to the garbage collector and ashes or cinders may be kept in any box or vessel that can be handled by one (1) person; yard and stable manure shall be kept in any covered box or bin so arranged that flies cannot reach the manure stored therein. Provided, further, that old paper leaves and rags may be placed in bags or in boxes in such a manner that the contents cannot blow away or be scattered.

- (B) The owner of any apartment house or complex shall provide the necessary cans, dumpsters or other approved receptacles at his/her own expense for each apartment or housing unit contained in his/her apartment house and shall be responsible for his/her tenants depositing their accumulation or garbage in such receptacles as herein provided.
- (C) All cans, dumpsters or other approved receptacles must be made accessible and unlocked when the sanitation truck arrives at the location during the truck's normal route.
- (D) The City will not be responsible for damage to any private property including motor vehicles that are located too close to the dumpsters or trash receptacles.

SECTION 4: INTERFERING WITH GARBAGE RECEPTACLES.

It shall be unlawful for any person other than the garbage collector, an employee of the City, or person(s) for whom the receptacle was provided to deposit any garbage, article or substance in the receptacle or to remove, injure or destroy, uncover or in any manner disturb such receptacle or any portion of its contents, except as herein provided.

SECTION 5: PLACING, BURNING, ETC. OF WASTE PAPER, TRASH OR GARBAGE ON STREETS AND SIDEWALKS.

No person shall place, burn or throw waste paper, trash or other garbage on any street, sidewalk, drainage ditch, alley or public place within the City at any time, day or night. Provided, further, that the exact location of all receptacles may be under the direction and control of the service under contract to the City.

SECTION 6: MISCELLANEOUS MATERIALS.

Where garbage consists of paper, straw or other packing material, the occupant of the premises shall provide a box, can or other approved receptacle so that the contents may not be blown about or scattered. Size of the receptacle needed to care for such garbage shall be determined by the service under contract to the City. These receptacles may be placed at the rear of the premises that back up to alleys, but must not be placed so as to interfere with traffic up and down any alley and must be easily accessible to the sanitation workers.

SECTION 7: CITY NOT REQUIRED TO DISPOSE OF CONSTRUCTION, ETC. WASTES.

The terms and provisions of this ordinance shall not obligate the City to pick up or remove refuse or debris which results from construction or repair work, wood or limbs cut or removed from trees or debris which results from burnouts.

All residential and commercial contractors are required to place a waste receptacle at the work site and must dispose of materials according to Section 1 Subsection (C).

SECTION 8: TIME OF COLLECTION: DUTY OF OCCUPANTS OF DWELLINGS AND BUSINESS PREMISES.

Garbage shall be collected from private residences by the City through contract with a waste collection business at least once a week and it is hereby made the duty of the occupants of every dwelling in the city to have garbage on their respective premises properly placed in approved cans and available for regular garbage collections. All garbage, waste and refuse from commercial businesses within the corporate limits of the City of Brookland, Arkansas will be collected by a service under contract with each individual commercial business.

SECTION 9: FEES.

The fees for such residential collection shall be paid monthly in advance along with the city water bills and shall be set by resolution by the City Council.

SECTION 10: RESPONSIBILITY FOR PAYMENT.

- (A) The fees chargeable against dwelling houses and other establishments are levied on and collectable from the person in whose name the dwelling house or establishment is rented or from the person who is the owner or occupant except in the case of apartment houses. A separate fee is hereby fixed for and shall be collected from and paid by each unit of a multiple family dwelling house occupied as a residence or an apartment house.
- (B) The fees chargeable against each unit of an apartment house are levied on and collectable from the owner of such apartment house for each and all of the apartments or housing units contained in any such apartment house.
- (C) For purpose of this Ordinance, an "apartment house" is defined as being any dwelling house that is occupied by two (2) or more family groups.
- (D) All owners of apartment houses as defined in subsection (C) are required to notify the City of Brookland of the address of the apartment houses owned by them, the number of units in each apartment house, the number of rooms per unit, and the name and address of the owner.

SECTION 11: COLLECTOR DESIGNATED; BILLING; FUNDS.

The City of Brookland is hereby designated the official collectors of sanitation fees. The fees herein levied and fixed are on a monthly basis and shall be due and payable in advance. The amount of the sanitation fee shall be listed on the water statement furnished by the City of Brookland and mailed to each person owing sanitation fees. The fee shall be fixed according to this Ordinance with proper amounts to be charged to each person receiving a garbage disposal service and a record of same shall be kept by the collector in an office furnished for such purpose. The monthly period for each person receiving such service and owing such fee, shall begin on the first day of each month for the monthly period. In case any person begins receiving garbage services after the beginning of the month, such person shall be billed for the remainder of such period and thereafter for the full period.

SECTION 12: RESERVATION OF POWER IN CITY COUNCIL.

The City Council shall have the power to reduce or increase the fees herein listed for said service by resolution adopted at any regular meeting of the Council and set fees therefore.

SECTION 13: STATEMENT OF COSTS.

When the City of Brookland has incurred any expense in removing and correcting any of the conditions authorized herein, it shall immediately prepare a written statement showing the expense incurred and notify the owner of the property. In case he/she is a resident of the State of Arkansas and his/her whereabouts are unknown, such notice should be in writing and be accompanied with the written statement of expenses incurred.

This notice may be given by personal delivery or by registered letter. In case the owner is a nonresident of the State of Arkansas, the notice and statement shall be sent to him by registered mail at his last known address. In case the address of the owner is unknown, the notice and expense statement shall be posted on the premises involved. The owners shall have ten (10) days after service of the notice or posting of the same to pay the expense.

SECTION 14: SUIT TO COLLECT EXPENSES: PENALTY.

If the expense so incurred in removing and correcting the condition has not been paid within ten (10) days after the posting or serving of the notice, the City may take whatever legal action available to collect said expenses.

SECTION 15: UNLAWFUL STORAGE.

It shall be unlawful for the owner or occupant of a commercial and/or residential building structure or property to utilize the premises of such property for the open storage of any icebox, refrigerator, stove, tires, building material, paper, building rubbish and/or similar unsightly and unsanitary items.

SECTION 16: RESPONSIBILITY FOR MAINTENANCE.

It shall be the duty and responsibility of every such owner or occupant to keep the premises of such commercial and/or residential property clean and to remove all such items from the premises.

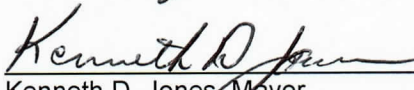
SECTION 17: VIOLATIONS.

Any owner or occupant that fails to remove all such previously listed and/or similar items after written notice to do so from the City of Brookland, within seven (7) days after receipt of said notice, shall be in violation of this Ordinance and shall be notified of said violation in accordance with Arkansas law.

SECTION 18: PENALTY.

Any violation of this Ordinance shall be deemed a misdemeanor and upon conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00) and each day such violation occurs shall be considered a separate offense.

PASSED AND ADOPTED this 13 day of May, 2008


Kenneth D. Jones, Mayor

ATTEST:


Johna Davis, Recorder

1st reading – 03/20/08; 5 yeas/ 0 nays

2nd reading - 4/11/08; 6 yeas/ 0 nays

3rd reading - 5/13/08; 6 yeas/ 0 nays