

See last page
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ORDINANCE NO. 0-91-37

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 5.04 OF THE CONWAY MUNICIPAL CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

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

Section 1: That Section 5.04.03 Subsection (a) is hereby amended to read as follows:

"Each separate retail or wholesale business or commercial establishment, as hereinafter defined, a fee of not less than \$12.00 per month shall be collected. The amount of the fee to be charged any such establishment shall be \$2.00 per stop plus \$2.00 per yard, 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, supermarkets, telephone exchanges, theaters, repair shops, and livestock auction barns."

Section 2: That Section 5.04.04 Subsection (b), (c), and (d), are hereby amended to read as follows:

"(b) Any person, firm or corporation situated within the corporate limits of the City of Conway but which is excepted from the provisions of this ordinance with regard to subscription to the collection and transportation of garbage in Section 5.04.03 hereof, which desires to transport its garbage to and dump the same upon the city's sanitary landfill shall be permitted to do so and the following schedule of fees is hereby established for the exercise of that privilege:

Auto and Pickup	\$ 6.00
Single axle trailers	\$ 7.00
Dual axle trailers	\$10.00
Single axle bob trucks	\$14.00
Dual axle trucks and long trailers	\$24.00
\$2.00 per yard (uncompacted) and	
\$4.00 per yard (compacted)"	

"(c) Any person, firm or corporation situated outside the corporate limits of the City of Conway which is engaged in the operation of an industrial plant, wherein the activities therein carried on consist of assembling, fabricating, furnishing, manufacturing, packaging or other processing, and which desires to transport its garbage to and deposit the same upon the city's sanitary landfill shall be permitted to do so and the following schedule of fees is hereby established for the exercises of that privilege:

Auto and pickup	\$ 6.00
Single axle trailers	\$ 7.00
Dual axle trailers	\$10.00

Single axle bob trucks	\$14.00
Dual axle trucks and long trailers	\$24.00
\$2.00 per yard (uncompacted) and	
\$4.00 per yard (compacted)"	

"(d) Any person residing outside the corporate limits of the City of Conway, or any person, firm or corporation engaged in the operation of a business or commercial establishment, as defined hereinabove, which is situated outside the corporate limits of said city, which desires to transport its garbage and to dump the same upon the city's sanitary landfill shall be permitted to do so and the following schedule of fees is hereby established for the exercise of that privilege:

Auto and pickup	\$ 6.00
Single axle trailers	\$ 7.00
Dual axle trailers	\$10.00
Single axle bob trucks	\$14.00
Dual axle trucks and long trailers	\$24.00
\$2.00 per yard (uncompacted) and	
\$4.00 per yard (compacted)	

(e) All persons, firms or corporations who engage in the construction, erection, remodeling, alteration or repair of buildings, residences or improvements, at a site or sites within the corporate limits of the City of Conway other than its principal office and place of business shall be permitted to transport to and to dump the same upon the city's sanitary landfill shall be permitted to do so and the fees are as follows:

Auto and pickup	\$ 6.00
Single axle trailers	\$ 7.00
Dual axle trailers	\$10.00
Single axle bob trucks	\$14.00
Dual axle trucks and long trailers	\$24.00
\$2.00 per yard (uncompacted) and	
\$4.00 per yard (compacted)	

Payment of fees shall be made either by payment of monies to the attendant in charge of dumping grounds or by presenting coupons in lieu of monies as may be purchased from the Sanitation Department. It is the intention of this provision and it is expressly provided that the payor shall therefor utilize the city dumping ground for the purpose of garbage only from the specific acts of construction, erection, remodeling, alteration or repairs of building, residences or improvements and shall not imply entitlement to dumping for purposes covered by any other provision of this ordinance where other fees shall be collected."

Section 3. That Section 5.04.04 Subsection (g) is hereby amended to read as follows:

"(g) For homes, apartments, residences, mobile homes and dwelling units, per month:

Each separate family dwelling	\$6.50
Each duplex apartment house, per unit	\$6.50
Each apartment house, per unit	\$6.50

Each mobile home or house trailer not situated in mobile home park	\$6.50
Each mobile home or house trailer situated in mobile home park	\$6.50
Each separate dwelling unit owned and operated by the Conway Housing Authority or other such public agency	\$6.50"

Section 4. That Section 5.04.11 be amended to read **as** follows:

"Collection. Garbage shall be collected from businesses, houses and other such establishments each day except Sunday and holidays and from dwelling houses and homes once 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 within 5 feet of the curb/street where it may be easily reached by the city garbage employees." *Alternate locations may be approved by the sanitation department when the curb/street location is not possible.*

Section 5. That any individual, regardless of age, race, creed, color or national origin can receive a waiver from the requirement of delivering solid waste to the curb for efficient city pick up if they are physically incapable of delivering solid waste in the manner described by ordinance. Verification and qualification of physical handicap is made **by** written application to the city Sanitation Department for such a waiver. If there is reason to question this lack of ability and the limiting factor **is** not readily apparent to supervisors in the Sanitation Department they can request that an affidavit be signed by a physician which states that the resident has a debilitating condition which precludes their ability to deliver trash to curb side.

Section 6. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 7. That it is ascertained and declared that it is necessary for the public peace and welfare of the citizens of the City of Conway, Arkansas, an emergency is hereby declared to exist, and this ordinance shall take effect and be in force from and after its passage and publication.

PASSED this 13th day of August, 1991.

APPROVED:

David V. Finley

MAYOR

ATTEST:

Martha Lutzinger

CITY CLERK