

ORDEMANCE NO. A- 441

AN ORDINANCE CREATING A "CITY SANITATION DEPARTMENT" FOR GATHERING, TRANSPORTING AND DISPOSING OF GARBAGE WITHIN THE CITY FOR THE BENEFIT OF ITS INHABITANTS; FOR FIXING AND CHARGING FEES FOR SUCH SERVICES; FOR PRESCRIBING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; AND FOR OTHER PURPOSES; AND CALLING AN ELECTION HEREON.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1. There is hereby created a "City Sanitation Department" within and for the City of Conway, Arkansas, to be supervised and operated by the City Council of said City. The Mayor, by and with the advice and consent of the Council, shall have power to employ a foreman and such other laborers as may appear necessary to efficiently and systematically gather, transport, and dispose of all garbage inside the city limits; to demand and collect fees as herein fixed; to maintain said department; to exercise a general supervisory control over the garbage operations of the City; and to exercise a general supervisory control over the control of mosquitoes and other insects, and over the care, cleanliness and mowing of vacant lots and other property within said City, in accordance with other ordinances now in effect in the City.

SECTION 2, The word "Garbage" as used in this ordinance shall include all waste matter and materials coming from human habitation and places of business of a kind not run through sewers, including street filth, droppings from animals, decayed foods, flesh, vegetables, and fruits; dead animals and bones; waste from slaughterhouses, processing plants and factories; all used boxes, barrels, containers, waste paper and sweepings from stores, warehouses, restaurants, hotels, and other such places of business; grass, leaves, shrubbery and small trees; discarded furniture, machinery, and other such matter not exceeding 100 pounds in weight; discarded cans, jars, glass containers, crockery and other utensils and vessels; all house, storehouse and warehouse trash and sweepings, as well as all other unsightly and unsanitary materials and things that appear detrimental to

(a) For homes , apartments and residences, per month:

Each separate family dwelling	\$ 1.50 to \$ 3.00
Each duplex apartment house, per unit	1.50 to 3.00
Each apartment house, per unit	1.50 to 3.00

SECTION 4, The fees as herein provided ~~shall be~~ paid monthly at the office or offices in said City which may now or hereafter be designated by the City. Provided, however, that in instances wherein more than one apartment or home, or more than one business establishment, office or store, is situated upon or within the same premises, the charges shall be made on a unit basis and the bill therefor rendered to the person, firm or corporation owning the property, in the same manner as hereinabove set forth, And, provided further, that in instances where charges for such service are made on a unit basis, as aforesaid, all garbage from such business establishments, stores, offices, homes or residences shall be placed at one location on the premises included in the unit, and there picked up by the Sanitation Department in accordance with the provisions hereof, If such fees be not paid on or before the 10th day after the date of rendition of the bill therefor a penalty of 10% of the total amount of such fee shall be added thereto; and if any fee shall remain unpaid for a period of thirty (30) days after the date of rendition of such bill the City shall have the right to institute an action for its recovery.

SECTION 5, All fees or monies collected under the provisions of this ordinance, and all fines assessed and paid under the provisions of this ordinance, less and except those portions required to be paid out for other purposes, shall be delivered and paid to the Clerk-Treasurer of the City of Conway one time each month and by said officer deposited in a separate fund to be maintained by him in a bank or banks authorized to receive deposits of funds of the City of Conway, under the style of "Sanitation Department Fund of the City of Conway," or a synonymous appellation. Withdrawals of monies from said fund may be made only for the purposes authorized by the provisions of these sections, in the manner provided by other ordinances of the City of Conway governing the disbursement of funds of the City, The Clerk-Treasurer shall at all times maintain a separate and complete

account of monies deposited in, and withdrawn from, said "Sanitation Department Fund of the City of Conway."

SECTION 6, The City Council shall have the power to adjust, fix and collect fees from and against persons, firms and corporations not properly classified in Section 3 hereof,

SECTION 7. All persons, firms and corporations having garbage to be transported as provided in this ordinance shall provide suitable metal cans with tight-fitting covers and shall place them at a place on their premises where the same may be accessible for garbage collectors, Said cans shall be no larger than a twenty-gallon capacity and shall have suitable handles for the convenience of the garbage collectors.

SECTION 8, All garbage must be drained of all liquid substance before being placed in cans,

SECTION 9, It shall be unlawful for any person, firm or corporation to burn any trash or garbage except in incinerators approved by the City Health Officer or the Chief of the Fire Department, or to dump or throw any garbage upon any vacant lot or into any street or alley in said City,

SECTION 10, Garbage shall be collected from business houses and other such establishments each day except Sunday and holidays and from dwelling houses and homes twice each week on designated routes and schedules; and it is hereby made the duty of the persons having garbage on their premises to place it where it may be easily reached by the City garbage employees,

SECTION 11, The City Council shall have power to employ one or more inspectors to insure a proper enforcement of the provisions of this ordinance,

SECTION 12, Any person, firm or corporation failing to pay the fees and penalties provided by this ordinance or otherwise violating its provisions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$25.00, and each day any such violation shall continue to exist shall constitute a separate offense and be punishable as such,

SECTION 13. For the purpose of this ordinance the gross revenues derived by the City for the services rendered hereunder shall be considered to include the gross funds collected directly or indirectly from the monthly fees or charges as herein provided, together with fines (not including costs) assessed and paid on account of violations of the provisions of these sections. The gross revenues derived by the City of Conway from fees or charges for the services to be rendered pursuant to the provisions of this ordinance shall be applied as follows:

First, to the payment of expenses incurred by the City in the procurement , purchase , maintenance , upkeep , replacement and operation of all equipment , trucks , tanks , machinery, chemicals and materials necessary for the operation of said Sanitation Department , for the salaries or wages of all employees thereof , in the preparation and publication of this ordinance, and in the execution of the provisions of this ordinance. If and when any part of said gross revenues derived from the fees or charges for the services to be rendered hereunder then remains, such excess shall be available for appropriation and use by the City of Conway for such other lawful purposes as the City Council shall designate.

SECTION 14. The City Council is authorized and empowered to lease or purchase lands without the corporate limits of the City of Conway to be used in the disposal of garbage.

SECTION 15. For the purpose of enforcing the provisions of this ordinance and other ordinances pertaining to the health and sanitation of the inhabitants of the City, the health officers and employees of the City and of Faulkner County, Arkansas are hereby granted full power and authority to act within said City and to perform all and singular the duties of such health units on behalf of the City which they have under the laws of the State of Arkansas and the rules and regulations of the State Board of Health of the State of Arkansas,

SECTION 16, If any clause, sentence, paragraph, section or other portion of this ordinance be found to be unconstitutional

the beauty of the City or the health of its inhabitants,

SECTION 3. For gathering, transporting and disposing of garbage **as** herein provided, the City of Conway shall charge and collect fees each month as follows, to-wit:

- (a) For each separate retail or wholesale business or commercial establishment, **as** hereinafter defined, a monthly ~~fee~~ of not less than \$5.00 nor more than \$30.00 per month shall be collected. The amount of the fee to be ~~charged~~ any such establishment shall be determined upon the experience with that establishment, having due regard to the quantity, type and weight of ~~garbage~~ collected therefrom.

The term "business or commercial establishment," as used herein, **is** defined to include any person, firm or corporation ~~engaged~~ in displaying, selling, buying or servicing of goods, **wares**, merchandise or ~~other~~ property, or the rendering "**or receiving**" of professional services, and including, but not limited to banks, barber **shops**, beauty parlors, department stores, markets, motor vehicle service stations, garages, offices, radio stations, **super** markets, telephone exchanges, theaters, **repair** shops, and livestock auction barns. It is expressly provided, however, that the foregoing definition shall exclude the following: educational institutions, wherein persons are assembled ~~for~~ the purpose of **learning** or of receiving educational instruction; industrial plants, where the activities therein consist of assembling, fabricating, finishing, manufacturing, packaging or other processing operations **are** carried on; and institutional facilities, wherein the premises are occupied **by** persons harbored or detained for the purpose of receiving medical, charitable or other care or treatment, or are occupied by persons ~~for~~ **civic**, governmental, or religious purposes.

or invalid or inoperative by **any** court of competent jurisdiction, such finding shall not affect the validity of the remainder **of** these sections, nor shall **any** proceeding attacking any portion of these sections operate to affect any portion of the remainder of said sections not specifically attacked in said proceeding.

SECTION 17. In lieu of employing such ~~persons~~ and purchasing such machinery, vehicles and equipment **as** shall **be** necessary for the **City** Sanitation Department to efficiently and systematically gather, transport and dispose of garbage within the corporate limits of the City the City Council shall **be** empowered, in its sound discretion, to contract with one **or more** reliable persons, firms **or** corporations to **so** gather, transport and dispose of such garbage, And should the City Council **so** determine, **the** contracts therefore shall be upon the terms and conditions which shall best benefit the City and its inhabitants and preserve **and** protect the public health, safety and welfare, including, but not **limited** to the regulation of charges **to be** levied for such service, requiring the use of approved equipment, regulating the frequency **of** collection of garbage in **any** and all areas of the City, requiring such contractors to perform such service in the same **manner** it could require **of** its **own** employees, agents, servants, and requiring such contractors to **perform** their **own** collection **of** fees therefor.

SECTION 18. All ordinances and parts **of** ordinances in conflict herewith are hereby repealed.

SECTION 19. It is ascertained and declared that the lack **of** adequate methods and facilities for gathering, transporting and disposing of garbage is endangering the health **and** well being of the inhabitants **of** the City of Conway; therefore, an emergency is hereby declared to exist and **this** ordinance, being necessary **for** the **immediate** preservation **of** the health, safety and welfare **of** the inhabitants of **said** City, shall take effect **and be** in force from and after its passage and upon the effective date as hereinafter set forth.

SECTION 20. That an election shall be called for the 8th day of November, 1966 for the purpose of determining the wishes of the people on the provisions of this ordinance, If same is approved by a majority vote of the electors voting thereon this ordinance shall be in full force and effect sixty (60) days after the certification of the results of said election,

PASSED: October 25<sup>th</sup>, 1966.

APPROVED: \_\_\_\_\_ Mayor

ATTEST: *John Naylor*  
Clerk-Treasurer