

## ORDINANCE 2015-30

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEARCY, ARKANSAS, AND SPECIFICALLY AMENDING AND REPLACING CHAPTER 14 OF THE SEARCY CODE OF ORDINANCES CONCERNING THE SANITATION DEPARTMENT AND THE SERVICES TO BE PROVIDED THEREBY; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

The City Council of the City of Searcy, Arkansas, meeting in regular session makes the following findings of fact and enacts the following ordinance provisions:

**Whereas**, the Searcy City Council created the “city garbage department” in 1956 and over the years since has amended from time to time the provisions which applies to the collection and disposal of the garbage, trash and refuse for the citizens of Searcy with said provisions now being set forth in Chapter 14 of the Searcy Code of Ordinances, and

Whereas, the Searcy City Council recognizes the importance of good sanitation services for the citizens of Searcy and desires to amend and revise the existing ordinances which make up Chapter 14 of the Searcy Code of Ordinances and to name the department being responsible for the collection and disposal of the garbage and trash as the Searcy Sanitation Department, and

**Whereas**, in light of the recent acquisition of automated trash pick up trucks and the need to establish certain requirements of the types of receptacles which might be used by the citizens of Searcy for trash service and the location of the placement of such receptacles to accommodate the new side arm trash collection trucks the Searcy City Council deems it necessary to amend Chapter 14 of the Searcy Code of Ordinances in its entirety.

**NOW THEREFORE**, be it Ordained by the Searcy City Council adopts the following ordinance to completely amend and replace Chapter 14 of the Searcy Code of Ordinances as follows:

#### **Section 1:**

### **Chapter 14 of the Searcy Code of Ordinances**

#### **Section 14-1: Searcy Sanitation Department.**

The city garbage department is hereby renamed as the **Searcy Sanitation Department** for the purpose, among other things, to collect and dispose of the trash, garbage and refuse of the citizens, businesses and industries of the City of Searcy, Arkansas. The City of Searcy has in the past and continues the reserve unto the City of Searcy the sole and exclusive right and authority within the city limits of Searcy to gather, collect, transport and dispose of or to provide for the

disposition of all non-hazardous garbage, trash, refuse and waste materials.

The reservation by and in favor of the City of Searcy is an exclusive right in favor of the City of Searcy and is for the purpose of gathering, collecting, transporting and disposing of or providing for the disposition of all non-hazardous garbage, trash, refuse and waste materials generated within the Searcy City limits and includes the right to contract for such collection and disposal.

#### **Section 14-2: Garbage, Trash and Refuse.**

The term garbage shall mean the animal or vegetable waste resulting from handling, preparing, cooking and consumption of food.

The terms trash or refuse means any other waste material not garbage generated by and coming from the citizens, businesses and industries located within the city limits of Searcy and shall include all such trash or refuse of any type or character permitted by the Arkansas Department of Environmental Quality to be disposed of in a Class 1 Landfill or construction and demolition debris permitted to be disposed of in a Class 4 Landfill but shall not include the following:

- A. Waste which is deposited into the waste water collection system maintained by the Searcy Board of Public Utilities, or
- B. Liquid grease, fat or related products and materials generated by restaurants or institutional food preparation services or entities or by private household or other private entities, or
- C. Biological or hazardous waste or material which is controlled by or restricted or designated as to its disposal by any state or federal rule, regulation, law or entity such as the Arkansas Department of Pollution and Control, the Arkansas Department of Environmental Quality or the Environmental Protection Agency or any similar governmental entity, or
- D. Car, truck or any vehicle batteries or tires, or
- E. Treated lumber purchased from any lumber yard or supplier, or
- F. Paint unless the paint is mixed with sand or some other component which will dry out and solidify the paint and the paint is brought to the Sanitation Department during normal business hours of operation for the acceptance by and the disposal by the Sanitation Department, or
- G. Motor oil, liquid or semi-liquid animal or vegetable oils or fats unless those items are brought to the Sanitation Department during normal business hours of operation for acceptance by and the disposal by the Sanitation Department, and

H. Any type of roofing material except such roofing material deposited at the curb line by a citizen or business of Searcy who or which has replaced a roof personally or by a licensed contractor who has obtained a building permit for a job which includes the replacement of a roof for a house or business.

**Section 14-3. Fees of Collection and Disposal Service.**

The fees for such sanitation service shall be approved and adopted by the Searcy City Council from time to time with such fees to be available for any citizen, business or industry to inspect and review at the Searcy City Hall and the Searcy Sanitation Department during the normal hours of operation for such locations.

The fees for such services shall be based upon expenses to provide such services with such fees, less the cost of collection, to be utilized for the payment of such expenses including but not limited to the “tipping fee” for the disposal of such garbage, trash and refuse, the capital expenditures of the operation of the Searcy Sanitation Department and other expenses and charges related thereto unless otherwise designated by the Searcy City Council.

**Section 14-4: Collection of Fees.**

The fees to be charged for the collection and disposal of the garbage, trash and refuse of the citizens, businesses and industries of the City of Searcy shall be paid monthly and shall be due and payable on the first day of each month at the Searcy City Hall or as from time to time may be designated by the Searcy City Council. For the citizens, businesses and industries of the City of Searcy receiving water and waste water services by the Searcy Water Utilities the fees for such sanitation services shall be included in the water and waste water billing issued by the Searcy Water Utilities and payable to that entity for the benefit of the City of Searcy. In cases where one water meter serves more than one apartment or dwelling house or more than one business establishment the fees shall be assessed and paid on a per unit basis.

**Section 14-5: Delinquency of Sanitation Fees.**

The sanitation fees authorized herein or in the future shall be paid as set forth in Section 14-4 but in the event the fees are not so paid there shall be a 10% penalty assessed as to each delinquent monthly bill for each such citizen, business or industry. Should the delinquent monthly fee remain delinquent and unpaid or more than 30 days the City of Searcy shall have a right to terminate such collection service and commence legal action to collect any such unpaid collection fee.

**Section 14-6 Collection Procedures for the City of Searcy, Arkansas.**

All citizens, businesses and industries shall use the trash container provided by the Searcy Sanitation Department for the collection and disposal of garbage, trash or refuse.

### **Residential Trash and Container Placement:**

All residential trash which is limited to general household trash shall be bagged in plastic bags or other form of closed bag before being placed in the one container provided by the Sanitation Department. In the event a household needs more than one container and demonstrates to the Sanitation Department such a need a second container will be provided by the Sanitation Department. General household trash does not include for example unacceptable materials such yard waste, leaves, trash and sticks. All such times and manner of collection of such items shall be available at the Searcy Sanitation Department during the normal hours of operation for such location.

All residential containers shall be placed just behind the curb line of the street abutting such property with the container handles and wheels facing away from the curb. If a household has two provided containers the containers must be placed at the curb line two feet apart so the containers can be picked by the Sanitation Department equipment. No container shall be placed in the street or on a sidewalk or in any manner placed where the container will interfere with vehicular or pedestrian traffic.

The lids on all residential containers shall be completely closed with the containers to be placed within three feet of the curb no earlier than 5:00 PM on the day prior to the scheduled collection date and shall be removed within 24 hours of the collection of the trash for that collection period. No container may be placed, stored or otherwise remain permanently at the curb except for the time period on the day for collection.

No vehicles shall be parked near the placement site of the container which would prevent access to the container by the Searcy Sanitation truck collecting such garbage, trash or refuse nor shall the container be placed within three feet of any obstruction such as a mailbox, recycling bins or other obstacle which would block access to the container. The failure to adhere to these provisions will result in the container and the trash therein not being picked up at such time.

### **Recycling Service:**

The Sanitation Department provides a recycling service for paper, metal cans and plastic trash and refuse. Containers for placing such recyclable material are provided by the Sanitation Department and may be picked up at the Sanitation Department during the normal hours of operation for the department. The schedule for such recycling pick up service is available at both City Hall and the Sanitation Department during the normal hours of operation for such locations. Any containers for such recycling items shall be placed at the curb line no earlier than 5:00 PM on the day prior to the scheduled collection date and shall be removed within 24 hours of the collection of the recyclable items for that collection period. No container may be placed, stored or otherwise remain permanently at the curb except for the time period on the day for collection nor shall they be placed too close to any residential container which would interfere with the collection of such residential trash container by the Sanitation Department equipment.

### **Compost Center Service:**

The Sanitation Department operates a Compost Center located on North Main Street for any citizen of the City of Searcy to bring trees, limbs, plants or similar refuse to be grounded up and made into compost. There is no fee for any citizen to bring such refuse to the compost center and any such citizen simply has to produce an identification and a current water & sewer bill to verify that the person is a residence of Searcy. The compost produced by the Compost Center is available for the citizens of Searcy to pick up at no charge for use by the citizens of Searcy.

\_\_\_\_\_The City of Searcy and the Sanitation Department may refuse to accept any such refuse if in the opinion of the Compost Center operators the refuse would damage the Compost Center's equipment. The Compost Center does not have to accept any such refuse from any commercial operator or out of city entity which is under a contract with a citizen of Searcy to cut, or remove from a residence or other location in the City of Searcy such refuse unless the commercial operator or out of city entity has secured a permit from the Searcy Code Enforcement office to deliver such refuse to the Searcy Compost Center. Any such commercial operator or out of city entity must have a business license for such operation.

### **Other Garbage, Trash or Refuse:**

All other garbage, trash or refuse which is not general household trash such as yard waste consisting of leaves, plant material or sticks, white goods or metal refuse shall be collected by and in the manner determined by the Searcy Sanitation Department which will comply with all city, county and state rules, regulations and laws and at times scheduled by such department. All such times and manner of collection of such items shall be available at the Searcy Sanitation Department during the normal hours of operation for such location.

In order for any such yard waste consisting of leaves, plant material or sticks, white goods or metal refuse to be picked up and collected by the Sanitation Department all such items shall be placed behind the curb line or at the ditch line of the residence and separated into separate piles of such refuse so the Sanitation Department may collect the separated refuse items for disposal by type of refuse. Once such refuse has been placed at the curb line the resident shall call the Searcy Sanitation Department and notify the department of the address and location of such refuse and the type of refuse which has been placed at the curb line.

### **Business and Industry Garbage, Trash and Refuse Collection:**

The type of garbage, trash and refuse allowed by the businesses and industries located within the city limits of the City of Searcy to be collected and disposed of by the Searcy Sanitation Department has to be approved by the Searcy Sanitation Department prior to the collection of such garbage, trash or refuse. All businesses and industries now being serviced shall have continued service but all new businesses and industries are required to contact the Searcy Sanitation Department and disclose to that department the type of garbage, trash and refuse it desires to be collected for disposal by the Searcy Sanitation Department prior to such collection.

The Searcy Sanitation Department shall determine that such garbage, trash and refuse from such businesses and industries will not violate the provisions of the ordinances of the City of Searcy or any or any state or federal governmental entity rule, regulation or law and reserves the right to refuse to collect any such garbage, trash or refuse in the event it is determined that such garbage, trash or refuse would be in violation of any such rule, regulation or law of such entity.

**Section 14-7: Unlawful Disposal of Garbage, Trash and Refuse.**

It shall be unlawful for any person, business or industry within the city limits of the City of Searcy, Arkansas, to dispose of any garbage, trash or refuse other than in the manner and method set forth in this Chapter of the Searcy Code of Ordinances or as subsequently amended.

It shall be unlawful for any person, business or industry not located within the city limits of the City of Searcy, Arkansas, to dispose of in any manner any garbage, trash or refuse by any method which would require the City of Searcy, Arkansas, to collect and dispose of such garbage, trash or refuse unless such person, business or industry is a paying customer for such services.

It shall be unlawful for any person, business or industry to dispose of any garbage, trash or refuse by placing such garbage, trash or refuse into a cart, bin, roll off or container the service for which is paid by another person, business or industry without the express permission of said person, business or industry.

The Code Enforcement Department and Police Department of the City of Searcy, Arkansas, are designated to enforce the provisions of this Chapter of the Searcy Code of Ordinances or as subsequently amended.

**Section 14-8: Penalty for Violations:**

Any customer of the City of Searcy, Arkansas, using the services of the Searcy Sanitation Department who shall violate any provision of this Chapter of the Searcy Code of Ordinances or as subsequently amended and who shall be cited by the Code Enforcement Department or the Police Department of the City of Searcy, Arkansas, for such violation shall be assessed the following fines, to-wit:

First Violation	Written Warning advising the customer of the violation and procedure to remedy the violation
Second Violation	\$25.00 fine
Third Violation	\$50.00 fine
Fourth and subsequent Violation	\$100.00 fine

The notice of a second and third violation shall be mailed or delivered to the customer with directions on how and where the violation penalty may be paid. Any fourth or subsequent violation the violator shall be issued a citation which shall be filed with the Searcy District Court and which will require not only the possible payment of the violation penalty but also the attendance of such violator to such court and the payment of any applicable court cost.

**Section 14-9 Fees Reaffirmed and Re-adopted.**

All existing fees for such garbage, trash and refuse services provided by the Searcy Sanitation Department are hereby reaffirmed and re-adopted and as specifically set forth in the attached Appendix. A schedule of such fees for the collection of such items shall be available at City Hall and the Searcy Sanitation Department during the normal hours of operation for such location.

Section 2: All ordinances or parts of ordinances or resolutions adopted by the Searcy City Council in conflict herewith are hereby repealed.

Section 3: Emergency Clause. The Searcy City Council has determined that an emergency exists concerning its procedure dealing with the collection and disposal of garbage, trash and refuse with the City of Searcy, Arkansas, and the immediate adoption and enforcement of this ordinance being necessary for the public peace, health, safety and welfare of the citizens of the City of Searcy, Arkansas, the provisions hereof shall be in full force and effect from and after its passage.

**PASSED AND ADOPTED** on this 24<sup>th</sup> day of September, 2015.

**The City of Searcy, Arkansas**

**/s/ David Morris  
Mayor**

**Attest:  
/s/ Jerry Morris  
City Clerk-Treasurer**

## APPENDIX TO CHAPTER 14

### Schedule of Fees

**Residential Rates:** Effective March 1, 2013, the monthly fee for residential service, and including any apartment unit or manufactured home or other residential unit receiving a statement from the Searcy Board of Public Utilities, shall be \$16.00. If a residence is provided two trash containers an additional \$14.00 shall be charged for the second container.

**Small Business:** Effective March 1, 2013, monthly rates for small business collection service which includes truck or hand pick-up and expressly excludes bin collection service shall be \$30.00 and shall include two containers if the small business requires two containers.

**Garbage Dumpsters:** Effective March 1, 2013, the monthly rates to be charged for the disposition of trash deposited in bins owned and supplied by the City of Searcy shall be as follows:

### MONTHLY FEES FOR SCHEDULED PICK-UPS

NO. OF PICKUPS PER WEEK	6 YARD	8 YARD
1	\$ 96.60	\$ 128.80
2	\$193.20	\$ 257.60
3	\$289.80	\$ 386.40
4	\$386.40	\$ 515.20
5	\$483.00	\$ 644.00
6	\$579.60	\$ 772.80
7	\$676.20	\$ 901.60
8	\$772.80	\$1,030.40
9	\$869.40	\$1,159.20
10	\$966.00	\$1,288.00

**FEE FOR UNSCHEDULED  
PICK-UPS**

For all unscheduled pickups of 6 and 8 yard bins, there shall be a charge, in addition to any other fees assessed under this Schedule, of

\$75.00

**“BUMP” FEES**

For any request for the City of Searcy Sanitation Department to “bump” any bin (a move of location that did not include a dump charge) there will, in addition to any other fees assessed under this Schedule, there shall be a charge as follows:

\$75.00

**EMPLOYEE CALL-BACK FEE**

There will also be a call-back charge (when the City of Searcy Sanitation Department has to call in a driver for a pick-up request), which shall be in addition to any fees otherwise set forth in this Schedule, as follow:

\$75.00

**TWENTY YARD  
BIN**

The following fees shall be assessed, in addition to any other charges set forth in this Schedule, for pickups of any twenty yard bin:

\$310.50

In addition, for any 20 yard bin that is not serviced within 30 days of the initial set date, a fee of \$150 will be assessed. This fee will be assessed every 30 day period thereafter or until the bin is serviced at which time the 30 day period will begin again.

## **FORTY YARD BIN**

The following fees shall be assessed, in addition to any other charges set forth in this Schedule, for pickups of any forty yard bin:

\$517.50

In addition, for any 40 yard bin that is not serviced within 30 days of the initial set date, a fee of \$150 will be assessed. This fee will be assessed every 30 day period thereafter or until the bin is serviced at which time the 30 day period will begin again.