



Legislation Text

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ORDINANCE TO AMEND ORDINANCES #778 AND TO AMEND SECTIONS 5.16.01 THROUGH 5.16.24 OF THE CODE OF ORDINANCES TO THE CITY OF JONESBORO, ARKANSAS.
BE IT ORDAINED by the City Council of Jonesboro, Arkansas:

SECTION 1: Ordinance No. 778, Section 9 and the Jonesboro Code of Ordinances, Section 5.16.01 shall be amended to read as follows:

GARBAGE AND WASTE COLLECTION

- (1) All permanently or temporarily occupied residences in the City shall be provided with house-to-house street-side waste collection service.
- (2) Collection service for residential containers will consist of one pick up per residential unit each week.
- (3) Residents living within multiple-unit residential housing will be furnished individual residential containers if, in the judgment of the Sanitation Superintendent or his designee, their household solid waste can be best serviced in residential containers. Each unit of housing within multiple-unit housing with adequate access will be a separate residential unit with its own container.
- (4) The City will provide solid waste collection service to the following:
 - (A) Single dwelling units.
 - (B) All apartments.
 - (C) Apartments converted to condominiums.
 - (D) Upon request commercial, industrial and institutional establishments.
- (5) A carry-out service for persons with disabilities residing in dwelling units receiving City solid waste collection and recycling services. This service is provided at no additional charge to an individual(s) who is disabled and is thus incapable of conveying their solid waste or recycling container to the designated collection location. The Sanitation Department shall verify that an individual(s) meets the aforementioned criteria upon receipt of a request for carry-out service. Prior to receiving this service, the requester will be required to produce reasonable evidence of disability. This service does not include collection personnel entering the dwelling unit to provide such service.
- (6) Curbside recycling service will be provided to all dwelling units that are provided solid waste collection service by the City.
- (7) A large collective container shall be provided for multiple unit housing establishments and mobile home parks when it is judged by the Sanitation superintendent that individual residential containers are not appropriate or practical.
- (8) No commercial or industrial waste will be allowed to be mixed in with any collective container without Sanitation Department approval.

SOLID WASTE CONTAINERS

- (1) A blue recycling bag owned by the City will be made available to residents for their usage as part of the City's recycling program.
- (2) The City offers a roll-off bin, varying in size to be rented out for construction and large clean up jobs. These bins are designed so that they can be loaded by a truck equipped with a tilt frame and hoist mechanism.
- (3) The City will furnish residential customers a City owned 65 or 95 gal plastic solid waste container with

attached lid, wheels and integral pick-up attachments for utilization with automated collection systems. Small commercial establishments may also rent these containers.

(4) City owned front and rear load dumpster may be rented to individuals, business, factories, etc. for placement of solid waste.

SOLID WASTE COLLECTION SYSTEM

(1) A mechanical solid waste collection system will be utilized by the City to pick-up City provided containers for collection by solid waste vehicles equipped with lifting devices. Except as designated by the City Council, the mechanical solid waste collection system will be the method of collection for household waste collection service provided to citizens in the City. Where it is impractical for City collection vehicles to operate due to terrain or other conditions, an alternate collection method will be provided.

(2) A recycling collection system utilizing manual labor will be used to load recyclables from the City provided recycling bags.

SOLID WASTE CONTAINMENT AND DISPOSAL REQUIREMENTS

(1) All responsible parties using or occupying dwelling units, commercial, industrial establishment within the corporate limits of the City shall contain all petruscible solid waste in bags that are securely tied prior to depositing into City provided container.

(2) All loose yard waste including, but not limited to, grass, weeds, leaves, and brush vegetation clippings must be (a) placed curbside (b) yard waste must be bagged not weighing more that fifty (50) pounds and (c) securely tied before being placed curbside.

(3) Explosives of any kind, such as small arms ammunition, black powder, blasting agents, compressed gas cylinders or any kind of flammable materials shall not be placed in any solid waste container.

(4) Tires, batteries, gas, oil, and hazardous chemicals will not be collected by the City.

Such material shall not be placed with other solid waste and is the responsibility of the dwelling units responsibility party for removal and proper disposal.

(5) Ashes will be collected if they have been soaked with water to extinguish any live embers and are then securely tied in bags before depositing into a solid waste container. Ashes from medical waste, hazardous waste or special materials waste will not be collected by the City.

(6) It is the container users' and responsible parties' responsibility to keep the area around the solid waste container continuously free and clear of all debris and litter.

(7) Persons shall maximize the use of their assigned containers by crushing and condensing the waste deposited in the containers and shall avoid the placing of solid waste outside the container for pick-up.

(8) Unless otherwise notified by the City of Jonesboro, the approved place for the residential container to be picked up on a scheduled day shall be at the corner of the resident's driveway and the nearest place that is accessible to the collection truck. Accessibility is based on the judgment of the Sanitation Superintendent with consideration for the needs of the Sanitation Department and is contingent upon having a turn-around area, ample street width, street quality, adequate tolerances, liability, and other factors that may be deemed significant for consistent safe and economical weekly collection service.

(9) If a person desires their container emptied, the residents shall have their container positioned and their pick-up site accessible to the collection truck.

(10) Leaving the pick-up site inaccessible or repeatedly improperly positioning and orientating a residential container when automated pick-up is in use is a violation of these rules and regulations.

(11) All boxes and large pieces of cardboard shall be broken down or cut up prior to placement in solid waste containers.

(12) No bulk waste shall be placed in City provided containers.

(13) No yard waste shall be placed in City provided containers.

- (14) No yard waste, bulk waste, medical waste, household waste or garbage shall be placed into recycling bags.
- (15) Sharps, needles, or lancets will be collected by the City only if disposed of in proper closed containers.
- (16) Provisions shall be made for regular inspections of solid waste containers by the Sanitation Superintendent, Route Supervisor, or designee, to the responsible party of the property upon which violations occur. Notification shall consist of tagging the solid waste container with clear indication as to the nature of the violation.
- (17) The City may issue a notice of violation to any person, business, firm, corporation violating any provisions of this chapter. If the violation has not been corrected within the specified time period, a citation may be issued.
- (18) In addition to any civil penalties that may be authorized by law, any person, business, firm, corporation or governmental agency found in violation of any provisions of this chapter shall be subject to the penalties in accordance with section .

SOLID WASTE RESPONSIBILITY

- (1) The owner or lessee of any dwelling unit or commercial establishment shall be responsible for the sanitary condition of said premises and for the proper storage, containment and placement for collection of all wastes as defined in this ordinance.
- (2) The City shall bill each residential unit the monthly collection charge. For purpose of this article, each dwelling unit located at a multi-family unit shall be considered a separate residence for billing purposes.
- (3) It is the responsibility of the owner, lessee, tenant, and other occupier of a residential unit or a commercial unit to pay the City for the refuse collection service when due irrespective of the use or non-use of the refuse collection service.
- (4) The rate shall be established by the City Council.

HAULING SOLID WASTE

- (1) It shall be in violation of this Ordinances for any person engaged in the business of collecting, transporting, or disposing of solid waste to haul such waste along any public street, alley, or Right-of-Way in the City unless the materials are contained in vehicles or receptacles so constructed as to prevent the waste from falling, leaking, blowing, dropping, spilling, or otherwise departing from the vehicle. Solid waste that could depart from the vehicle shall be transported in an enclosed vehicle or be completely covered. The solid waste shall be suitable enclosed or covered so as to prevent roadside littering, attraction of disease vectors, or creation of other nuisances.
- (2) Care shall be taken in the loading and transportation of solid waste so that none of the materials are left either on private property or on the streets or alleys. The City recognizes that an occasional emergency or hot load may require the unloading of solid waste from a solid waste collection vehicle. Solid waste may be unloaded for emergency purposes if, and only if, all solid waste unloaded is recollected within two (2) hours of the unloading, unless prohibited by emergency response personnel. The area must be litter free after the recollection, and the unloading shall not obstruct traffic.
- (3) All solid waste haulers shall be duly licensed in accordance with Ark. Code Annotated 8-6-721, as may be amended; and ADEQ Regulation 22 as amended.

ILLEGAL DISPOSAL OF SOLID WASTE

It shall be a violation of this Ordinance for any person to illegally dispose, or cause to be illegally disposed, any waste as defined in this Ordinance.

- (1) In or upon any public or private highway or road, including any portion of the right-of-way thereof.
- (2) In or upon any private property into or upon which the public is admitted by easement or license, or on private property.

- (3) In or upon any public park or other public property, other than the property designated or set aside for waste disposal by the governing board or body having charge thereof.
- (4) Upon any property for which a waste disposal permit has not been issued by the ADEQ.
- (5) No owner or occupant of any premises which are adjacent to any portion of an open area, vacant lot, ditch, detention pond, storm drain, or watercourse shall cause the accumulation of refuse, rubbish, or storage of any material within or upon such adjacent areas.
- (6) The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that refuse and rubbish from construction being carried by the elements to adjoining premises.
- (7) The accumulation of refuse and rubbish which constitutes or may create a fire, health, or safety hazard or harborage for rodents is unlawful and is hereby declared to be a nuisance and a nonconforming use of premises.
- (8) In accordance with state and federal laws, accumulations of solid waste proven to be illegal dumping done by a third party on any private or public lands shall not be the responsibility of the landowner. The responsible person shall be held liable for any and all damages to the private or public lands affected by the illegal dumping of solid waste.
- (9) Littering that shall result from any person storing, collecting, or hauling solid waste within the City shall be the responsibility of the person storing, collecting, or hauling solid waste and is a violation of these rules and regulations.
- (10) The City and all persons within the City shall comply with all ADEQ regulation concerning solid waste on private or public lands.

WASTE COMPONENT

- (1) Bulk waste manufactured items such as appliances, furniture, and other large waste.
- (2) Limbs, branches and other vegetation will be collected provided individual pieces are no longer than twelve (12) feet in length. This will be done year round on a zone basis.
- (3) Disposal for all types of solid waste generated by stores, offices, restaurants, warehouses and non-manufacturing activities will be the responsibility of the responsible party.
- (4) Disposal of all construction waste such as building materials including, but not limited to, dirt, rocks, concrete and brick, asphalt, lumber and processed wood products, roofing, Sheetrock, and plaster, doors and windows that result from construction, remodeling and repair of commercial, institutional and industrial establishments, dwelling units, garages, pavements, streets, alleys, trenches, ditches, underground utilities, excavations and other structures will be the responsibility of the responsible party.
- (5) Disposal of demolition waste such as material resulting from the demolition or razing of buildings, and other man-made structures, excluding friable asbestos material or other materials excluded by federal or state environmental laws and regulation will be the responsibility of the responsible party.

MISCELLANEOUS DEFINITIONS

- (1) City: City of Jonesboro, Arkansas
- (2) ADEQ: Arkansas Department of Environmental Quality
- (3) Class I Landfill: A solid waste facility that accepts non-hazardous household, commercial and industrial solid waste defined herein; and small quantities of conditionally exempt hazardous wastes.
- (4) Class I Wastes: Non-hazardous household, commercial, and industrial solid waste as defined herein, and small quantities of conditionally exempt hazardous wastes.
- (5) Class IV Landfill: A solid waste facility that accepts non-hazardous bulky, inert, non-putrescible solid waste that degrade very slowly. Class IV wastes include, but are not limited to, construction and demolition waste, furniture, stumps, limbs, and other bulky wastes that are not normally collected with other household or commercial waste.
- (6) Class IV Wastes: Non-hazardous, bulky, inert, non-putrescible solid wastes that degrade very slowly, and

are permitted by the ADEQ to be disposed of in a Class IV Landfill. Class IV wastes include construction and demolition waste, appliances, furniture, stumps, and other bulky wastes that are not normally collected with other household or commercial wastes.

(7) Collection Route or Routes: Area designated by the Sanitation Department of the City to receive household collection. Routes are not fixed areas of the City and may in the future be changed or reshaped to better accommodate household solid waste collection and the efficiency of the Sanitation Department.

(8) Collective Container (Dumpsters): Large metal commercial container used by those residents living within multiple-unit residential housing or other situations as deemed necessary by the City, that are allowed to combine their waste into one container of commercial size and not each be assigned single residential containers.

(9) Composting: The deliberate aerobic, biological decomposition of yard waste or other solid waste, resulting in a stable humus-like product.

(10) Composting Facility: A facility that accepts yard waste or other solid waste for an aerobic, biological decomposition of such waste.

(11) Craighead County Regional Solid Waste Management District (CCRSWMD): A regional solid waste management district formed pursuant to Ark. Code An. 8-6-701, as may be amended, comprised of representatives from each separate governmental entity within Craighead County charged with regulating all solid waste operations within its boundaries.

(12) Customer: Person, firm, or corporation owning, leasing, occupying, or managing any premises within the City for which solid waste services are provided under the provisions of these rules and regulations.

(13) Disposal: Abandoning, depositing, releasing, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water. Disposal does not include composting.

(14) Disposal Facility: Any place at which solid waste is dumped, abandoned, or disposed of for final disposition by incineration, landfilling, composting or any other method.

(15) Garbage: Vegetable waste resulting from the preparation, processing, cooking, serving, and/or the storage and sale of food, feed, or produce, and will include the plastics, tin, cans, glass containers, and papers derived from these processes or putrescible animal waste which is organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for animals and other potential vectors.

(16) Grace Period: Period of time following a notification of violation in which a violator of any provision of these rules and regulations, except in regard to payment for services, may be given an opportunity to correct the violation without being considered in violation.

(17) Illegal Dumpsite: Any place at which wastes defined in this Chapter are placed, deposited, abandoned, dumped or otherwise disposed of in a manner that is prohibited by this Chapter or other status, rules, or regulations and which constitute one (1) or more of the following:

- (A) Attractive nuisance
- (B) Public or private nuisance
- (C) Fire, health or safety hazard
- (D) Potential sources of surface or groundwater contamination
- (E) Other contamination that is hazardous to the public health or endangers the environment.

(18) Incineration: A controlled process by which solid waste is burned and changed into gases and residue produced which is relatively free of combustible materials.

(19) Incinerator: All enclosed devices intended or used for the reduction of solid waste.

(20) Industrial Waste: Solid waste generated by manufacturing or industrial processes that is not a hazardous waste, mining waste, or is waste generated in natural petroleum oil or gas processing.

(21) Infectious Waste: Residential, industrial, hospital, clinic, or laboratory medical, health, or biological solid waste consisting of any matter that may harbor or transmit pathogenic organisms, and includes any equipment,

utensils, clothing, bandages, or any disposed material or substances of any nature that may have contacted or been in use in close proximity to pathogenic organisms.

(22) Recycling: The systematic collection, sorting, decontaminating, and returning of waste material to commerce as commodities for sale, use, or exchange by separating or diverting an item from the solid waste stream for the purpose of processing it or causing it to be processed into a material product, including compost, in order to provide for the final disposition of the material product in a manner other than landfilling or incineration.

(23) Recycling Receptacle: Approved recycling container provided by the City at a designated location for the purpose of receiving recyclables.

(24) Responsible Party: An owner, operator, occupant, resident, lessor, manager, licensee or other person having control over a structure or parcel of land.

(25) Scavenging: Illegal manual sorting of refuse, either in the containers, trucks, at the working face of landfill. Or in unconfined truck discharge areas by individuals for their own personal gain, pleasure, or benefit.

(26) Solid Waste Fee: A fee assessed by the City for any solid waste services provided by the City.

(27) Waste Stream: Organized flow of solid waste from generation to disposal involving waste generation, collection, recycling, transport, sorting, and disposal of solid waste matter within the City and includes solid waste entering and exiting the City during any part of the handling of the waste.

YARD WASTE COLLECTION

(1) Since it is a violation of State solid waste Regulation 22 for other than very small amount of yard waste to enter the solid waste stream going to any landfill within the State of Arkansas, yard waste generated by residents must not be placed in the residential containers. Violators will be in violation of State law and these rules and regulations.

(2) The City shall encourage the use of individual compost piles by providing public information on designing and operating home compost piles. Yard waste brought to the Landfill is not subject to disposal fees but must be free of plastic, refuse, garbage, trash, paper, non-wood debris, and excessive soil. The resident is responsible for making sure the yard waste is free of such inappropriate waste matter, and must comply with the directions for sorting given by Landfill personnel in order to have free disposal of the yard waste.

(3) Any quantity of yard waste that is free of inappropriate solid matter shall be exempt from all disposal fees at the Landfill as long as the City resident unloads the yard waste and removes contaminants.

(4) All yard waste material must be placed within five (5) feet of the street edge for collection.

(5) Yard waste may be placed out for collection with no restriction on the day or time of such placement.

(6) An occupant of any single-family residence may maintain a compost pile that is a separated area containing alternate layers of plant refuse materials and soil maintained to facilitate decomposition and produce organic material to be used as a soil conditioner. A compost pile shall be maintained to prevent it becoming a nuisance by putrefying or attracting insects or animals.

CLASS I & IV SOLID WASTE LANDFILL USER REQUIREMENTS

(1) Landfill users must obey all traffic signs and stay on designated roadways at all times.

(2) Landfill users are to follow all instructions given to them by any landfill personnel.

(3) Landfill users will dump solid waste only in the designated area as directed by landfill personnel.

(4) No alcohol beverages are permitted on the landfill site.

(5) All users of the landfill facility must be dressed in appropriate attire (i.e. no thongs, sandals, or bare feet) for public health and safety reasons.

(6) Landfill personnel have the right to inspect any load and may disallow dumping of non-authorized solid waste.

(7) Children and pets must remain in the vehicle at all times.

(8) No person engaged in the business of hauling and disposing of solid waste will be allowed access to the

city landfill until such time that they have been issued a hauler's license by the CCRSWMD and have affixed the annual permit visible on the driver's side door of the solid waste collection vehicle.

(9) Access to the City landfill is permitted only during the hours when landfill operating personnel are on the site.

(10) Violation of these requirements may lead to permanent expulsion from the City landfill facility.

(11) All non-metal and metallic Class IV solid waste, both residential and commercial, that is too large or heavy to be placed in a person's closed residential container, must be taken to the landfill.

(12) Haulers bringing solid waste belonging to someone else to the Landfill must upon request provide the Landfill personnel or operator with the name, phone number, and address of the person for whom they are hauling and the source of the waste before the waste can be accepted and recorded. Also, before accepting the waste, the landfill personnel or operator may require verification of this information. Providing false information is a violation of these rules and regulations.

(13) Building and demolition contractors, roofers, landscapers, handyman services, remodelers, clean up services, and other business or individual that generates large amounts of demolition, building, yard waste, or other Class IV solid waste must transport all solid waste they generate to the City landfill for disposal sorting of the material for disposal or recycling at the Landfill is the hauler's responsibility.

ANIMAL WASTE

(1) Animal waste from small animals or pets shall be placed in a plastic bag, securely tied, and then placed in an approved solid waste container.

(2) Animal waste from larger animals, such as horses and other livestock, may be placed out for collection provided such waste is completely dry, placed in a plastic bag, securely tied and placed in an approved solid waste container.

(3) All animal waste shall be removed from pens, stables, yards, cages and other enclosures and disposed of as described in this Section or by composting as often as necessary to prevent the occurrence of a public nuisance, public health or safety hazard or an environmental hazard.

SCAVENGING AND SALVAGING

(1) Persons found scavenging any solid waste material from within collection or transport trucks, the landfill, or from within any residential or commercial containers shall be in violation of these rules and regulations.

(2) It shall be a violation of these rules and regulations for any person(s) not designated by the Sanitation Department to remove or interfere with a recycling container or its contents.

HAZARDOUS WASTE

(1) Pursuant to ADEQ Regulation 22, Section 22.701 (b), as amended, materials known to be hazardous waste are restricted from disposal at the City of Jonesboro Class IV Landfill facility.

FRIABLE ASBESTOS MATERIAL

(1) Asbestos material wastes shall be handled in accordance with Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations in the removal, containerizing, storage and transporting of the materials. Such wastes shall also be handled, contained, stored, transported and disposed according to the requirements of ADPC&E Regulation 22, 40 C.F.R. 61, Subparts A and M, as amended, and 29 C.F.R. 1910, as amended.

GRACE PERIOD AND PENALTY

(1) Except in cases of failure to pay for services rendered, a ten day grace period following notification of a violation may be afforded violators of the provisions of these rules and regulations unless, in view of extenuating circumstances, the Sanitation Superintendent or his designee(s) deems it in the best interest of the

City, the environment, the surrounding residents, and/or the persons involved to shorten or eliminate the grace period.

(2) Failure to correct a violation of these rules and regulations or any other Sanitation Department solid waste related regulation within the designated grace period and not show a good faith effort to correct the violation for the offense shall place the person in violation of these rules and regulations.

(3) Any person(s) who violates any provision of this ordinance shall be guilty of a misdemeanor and shall be fined in an amount not to exceed two hundred fifty dollars (250.00). Each day or part of a day during which a violation is continued or repeated shall constitute a separate offense. In addition to said fine or in lieu thereof, the sentencing body may require such person(s) to remove and clean up the solid waste for which he/she was responsible. Any person found guilty of any provision of this ordinance, may in addition to the preceding penalties or in lieu thereof, be required to assist in the clean up of general City liter. If the latter penalty is imposed, the person(s) shall not be required to work no more than eight (8) hours in any one day nor shall he/she be required to work more than seven (7) days in such clean up project. The Sanitation Superintendent and/or his designee(s) shall have the right to enter upon private property to insure compliance with the sanitation ordinances and for violations thereof to cite the responsible party to municipal court.

SANITATION DEPARTMENT WASTE INSPECTORS

(1) The Sanitation Superintendent requests authorization by the City Council granting Waste Inspection Authority, and/or Sanitation Route Supervisor or his agent.

(2) The Sanitation Superintendent may impose operational regulations on the disposal processes, such as determining character and kinds of solid waste authorized for disposal at a City disposal facility, routing of traffic, and designating time and location that dumping may occur at City disposal facilities. Any such regulation shall be conspicuously displayed or shall be construed so as to infringe or supplant the authority of the CCSWMD, the ADEQ or the United States Environmental Protection Agency.

(3) Rules and regulations imposed by the Sanitation Superintendent which are consistent with and supplementary to this Chapter may be changed or amended from time to time by the Sanitation Superintendent or City Council and shall become a part of this Chapter.

(4) These Waste Inspectors shall have the same authority as the City Code Enforcement Officer except their jurisdiction shall be limited to these currently effective codes and ordinances, and any future revisions to same as follows:

(A) City Health and Sanitation Code Title 5 of the Jonesboro Municipal Code, Chapter 5.08 and 5.16.

(B) Any Waste Inspector acting, in good faith and without malice, for the City in the discharge of their duties, shall not hereby render themselves liable personally and they are hereby relived from all personal liability for any damage that may accrue to persons or property as a result of any act required, or by reason of any act or omissions, in the discharge of their duties. Any suit brought against any Waste Inspector in the enforcement of any provisions of codes and ordinances shall be defended by the legal department of the City of Jonesboro until final termination of the proceeding.

(C) All ordinances and/or past ordinances in conflict herewith are hereby specifically repealed.

(D) If for any reason, any portion of this ordinances is held to be invalid such invalidation shall in no way affect the remaining portions thereof which are valid, but such valid portions shall remain in full force and effect. (Emergency clause)

(E) It shall be the duty of a Waste Inspector to make all inspections necessary to insure compliance with current code and ordinances of the City of Jonesboro, Arkansas, to include City ordinances pertaining to the accumulation of garbage, trash, litter, debris, or other unsightly items on private or public property and all ordinances or codes designating the Waste Inspector as the enforcement authority.

(F) The Superintendent of the Sanitation Department shall have the power to delegate all duties set out above to his agent or employee who shall have the same power and authority as the Sanitation Superintendent.

(G) The Sanitation Superintendent or Waste Inspector or person so delegated shall have the authority to

remove, and clean up all trash, garbage, litter, debris, or other unsightly items when same has become, in the opinion of the Sanitation Superintendent, or Waste Inspector, unsightly, unsafe, unsanitary, or obnoxious or detrimental to the public welfare.

(H) If the owner of any lot or real property in the City of Jonesboro shall permit any garbage, rubbish, or other unsightly or unsanitary things or articles to exist upon the property, the City Waste Inspector is authorized to give the owner of the property a written notice to remove such conditions and correct same so as to comply with the provisions of Section 5.16.16 as amended. If the condition has not been removed and corrected within five (5) days after service of the notice by the City Waste Inspector officer or after posting of the notice to the premises where his whereabouts is unknown, the City Waste Inspector is authorized and directed, on behalf of the City to remove and correct said condition and charge the cost thereof to the owner of the property and also against the property and to cite the owner to court. The cost and expense incurred in removing and correcting said conditions is authorized as a lien upon the property as provided by A.C.A. 14-54-903-904. (Sec. 10-19, 1962 Code as amended by Ord. No. 1812, Sec. 1)

(I) When the City Waste Inspector Officer on behalf of the City, has incurred any expense in removing and correcting any of the conditions authorized by Section _____, as amended, he shall immediately prepare a written statement showing the expense incurred and notify the owner of the property in case he is a resident of the State of Arkansas and his whereabouts is known, such notice to be in writing and to be accompanied with the written statement of expenses incurred. This notice may be given by personal delivery or by letter. In case the owner is a nonresident of the State of Arkansas, the notice and statement shall be sent to him by certified mail at his last known address. In case the address of the owner is unknown, the notice and the expense statement shall be posted on the premises involved. The owner shall have five (5) days after service of the notice of the same to pay the expense. (Ord. No.717, Sec, 3, 7-5-43, Ord. No. 1552, Sec. 4, 12-6-76)

(J) 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 Attorney is directed to file suit in the name of the City of Jonesboro, Arkansas, in the Chancery Court in the Western District of Craighead County, Arkansas, against the owner and ask for judgment for the expense so incurred and the same be declared and fixed as a lien on the property involved, the land to be so sold under such terms as the court may direct to satisfy the judgment lien. In case the owner if the property is unknown, the suit shall be against the land. If the whereabouts of the owner is unknown or if the owner is a nonresident of the state, before the suit is instituted, the clerk shall make an affidavit setting out the facts of such nonresident, unknown owner, and unknown whereabouts. Such affidavit shall be attached to the pleadings and the cause and constructive service of summons in the case shall be had as now provided by law against nonresident defendants, an attorney ad litem shall be appointed by the court to notify the defendant by certified letter, addressed to his last-known address if the same can be found, otherwise as the court may direct. The suit herein provided for must be instituted within eighteen (18) months after the work has been done, removing and/or correcting the conditions as herein authorized.

HAND DELIVERY OF SIGNED WRITTEN NOTICES

(1) If the owner or occupant of any lot or other real property in the City of Jonesboro shall permit any garbage, rubbish or other thing or condition existing upon the property to become unsightly or unsanitary, the Waste Inspector Officer shall give written notice by either hand or by mail, certified addressee only to said owner and/or occupant to remove such unsanitary or unsightly condition. If the condition had not been removed and/or corrected within seven; (7) days from the date of service of the above notice, or within seven (7) days of posting the same where the owner is a nonresident and his whereabouts unknown, the Waste Inspector Officer is hereby authorized to issue a summons in person citing the owner and/or occupant to Municipal Court for first offense violation of the provisions of Chapter 5.16, Jonesboro Municipal Code. Such summons will require the appearance of the owner and/or occupancy and shall carry a fine of \$25.00 plus court costs. Upon failure of the owner and/or tenant to remedy said violation within 10 days of the date cited for the first offense, the Waste Inspector Officer is authorized to issue a second offense summons in the same manner as the first offense

summons, which shall carry an additional fine of \$100.00 plus court costs. Upon failure of the owner and/or tenant to remedy said violation within 10 days of the date of the second summons, the Waste Inspecting Officer is authorized to issue a third offense summons in the same manner as the first offense summons, which shall carry an additional fine of \$250.00 plus court costs.

(Emergency clause); (remaining portions deemed valid remain in effect)

VARIANCES

(1) The Sanitation Superintendent may grant exceptions to any Section of this Chapter based on circumstances such as, but not limited to, physical limitation, terrain difficulties or right-of-way accessibility. All requests for variances will be considered on a case-to-case basis.

CITY SANITATION DEPARTMENT POLICIES

- (1) The City shall develop policies to facilitate the orderly collection of solid waste and recyclables. These policies shall be reviewed at least annually and any proposed amendments to this ordinance shall be recommended.
- (2) The City's Sanitation Department is responsible for collecting all solid waste from a residence if the solid waste is placed in the location, position, and condition as prescribed and allowed by the Sanitation Department, all solid waste must be in the assigned residential container. No bagged or loose solid waste outside of the residential container shall be allowed for pickup. Solid waste containers should be placed within five (5) feet of the street edge for collection.
- (3) Containers should not be placed out for collection prior to 6:00 P.M. the day preceding the normal collection day. The containers should be removed within 24 hours of completion of solid waste collection.
- (4) Only solid waste described and defined by the rules and regulation shall be placed into disposal container to be provided by the City.
- (5) It shall be unlawful for any person, who is not a City resident, as defined in the rules and regulations, to place solid waste of any kind into a City container.
- (6) It shall be unlawful for any person to deface, destroy, burn, or otherwise tamper with any disposal carts or their contents or the equipment provided and owned by the City.
- (7) Any littering resulting from the tipping of a container not completely closed or resulting from solid waste being placed outside of a residential container or resulting from excessive liquid content within a container is the responsibility of the person assigned the container. The responsible party at each dwelling unit is responsible for maintaining the sanitary condition of solid waste containers and area of placement of containers.
- (8) Persons shall be allowed to deposit their solid waste in their City approved containers in any type of enclosed bag, closed small box, or tight container which reduces the amount of loose refuse in the containers and reduces to the possibility of odor and vector problems. Long objects must not prevent the lid of the residential container from closing completely.
- (10) Unless otherwise indicated, all recyclables will be collected utilizing a manual collection system.
- (11) Recycling bags should be placed out for collection within five (5) feet of the street edge.
- (12) Recycling bags should not be placed out for collection prior to 6:00 P.M. the day preceding the normal collection day.
- (13) All recyclables will be collected from the street in front of each dwelling unit.
- (14) Residents of the City may use the transfer station for turning in certain recyclables free of charge so long as the material is properly sorted and is not contaminated.

SECTION 2: That Ordinance 778 Section 9 and Code of Ordinances Section 5.16.05 shall be amend to read as follows:

- (1) The City will specify and purchase solid waste containers for each dwelling unit. Containers may be used only for the storage of solid waste materials collected by the City.
- (2) Only City provided container(s) shall be used for collection of household waste. Only items placed within the container will be collected. Additional cans, or bags separate from the City container will not be collected.
- (3) A single container will be issued to each dwelling unit. An additional container may be issued upon request for a fee to be set by the City Council.
- (4) All City provided containers shall remain the property of the City. The City is responsible for repairs to City owned containers when damage is a result of proper disposal of solid waste pursuant to this chapter.
- (5) Containers shall be stored between collection so as not to impede pedestrian or vehicular along sidewalks, alleys, streets, and other Right-of-Ways. Container shall be set behind front edge of house. Within a reasonable and practical time after being emptied by the Sanitation Department, the person assigned a residential container shall return the container to a secure place away from the street. A reasonable and practical time means within a twenty-four (24) hours after the trash pick-up.
- (6) Assigned persons are responsible for the safe use, care, and storage of residential containers and shall not allow children to play in, with, or in close contact with the containers.
- (7) Vandalism or theft of any container shall be investigated and prosecuted to the full extent of the law.
- (8) Damage to a container due to negligence or abuse by a person shall be the full responsibility of the person or resident assigned the container.
- (9) The replacement cost of a container will be charged to a person assigned a residential container if the assigned container is removed from active service for any reason. If a person takes their assigned container from active service, the person assigned the container cost of the notification either immediately pay the Sanitation Department the replacement cost of the container or immediately place the container back in active service. Replacement cost of container shall be current bid container price.
- (10) Residential containers can not be swapped between persons for any reason. The using of the container for any use other than the collection of residential household or small business solid waste is in violation of these rules and regulation.
- (11) A person moving into or out of a residence within the City shall notify the Sanitation Department in order to begin service or terminate service during the first or last two weeks of occupancy.

COMMERCIAL, INDUSTRIAL & INSTITUTIONAL SOLID WASTE CONTAINMENT

- (1) Each commercial, industrial and institutional establishment may contract with any licensed hauler for the storage, collection and disposal of all solid waste. Each such establishment shall have on location storage containers of sufficient capacity to contain all solid waste between collection cycles. Containers shall be constructed of durable, non-absorbent, non-combustible material with suitable water tight covers. Covers shall be kept closed except when containers are being loaded or emptied. All containers shall be maintained in a sanitary condition. Containers shall not be stored or maintained in such a manner as to constitute a public nuisance, public health or safety hazard or environmental hazard. The containers shall be placed in such a manner as to minimize visibility from streets or pedestrian walkways.
- (2) All solid waste generated by commercial, industrial and institutional establishments is prohibited from being deposited, or disposed of, in any City provided container unless collection service is being provided to such establishment by the City or its designee.

DEPOSITING SOLID WASTE OTHER THAN IN AUTHORIZED CONTAINERS

- (1) It shall be unlawful for any person to keep solid waste or animal waste unless the waste is kept as prescribed in this Chapter or is being composted as prescribed by this Chapter and ADPC&E Regulation 22, as may be amended. No person or entity shall be permitted to bury, dump or deposit, or cause to be buried, dumped or deposited, solid waste of any kind whatsoever upon any street, alley or property for which a permit

has not been issued by the ADPC&E.

SECTION 3: That Ordinance 778 Section 9 and Code of Ordinances Section 5.16.06 shall be amended to read as follows:

DISTURBING CONTENTS OF CONTAINERS

- (1) It shall be a violation for any person not authorized by the City to utilize, for other than its intended purpose, any container provided by the City.
- (2) Any person not authorized by the responsible party to remove, collect or disturb any solid waste stored in containers placed out for collection by the City or its designee.
- (3) Any person to scatter, litter, drop, deposit, discard or otherwise dispose of solid waste upon any private or public property.
- (4) Any person not authorized by the City to remove or disturb any recyclables placed out for collection by the City or its designee.
- (5) Any person to utilize a solid waste container assigned to another person for disposal of solid waste without the other person's permission.

UNOBSTRUCTED ACCESS

- (1) It is the responsibility of the responsible party to trim trees, brush and shrubbery on their property and in the adjacent right-of-way when such vegetation interferes with the movement of pedestrians or vehicles, specifically solid waste collection vehicles.
- (2) There shall be no street obstruction in any manner within five (5) feet on either side of a City provided solid waste container placed out for collection, nor shall there be any obstruction between the solid waste container and the street.
- (3) The Sanitation Department shall receive notice of any excavation, construction, repairs or utility work that will necessitate the closure of any street or alley, with dates and locations of closure, at least twenty-four (24) hours prior to commencing work. In emergency situations, the Solid Waste Collection Section shall be notified the next working day of locations and length of expected closure.
- (4) Recycling containers shall not be placed on top or in front of City provided carts.

SECTION 4: That Ordinance 778 Section 9 and Code of Ordinances Section 5.16.06 shall be amend to read as follows:

Needs to amend from twice a week pick up to once a week pick up.