

ORDINANCE NO. 10-2009

AN ORDINANCE TO REPEAL ORDINANCE NO. 1992-25 AND
ORDINANCE NO. 23-1997, AND TO IMPLEMENT A SOLID WASTE
MANAGEMENT SYSTEM AND RECYCLING PROGRAM FOR THE
CITY OF VAN BUREN, ARKANSAS

WHEREAS, the City of Van Buren, Arkansas adopted an Ordinance to
Implement a Solid Waste Management System and Recycling Program in 1992
identified as Ordinance No. 1992-25; and,

WHEREAS, the City of Van Buren, Arkansas adopted an Ordinance
Amending Van Buren Solid Waste Management System and Recycling Program
Ordinance No. 1992-25, Sections 6 and 16, and Repealing Section 20 in 1997
identified as Ordinance No. 23-1997; and,

WHEREAS, since the additional adoption of Ordinance No. 1992-25, and
Ordinance No. 23-1997, more specific requirements and definitions for the same
are needed and that it is now necessary to repeal said Ordinances; and,

WHEREAS it is the desire and goal of the City of Van Buren, Arkansas to
continue to protect the public health and welfare, to prevent the creation of
nuisances, to conserve natural resources and to enhance the beauty and quality
of the environment; and,

WHEREAS, the City of Van Buren is authorized to implement rules and
regulations for the control, collection, removal, reduction, disposal, treatment
and handling of solid waste and recyclables; and,

WHEREAS, it is the desire of the City of Van Buren to maintain a
comprehensive, city-wide solid waste management system and recycling
program,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF VAN BUREN, ARKANSAS:

THAT, Ordinance No. 1992-25 is hereby repealed; and,

THAT, Ordinance No. 23-1997 is hereby repealed; and,

SECTION 1: That under the authority of Arkansas Code Annotated Sections 14-232-103, and 8-6-211, the City of Van Buren hereby prescribes the following regulations.

SECTION 2: Definitions:

- a. Bulk Items- Items that may require special handling and management including, but not limited to: white goods such as refrigerators, ranges, water heaters, freezers, and other similar domestic appliances; household goods such as toilets, sinks, bathtubs, furniture, carpet or other bulk flooring materials; and/or other materials resulting from do-it-yourself home improvements. Bulk items must be generated by the customer at the address where they are collected.
- b. City – The City of Van Buren, Arkansas or its authorized representative.
- c. Hazardous Waste – Any waste or combination of wastes of a solid, liquid, gaseous or semi-solid form which, because of its quantity, concentration, physical, chemical, or infectious characteristics may, (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or (2) poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or improperly managed.
- d. Multi-Family Residential Unit – A premises where multiple separate units for residential inhabitants are contained within one or more buildings such as a Duplex (2 Units), Triplex (3 Units), Fourplex (4 Units), and a multiple unit apartment building.
- e. Person – Any individual, corporation, company, firm, partnership, association, trust, institution, occupant, owner's agent, lessor, lessee, or tenant.
- f. Premises – House, yard, apartment, motel, mobile home, park, dwelling place, hospital, school, hotel, club, restaurant, shop, church, place of business, manufacturing establishment, government building, or other private building, within the corporate limits of the City.
- g. Recyclables – Those materials which can be recovered for reuse in present or reprocessed form. For the purposes of this Ordinance, these shall include but

not be limited to, items agreed upon in the Agreement between the Van Buren Municipal Utilities Commission and the Residential Solid Waste Disposal Firm.

h. Recycling – The systematic collection, sorting, decontaminating, and returning of waste materials to commerce as commodities for use or exchange.

i. Recycling Container – Container used exclusively for recycling including the City issue eighteen (18) gallon green containers or other containers that may be approved and designated by the City in the future.

j. Residential Solid Waste – Solid waste generated at and resulting from the maintenance and operation of a residential unit where it is collected, including but not limited to items that are acceptable at the disposal facility and do not exceed the container and weight limits of this Ordinance and/or the Agreement with a Residential Solid Waste Disposal Firm. Residential solid waste does not include solid waste that, in the opinion of the Residential Solid Waste Disposal Firm and/or the Van Buren Municipal Utilities could potentially cause harm to the public, employees, environment, or equipment.

k. Residential Solid Waste Disposal Firm – A person, firm, company, or corporation engaged in the business of removal and disposal of residential solid waste, which has been granted a franchise, contract, or agreement by the Van Buren Municipal Utilities Commission and also meets all federal, state, and local licensing requirements.

l. Residential Unit – A premises owned, leased, occupied or managed for a residential purpose in a single family dwelling.

m. Solid Waste – All putrescible and nonputrescible refuse in solid or semisolid form including, but not limited to, garbage, rubbish, ashes, street refuse, demolition wastes, construction wastes, hazardous wastes, trash, debris, refuse matter, or vegetable matter from kitchen, market, or store, paper food containers, and all other solid and semisolid waste materials resulting from industrial, commercial, agricultural, community, and residential activities.

n. Solid Waste Container – A commercial container suitable for storage of waste generated by commercial enterprises and capable of being emptied by mechanical equipment, or a plastic bag, durable and leak proof, and tied

securely, or covered plastic or metal garbage can of sufficient size and number to hold the solid waste which accumulates on the premises. A container larger than forty five (45) gallon capacity shall not be considered an approved container for residential purposes unless otherwise specified in the Agreement with a Residential Solid Waste Disposal Firm. A cardboard box is not considered an approved container, however; may be set out for residential collection one time, providing that the box and/or boxes and contents do not exceed the capacity, weight, and number of container limits set by this Ordinance and the Agreement with a Residential Solid Waste Disposal Firm.

o. Solid Waste Disposal Firm – A person, firm, company, or corporation engaged in the business of removal and disposal of solid waste and also meets all federal, state, and local licensing requirements.

p. Yard Waste – Including but not limited to, grass clippings, leaves, brush, tree prunings, pine needles, shrubbery, etc.

SECTION 3: That the City shall regulate the collection, storage, transportation, and processing of all solid waste within the City Limits of Van Buren, Arkansas.

SECTION 4: Every person in possession, charge or control of any premises within the City, where solid waste is created or accumulated shall be required to keep a sufficient number of approved garbage cans, garbage bags, or commercial containers for deposit of solid waste to prevent the spreading or scattering of such wastes. When it is found that the storage of such solid waste might become a breeding place for mosquitoes, rodents, flies, and germs harmful to the health of the inhabitants of the community, the City or its agents shall be empowered to order the owner or person in charge of said premises to remove such solid wastes.

SECTION 5: Certain hazardous and medical wastes, such as those produced by hospitals and nursing homes should be stored and/or disposed of so as to prevent transmission of disease or causing of injuries pursuant to State and Federal regulations.

SECTION 6: That each person occupying a residential unit within the City, shall be required to collect, separate, and place upon the premises, in an approved solid waste container, all solid waste generated thereon for mandatory collection. No solid waste container weighing more than fifty (50) pounds, including contents of said container, shall be set out for residential solid waste collection.

SECTION 7: That each person occupying a residential unit within the City, shall have the opportunity to separate and place upon the premises, in a recycling container designated recyclables generated thereon, for collection by a Residential Solid Waste Disposal Firm.

SECTION 8: That a Multi-family Residential Unit may be added to the mandatory residential solid waste collection program, if agreed upon by the Van Buren Municipal Utilities, the Residential Solid Waste Disposal Firm, and the Premises owner.

SECTION 9: That all containers shall be placed in a safe and convenient place, either curbside or beside alleys as appropriate, for the purpose of collecting solid waste and recyclables. However the placement shall not interfere with the public right of way, pose a health hazard or create a public nuisance. All residential customers shall provide a safe and convenient entrance through or to the property for the purpose of collection and all vicious animals shall be either confined or kept restrained at a point where collectors may collect or empty containers without fear of attack.

SECTION 10: That every person in possession, charge, or control of any industrial, commercial, or multi-family residential premises, within the City, where solid waste is created or accumulated shall cause to have solid waste removed a minimum of once per week or more often if necessary. All solid waste so removed shall be hauled to and disposed of, at a disposal site which has been approved by the appropriate federal and state agency.

SECTION 11: That construction and demolition waste such as lumber, plaster, roofing material, dirt, stumps, tree trunks, other debris incidental to construction and demolition, and yard waste shall be removed by the owner of

the premises or the contractor responsible for the accumulation. Dead animals, furniture or items too large for the solid waste containers are prohibited. The solid waste disposal firms, may, with City approval, make special arrangements to collect bulk items and/or yard waste. Hazardous waste and solid waste such as used motor oil, pesticides, paint, lead-acid batteries, waste tires, fertilizers or chemicals, must be disposed of as provided by regulation of the agencies of the United States and the State of Arkansas and/or the City pertaining thereto.

SECTION 12: That no person shall be permitted to accumulate upon their premises, any solid waste or recyclables, except in the appropriate solid waste containers to be placed upon the premises for collection and disposal.

SECTION 13: The City shall grant a franchise, contract, or agreement to a Residential Solid Waste Disposal Firm for the mandatory collection of residential solid waste and recyclables and shall issue, implement and enforce such regulations as are necessary to insure quality solid waste and recycling collection service.

SECTION 14: That the City shall regulate all rates and fees charged by the residential solid waste disposal firm or any monies to which they are entitled by franchise, contract, or agreement under this Ordinance, and shall implement and enforce such Ordinances and regulations necessary for the funding of the City's solid waste management system and recycling program. All such rates, charges or contractual fees shall be on file at the office of the City Clerk and available for inspection by the public during business hours.

SECTION 15: That the Van Buren Municipal Utilities Commission is hereby appointed the agent of the City for the residential phase of the solid waste management system and recycling program, and shall conduct its implementation, operation, oversight; the negotiation and contracting with a Residential Solid Waste Disposal Firm; and the division of the City into service areas, and shall have the authority to make such additional rules and regulations necessary for the same. The Van Buren Municipal Utilities shall be entitled to compensation for these duties. Provided, however, that the Van Buren City Council shall have sole authority to approve rates, charges, or contractual fees.


SECTION 16: That any person who fails, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor, and shall be fined not less than \$25.00 nor more than \$100.00, plus court costs, for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition to the above penalty, each violator may be subject to enforcement procedures authorized under Arkansas Code Annotated Section 8-6-211, and also loss of City utilities.

SECTION 17: That if any Section or part of this Ordinance shall be held to be invalid or unconstitutional, it shall not affect the remaining Sections thereof, and the Sections and parts of said Ordinance shall be treated severally.

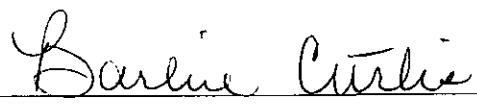
SECTION 18: That all Ordinances or parts of Ordinances in conflict herein, are hereby repealed.

SECTION 19: That due to the need to maintain and enforce a comprehensive, city-wide, solid waste management system and recycling program, and this ordinance being necessary for the preservation of the public peace, health and safety, shall be in full force and effect from January 1, 2010.

PASSED AND APPROVED this 15th day of June 2009.

By 
MAYOR

ATTEST:


CITY CLERK