

ORDINANCE NO. 129

AN ORDINANCE PROVIDING FOR THE  
COLLECTION OF SANITATION IN THE  
CITY OF BARLING, ARKANEAS, AND  
FOR OTHER PURPOSES.

SECTION 1. For purposes of this ordinance, the following terms shall have the meanings as hereinafter defined:

"Customer" - Any person owning, leasing, occupying, or managing any premises within the corporate limits of the City for which solid waste collection and disposal services are provided under this ordinance.

"Residential Customer" - Any customer whose use of a premises owned, leased, occupied or managed for a residential purpose in a single family structure, duplex structure, or multi-family structure, with no more than four living units.

"Commerical Customer" - Any customer whose use of a premises owned, leased, occupied or managed by such customers for purposes other than residential or as a residential use consisting of more than four residential living units for which solid waste is collected and billed to a single customer. Each owner of a multi-family structure of over four units shall have the option of being charged under commercial collection rates provided that a suitable container, as provided for in the definition below, is available.

"Commercial Container" - A manufactured container other than a garbage can or bag, that holds no less than two cubic

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yards of wastes, suitable for storage of wastes and capable of being emptied by mechanical equipment.

"Garbage Can" - A water-tight, galvanized, metal or heavy duty plastic container of the capacity of not less than twenty (20) gallons and not exceeding thirty (30) gallons, having a maximum loaded weight of 70 lbs., having two handles on the sides thereof by which it may be lifted, having a tight fitting top with at least one handle, and being so constructed as to permit the free discharge of its contents.

Section 2. Littering. It shall be unlawful for any person to dump or cause to be dumped any solid waste on any property other than a site approved for such purposes by the City. It shall further be unlawful for any person to sweep, throw, deposit, or cause to be swept, thrown or deposited any garbage, litter, or rubbish into or on any public street, alley, sidewalk, park or the property of another person, or into any canal, stream, public water drain, sewer or receiving basin within the City, or to permit the same to accumulate in such a manner that it may be carried or deposited into or on any of the above by action of the rain or wind.

Section 3. Non-Collectable Refuse. Building debris, such as, but not limited to, scrap lumber, plaster, roofing concrete, brick bats and sanding dust resulting from the construction, repair or remodeling of any building or appurtenances thereto, dirt, stumps and tree trunks, limbs, brush, and any and all other debris, related rubbish and trash incidental to construction, shall be removed by the

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owner of the said property or contractor responsible for the accumulation of same and will not be removed by the sanitation department.

Section 4. Burning and Dumping. It shall be a violation of this ordinance for any person to dump or burn garbage except in fire-proof, enclosed incinerators that have been approved by the fire department of the City. In no event, shall a person be allowed to dump or burn even in incinerators approved by the City's fire department, if the same constitutes a continuous nuisance to the extent that it substantially interferes with the reasonable peace and enjoyment of any other citizen or resident of the City.

Section 5. Frequency of Collection. The collection, hauling and disposal of garbage shall be made by the sanitation department not less than one time each week for residential customers and on an as needed basis in all business areas and for commercial customers. The charges for various commercial customers shall be based upon the required periodic collection, hauling and other services provided by the Sanitation Department.

Section 6. Determination of Rates. The rates and charges to be paid to the City by every customer for the collection, hauling and disposing of garbage and rubbish and for other health and sanitation services provided, shall be determined by the Board of Directors as it from time to time so elects, and said rates and charges shall be on file in the office of the City and available for inspection by the public at all business hours.

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Section 7. Number of Containers. It shall be the duty of every customer in the City to keep a sufficient number of garbage cans or other suitable container to adequately contain said customer's trash and garbage, and no less than one garbage can or other suitable container shall be kept and maintained for and by each family unit, or the equivalent thereof, if a commercial container is used for deposit of garbage.

Section 8. Location of Containers. All garbage cans or containers for the collection of garbage shall be placed at curbside or beside alleys where applicable and no collection personnel are allowed to enter houses or buildings for collection of garbage. All tenants, lessees, occupants or owners of premises shall provide a safe and convenient entrance to and through the premises for the purpose of collecting garbage and all vicious animals shall either be confined or kept at a point where collectors may empty cans or containers without fear of attack from said animals.

Section 9. Penalties for Violation. Any person doing any act or thing declared by any section of this ordinance to be unlawful shall be guilty of an offense against the City and the sanitation department will cause service to be discontinued until such time as the same is corrected and/or upon a finding of guilt for violation of any section by a person or customer, said person or customer shall be deemed guilty of a violation and sentenced to pay a fine not exceeding \$100.00, and each day any violation of this ordinance continues shall constitute a separate offense.

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Section 10. Appealing Clause. All ordinances or any parts of ordinances in conflict herewith are hereby repealed and Ordinance Number 65 is specifically repealed.

Section 11. Emergency Clause. An emergency is hereby declared to exist as the maintaining of proper garbage and trash collection, disposal and charging therefor is necessary for the preservation of the public health and welfare of the citizenry and, therefore, this ordinance shall be in full force and effect from and after the date of its passage.

Approved this 13 May day of May 1981.

Jerry Barling  
Mayor

ATTEST:

Sheila Forget  
City Clerk

(C) Any person who violates the provisions of this section shall be deemed guilty of a Class C misdemeanor and be subject to a fine up to \$100.00. The person in charge of said premises or the head of the family occupying the same shall be deemed prima facie guilty of violating this section upon a showing of the disconnection of service of said premises and the reconnection of the same in any manner other than authorized by the provisions of this ordinance.

SECTION 6: The foregoing rights, remedies, and criminal sanctions which may be sought or enforced by the city shall be considered cumulative and the city may choose to enforce any or all of the foregoing rights, remedies, sanctions, penalties, and liens or any combination thereof in any particular given instance should the provisions be applicable.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed and nullified. Ordinance #56 is hereby specifically repealed.

SECTION 8: The provisions and sections of this ordinance are for the purpose of providing and maintaining a safe, sanitary and financially sound water system for all the citizens and residents of the City of Barling, Arkansas and to retire any and all obligations on the said system. Accordingly an emergency is declared to exist and this being so passage of the same is necessary for the preservation of the health, safety and welfare of the citizenry so this ordinance shall be in full force and take effect immediately upon and after its passage.

PASSED by the Barling Board of Directors on this 21<sup>st</sup> day of April, 1981.

APPROVED:

Jerry Barling  
MAYOR

ATTEST:

Shula Fergis  
CITY CLERK