

ORDINANCE NO. 2020- 02

AN ORDINANCE TO PROVIDE FOR THE COLLECTION AND CONTROL OF SOLID WASTE IN THE CITY OF CHEROKEE VILLAGE, ARKANSAS; AND FOR OTHER PURPOSES

WHEREAS, the City of Cherokee Village, Arkansas has long recognized that a clean, safe, and attractive environment is important to the health, safety, and welfare of all the city's inhabitants; and

WHEREAS, solid waste presents potential hazards for human health and possible diminished quality of life; and

WHEREAS, efficient and proper solid waste management is essential for economic prosperity in the City of Cherokee Village, Arkansas; and

WHEREAS, Ark. Code Ann. §8-6-211 permits cities to regulate the collection and disposal of solid waste; and

WHEREAS, Ark. Code Ann. §8-6-211 requires local governments to adequately plan for and provide solid waste management services including entering into contract with private entities for collection of solid waste; and

WHEREAS, THE City Council of Cherokee Village, Arkansas, considers it necessary to act in the best interests of its residents, present and future;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF CHEROKEE VILLAGE, ARKANSAS:

SECTION 1. Definitions. For the purpose of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein:

BUSINESS UNIT shall include all commercial businesses located in the City of Cherokee Village, Arkansas.

CAN shall mean any receptacle with handles provided by a residential unit and used by such residential unit for collecting solid waste.

CARTS shall mean a 96 gallon plastic container supplied and approved by the Collector. The Collector may supply said carts to the residents, as an optional service, at an additional cost per month to be paid directly to the Collector by the residents. Said carts shall remain the property of the Collector.

GARBAGE shall mean animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food that will become putrid in nature.

HAZARDOUS MATERIAL shall mean wastes that are hazardous by reason of their pathological, explosive, radiological, or toxic characteristics or combustion of any element that is deemed hazardous by a U. S. Government, state or city entity by a previous law or ordinance.

PUTRID shall mean anything that may be decomposed, stinking, rotten, or tending to decompose.

REFUSE shall mean solid waste, including, but not limited to, garbage and rubbish. The term refuse shall not in any way include or apply to any large household appliances, used or new car parts, other large implements, scrap metal in excess of 10 pounds, dead animals of any kind or nature, wood, tree limbs, brush, leaves or grass.

RESIDENTIAL UNIT shall mean any individual occupied residences, households or other dwellings, whether single family or multi-family, located in the City of Cherokee Village, Arkansas.

RUBBISH shall indicate any solid waste, consisting of both combustible and non-combustible wastes, such as paper, plastic, cardboard, tin or aluminum cans, glass and similar materials that would not become putrid in nature.

SECTION 2. CONTRACT. The City Council of the City of Cherokee Village, Arkansas, is authorized to negotiate a contract with Waste Connections, Inc. (hereinafter called the "Collector") to provide a refuse collection service for the City of Cherokee Village, Arkansas.

SECTION 3. APPLICATION. This ordinance shall apply to all residential units located in the City of Cherokee Village, Arkansas.

SECTION 4. EXCLUSIVE CONTRACT. No individual, person, corporation or entity, including the owner or occupant of a residential unit, shall be permitted to collect and remove refuse from residential units unless approved by the City Council. Any person, firm, or corporation or other entity who violates this section shall be deemed guilty of a violation and punishable by a fine of not less than \$50.00 and not more than \$100.00 per occurrence.

SECTION 5. COMPLIANCE. Each residential unit located within the City of Cherokee Village, Arkansas, shall participate in the refuse collection service contracted for by the City of Cherokee Village, Arkansas. Under no circumstances shall the city council or the mayor of the City of Cherokee Village, Arkansas, be authorized to exempt any occupied residential unit from compliance with this ordinance except as provided in this ordinance.

SECTION 6. COLLECTION SCHEDULE. The Collector shall prepare a collection schedule to be approved by the city council for pickup service for each residential unit subject to this ordinance.

SECTION 7. OCCUPANTS' RESPONSIBILITIES. It shall be the responsibility of the occupants of all residential units to place the approved container(s) at a curbside location which is accessible to the Collector's automatic pickup vehicles on the designated collection day.

SECTION 8. HAZARDOUS MATERIALS. No hazardous materials of any kind shall be collected by the Collector.

SECTION 9. BILLING.

(A) The City of Cherokee Village, Arkansas, or its designee, shall bill each occupied residential unit for the monthly collection charge as approved by the city council. For purposes of this article each dwelling unit shall be located in a separate residence for billing purposes.

(B) It shall be the responsibility of the owner, lessee, tenant, or other occupiers of a residential unit to pay the City of Cherokee Village, Arkansas, for the refuse collection service when due regardless of the use or non-use of the trash pickup service, for any month or part thereof when a residential unit is occupied.

(C) The monthly collection charge established herein shall be in accordance with the contract between the City of Cherokee Village, Arkansas, and the Collector.

SECTION 10. RATES FOR RESIDENTIAL UNITS. The monthly rate for solid waste collection services in the City of Cherokee Village, Arkansas, shall be Sixteen Dollars and Seventy Cents (\$ 16.70) plus any applicable state or local taxes or collection fees, for each residential unit located in the City of Cherokee Village, Arkansas.

SECTION 11. FUTURE RATE INCREASES. Any future rate increases provided for in the contract between the City of Cherokee Village, Arkansas, and the Collector shall require approval of the City Council by majority vote only and not by ordinance.

SECTION 12. OCCUPIED RESIDENTIAL UNIT. It shall be the responsibility of the owner, lessee, tenant, or other occupiers of a residential unit to pay the City of Cherokee Village, Arkansas, for the solid waste collection service when due regardless of the use or non-use of the solid waste collection service. Under no circumstances shall the city council or the mayor of the City of Cherokee Village, Arkansas, be authorized to exempt any occupied residential unit from compliance with this ordinance other than provided for in Section 13 hereof.

SECTION 13. UNOCCUPIED RESIDENTIAL UNITS. Residential units located within the City of Cherokee Village, Arkansas, which are or will be unoccupied for a continuous period of thirty (30) days or more may be exempted from the payment of solid waste collection fees provided in this ordinance as long as said unit remains continuously unoccupied. It shall be the responsibility of the owner, lessee, tenant or other occupier of a residential unit to apply to the Collector for "unoccupied residential unit status." Said application shall be accompanied by a sworn affidavit

signed by the applicant. If "unoccupied residential unit status" is granted, the applicant shall notify the Collector within five (5) days of the unit becoming occupied that the unit is no longer unoccupied. Failure to provide such timely notification by the applicant shall be deemed a violation, punishable by a fine of not less than \$50.00 and not more than \$100.00 per occurrence.

SECTION 14. RATES COLLECTION. The rate for solid waste collection service as provided for in this ordinance shall be payable in advance and shall be collected by the Cherokee Village municipal office, or its designee, and all such fees so collected shall be deposited in a solid waste account.

SECTION 15. SEVERABILITY. If any part of this Ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 16. EFFECTIVE DATE. This ordinance shall be effective and in force as of January 1, 2021.

**PASSED AND APPROVED BY THE CITY COUNCIL OF CHEROKEE VILLAGE,
ARKANSAS**

DATED: 8/21/2020

APPROVED: Russell Stokes, Jr.
Russell Stokes, Jr., Mayor

ATTEST: Deborah Weichinger
Deborah Weichinger, Clerk