

City Council Agenda Items
and
Contracts, Leases or Agreements

2/19/2013

City Council Meeting Date
Agenda Items Only

Don Marr
Submitted By

Solid Waste
Division

Transportation
Department

Action Required:

Approval of an Ordinance Amending Sections 50.01 Definitions, 50.20 Service Requirements and 50.40 Rates or Services of Chapter 50: Garbage and Trash of the Code of Fayetteville

\$ _____ Cost of this request	_____ Category / Project Budget	_____ Program Category / Project Name
_____ Account Number	_____ Funds Used to Date	_____ Program / Project Category Name
_____ Project Number	\$ _____ Remaining Balance	_____ Fund Name

Budgeted Item

Budget Adjustment Attached

Don Marr 2/6/2013
Department Director Date

[Signature] 2-7-13
City Attorney Date

Paul a. Behr 2-7-2013
Finance and Internal Services Director Date

Don Marr 2-7-13
Chief of Staff Date

[Signature] 2/7/13
Mayor Date

Previous Ordinance or Resolution # 4765

Original Ordinance Date: 20-Sep-05

Original Contract Number: _____

Received in City Clerk's Office

Received in Mayor's Office



Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Fayetteville Water and Sewer Committee

From: Don Marr, Chief of Staff *DM*

Date: February 6, 2013

Subject: Approval Amending Sections 50.01 Definitions, 50.20 Service Requirements and 50.40 Rates for Service of Chapter 50: Garbage and Trash of the Code of Fayetteville

RECOMMENDATION

City Administration recommends approval of an ordinance Amending Sections 50.01 Definitions, 50.20 Service Requirements and 50.40 Rates for Service of Chapter 50: Garbage and Trash of the Code of Fayetteville

BACKGROUND

The current ordinance combines classes of services that are may be collected with different collection methods, or requested to be designed differently than the ordinance defines the service/rates. Additionally the current ordinance refers to a position (Operations Manager) that no longer exist within the City Organizational Structure, and restricts the Division manager's ability to designate a class of service (Residential vs. Commercial) that currently is defined within the ordinance definitions – even though the City currently evaluates certain criteria such as: space allowances, street frontage, etc to determine the collection method best used for certain tri & quad plex locations. Lastly, the Ordinance does not properly designate a multi-family per unit price that was established by rate study in 1992 and enacted in prior ordinances dating back to 1999. This ordinance amendment is to update the ordinance to address these issues.

DISCUSSION

1. Monthly residential rates are set by Ordinance are as shown below. These rates will remain unchanged. Residents receive trash, recycling, and yardwaste collection included with the monthly rate.

32 gallon cart - \$ 9.07
64 gallon cart - \$ 13.85
96 gallon cart - \$ 19.66

However, the multi-family per unit rate of 9.25/per unit needs to be identified within the rates section of the ordinance per the 1992 rates study. This is currently used for billing purposes and needs to be specifically identified for the service class offered.

2. The Division Manager of the Solid Waste Division is often asked to class a type of collection service from Residential (Cart/Recycling) collection to Commercial (dumpster/dump frequency) as well as a multi-family unit (often tri-plex or quad-plex) where the ordinance designates the class of service as commercial and the

request is that it be serviced with residential cart service. This ordinance amendment allows the Director of Solid Waste and Recycling to evaluate the situation and make a determination of Classification based on certain criteria. This criteria is outlined in 50.20 Section D (highlighted here)

Determining Classification of Required Service. *Certain properties have mixed-uses or otherwise have certain specific conditions, lease agreements between the landlord and tenant, land ownership arrangements, geography, topography, street layout, private drive conditions, access and/or general layout of structures or individual units, or number thereof, particularly multi-family residential buildings, or cottage developments, or a combination of any of the above, which make the provision of the service the property would otherwise qualify for impossible or impractical to provide. In such circumstances, the Operations Director shall make an objective determination, based on the above listed factors and other factors which directly bear on the provision of solid waste and recycling service, as to whether a particular customer must be served by commercial service, residential single-family/duplex service or residential multi-family service.*

Solid Waste and Recycling Service Definitions have been broken out to more clearly delineate the services provided. There are no changes in the Residential/Single Family rates or service offerings. The newly defined Residential Multi-Family Services also remain the same as currently provided. These services are Weekly Trash pick-up; Recycling service can be added for \$0.95 per unit per month which is not a change in service or rates, No Yard Waste and No Bulky Waste Services are provided to Residential Multi-Family Classifications – also not a change from the current ordinance). The Residential Multi-Family rate was established using the 1992 rate study and first charged as a rate beginning in ordinance 3993 in 1999. A rate of 9.25/per unit per month unless the owner of the multi-family complex requests a greater number of containers or more frequent service weekly than the minimum required service as determined by the Division Manager of Solid Waste & Recycling. When request for greater volume/frequency of service by an owner is made, rates shall be determined by the prevailing commercial service rate. When this service is paid by the tenant a unit rate is then calculated. The cost of the total service divided by the number of multi-family units will establish the per unit rate.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 50.01 DEFINITIONS, 50.20 SERVICE REQUIREMENTS AND 50.40 RATES FOR SERVICES OF CHAPTER 50: GARBAGE AND TRASH OF THE CODE OF FAYETTEVILLE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends Sections 50.01 Definitions, 50.20 Service Requirements and 50.40 Rates for Services of Chapter 50: Garbage and Trash of the Code of Fayetteville so that after amendment, each of the sections shall read as presented in the attached Exhibit "A".

PASSED and APPROVED this _____ day of _____, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

50.01 Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Biodegradable bag. A bag capable of being decomposed by natural micro-organic processes, to be used for the disposal of yard waste; and having a capacity of no more than thirty-five gallons.

Brush. Shrubbery, bush, and tree trimmings under three inches in diameter.

Bulk brush. Brush, under three inches in diameter, that is cut in lengths of four feet or less and tied in bundles that one person can handle.

Bulky waste. Items too large for collection in city-issued residential garbage carts, such as appliances, furniture, large limbs, etc. Customers should contact the Solid Waste and Recycling Division for specific requirements.

Commercial service. The collection and removal of garbage and trash from any establishment other than single-family residences, duplexes or multi-family complexes. Commercial service shall include, but not be limited to: office buildings, private institutions, professional buildings, restaurants, or as otherwise determined by the Operations Director.

Curbside. The edge of the public roadway directly in front of a residence. On corner lots curbside may be construed as the edge of the roadway directly alongside of the residence. In areas where garbage and trash collection is provided along alleys, curbside shall refer to the edge of the pavement of said alley. In either case, placement shall be no more than six feet from the public roadway. Garbage and trash placed at curbside must not impede the flow of traffic on the roadway or public sidewalk in any way.

Exemption to curbside. Exemption to the mandatory curbside placement of garbage and trash will be granted to persons who are disabled to the extent that they cannot reasonably meet the curbside requirement, and that have no one residing on premises greater than 12 years of age that can meet the requirement for them.

Garbage. All waste accumulations of animal, fruit, or vegetable matter that attend the preparation, use, cooking, dealing in, or storage of meat, fowl, fish, fruits, or vegetables, tin cans, or other containers originally used for food stuffs. The term "garbage" shall not include mineral wastes or manufacturing or processing wastes.

Garbage disposal area. A place or places designated by the city for the purpose of disposing of refuse, including incinerator and other dumping areas.

Limbs. Tree trimmings over three inches in diameter.

Person. Any individual, firm, or corporation.

Premises. Any flat, dwelling, rooming house, apartment house, hospital, school, hotel, club, restaurant, boardinghouse, eating place, shop, church, place of business, manufacturing establishment, courthouse, jail, city hall, post office or other building.

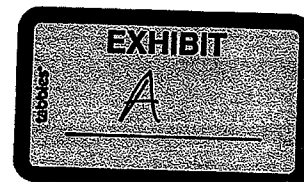
Operations Department Director. The Director of Solid Waste and Recycling.

Residential multi-family service. The collection and removal of garbage and trash from all residential multi-family complexes of three or more units, mobile home parks, or as otherwise determined by the Operations Director.

Residential single-family/duplex service. The collection and removal of garbage and trash from all single-family residences and duplexes located on public roadways within the City of Fayetteville, or as otherwise determined by the Operations Director. Collection of garbage and trash from residents on private roadways will be at the discretion of the city. The city shall only collect garbage and trash contained in city-issued carts and bags with the appropriate city permit sticker attached.

Sanitation service. The collection, removal, and disposal of waste, refuse, garbage, trash, and rubbish; the insecticidal fogging and/or spraying performed by the city; animal control and such other functions contained herein that are necessary for the preservation of health, safety, and welfare of the community.

Specialized customer. A customer that requires specialized services for the collection of garbage and trash and/or cardboard recycling that the city cannot provide.



Trash. All nonputrescible solid wastes, consisting of both combustible and noncombustible wastes such as paper, cardboard, glass, crockery, excelsior, cloth and similar materials. The term "trash" shall not include mineral waste or manufacturing or processing wastes.

50.20 Service Requirements

(A) Commercial service.

- (1) *Containers required.* Each owner, occupant, tenant, or lessee using or occupying any house, building, structure or portion thereof shall provide and maintain containers of sufficient number and size to contain the garbage and/or trash that will accumulate on the premises. This obligation begins upon issuance of a certificate of occupancy or upon actual occupancy. In the case of multiple dwellings or multiple occupancy, this duty shall be upon the owner of the premises. Said containers shall be covered at all times except when refuse is being placed in or removed from them. The city shall not be required to remove garbage or other litter not placed in containers or that is placed on top of or around the containers.
- (2) *Container specifications.* Such containers shall meet specifications and be of such size as set forth by the operations director, and shall be compatible for automated commercial collection by city vehicles. Containers of volume less than two cubic yards shall be issued through the city for a purchase price of container cost plus taxes and delivery charges.
- (3) *Maintenance of containers.* It shall be the duty of such person to replace unserviceable containers and to keep them clean at all times. Notice of unserviceable or unsanitary condition of containers will be served upon such person by the city, at which time such person shall take prompt action to correct the existing conditions.
- (4) *Location of containers.* The placement and location of containers for commercial service and for apartments and apartment buildings shall be negotiated between the user and the operations director. The city assumes no liability for the loss of items placed on or near the containers; the owner and/or occupant assumes the risk of loss of such items. Further, the city assumes no responsibility for lost or stolen containers.

(B) Residential single-family/duplex service and Residential multi-family service.

- (1) *Residential garbage carts required.* Each owner, occupant, tenant, or lessee of any house, building, structure or portion thereof in the city limits shall obtain containers from the City of Fayetteville of sufficient size, as determined by the Operations Director, to contain garbage and/or trash. This obligation begins upon issuance of a certificate of occupancy or upon actual occupancy. Customers receiving residential single-family/duplex service shall use only the residential garbage carts provided by the city. Customers receiving residential multi-family service shall only use the garbage or trash container provided by the city. The City shall only collect garbage and trash placed in residential garbage carts and containers or bags with the appropriate city permit sticker attached.
 - (a) *Additional garbage bag pickup.* On the collection day, an additional garbage bag (not to exceed 35 gallons in capacity, or 50 pounds in weight), with an attached city permit sticker may be left beside the garbage cart, and shall be picked up without additional charge. Each residential garbage cart customer shall receive four free city permit stickers per year.
 - (b) *Additional collection.* Residential customers may request additional garbage cart collection by appointment. Again, trash shall be placed in the garbage cart, and an additional bag, not to exceed 35 gallons in capacity, may be placed beside the garbage cart. An additional collection fee of \$6.00, plus the actual disposal cost based on carts size, shall be billed to the customer at the next billing cycle. Bags placed outside of the garbage cart without city permit stickers shall not be collected.
- (2) *Location of residential garbage carts.* Residential garbage carts shall be placed at a single collection point within three feet of the curb, street, or alley line, where applicable, by 6:00 a.m. on mornings regularly scheduled for garbage and trash collection, provided however, that garbage carts shall not be placed at the curb, street, or alley more than 12 hours before regular pickup, and shall be removed within 12 hours

thereafter. Alternate collection points may be specified at the discretion of the city.

- (3) *Exemptions.* Residential customers who wish to apply for an exemption of the required location of residential garbage carts may contact the Solid Waste and Recycling Division for an application. Final determination of exemption status shall be made by the Operations Director, or his designated representative.
 - (4) *Rental property cart service.* Rental property owners listed on major owner list maintained by the City of Fayetteville Business Office, shall be permitted 10 days of service immediately following the vacation of the rental property for 1/3 the normal monthly rate for the cart at the residence. The landlord shall be responsible to contact the Solid Waste and Recycling Division if the cart is discovered missing during cleanup activities. The landlord shall be responsible for the cart during these 10 days and shall be required to contact the Solid Waste and Recycling Division to arrange for cart pickup.
 - (5) *Storage/maintenance.* Residential garbage carts shall be stored and maintained in a manner not likely to create a fire hazard, provide nesting space for rodents and other vermin, or breeding sites for insects.
- (C) *Yard waste.* Only biodegradable bags, as defined herein, shall be acceptable for the disposal of yard waste.
- (D) *Determining Classification of Required Service.* Certain properties have mixed-uses or otherwise have certain specific conditions, lease agreements between the landlord and tenant, land ownership arrangements, geography, topography, street layout, private drive conditions, access and/or general layout of structures or individual units, or number thereof, particularly multi-family residential buildings, or cottage developments, or a combination of any of the above, which make the provision of the service the property would otherwise qualify for impossible or impractical to provide. In such circumstances, the Operations Director shall make an objective determination, based on the above-listed factors and other factors which directly bear on the provision of solid waste and recycling service, as to whether a particular customer must be served by commercial service, residential single-family/duplex service or residential multi-family service.

50.40 Rates For Services

- (A) *Residential single-family/duplex service.* Garbage and trash shall be collected from residential single-family/duplex customers one time each week for the following rates:

Garbage/Trash User Fee Schedule

Container Volume	Fixed Fee	Graduated Volume Fee	Cart replacement	Monthly Rate
32	\$6.13	\$2.19	\$0.43	\$8.75
64	\$6.13	\$6.68	\$0.54	\$13.35
96	\$6.13	\$12.13	\$0.70	\$18.96

- (1) There shall be no charge for the collection of residential yard waste.
 - (2) Residential single-family/duplex service customers shall receive bulk collection at no charge one time per year.
 - (3) If a residential single-family/duplex customer wishes to exchange to a larger residential garbage cart size, the customer shall be assessed a twenty dollar (\$20.00) cart exchange fee. No fee shall be assessed for customers wishing to exchange to a smaller cart.
 - (4) The Garbage/Trash User Fee shall be adjusted annually based upon the Consumer Price Index (CPI) as published by the U.S. Department of Labor, unless specifically waived by City Council resolution.
- (B) *Residential multi-family service.* Trash shall be collected from residential multi-family customers one time each week at a rate of \$9.25 per dwelling unit per month unless the owner of the multi-family complex requests greater volume/frequency of service than the minimum required service as determined by the Operations Director. Additionally, when recycling service is provided to a residential multi-family service customer, an additional rate of \$0.95 per dwelling unit per month shall apply. When requests for greater volume/frequency of service by an

owner are made, rates shall be determined by the prevailing commercial service rate divided by the number of dwelling units.

(C) *Commercial service.* Trash shall be collected from commercial customers as shown below.

(1) The monthly commercial rate shall be:

Commercial User Fee Schedule

Commercial Container Size	Rate Per Pickup
95 Gallon Cart	15.90
2 cubic yards	\$32.76
4 cubic yards	\$65.52
6 cubic yards	\$98.28
8 cubic yards	\$131.04

(2) Commercial 95 gallon carts have a maximum of four pickups per week, Monday through Thursday. Larger commercial containers shall be serviced a minimum of once per week and a maximum of six times per week, Monday through Saturday, except authorized holidays for City employees and unavoidable inclement weather.

(3) The rate for providing extra collection of any 95 gallon cart shall be twice the monthly collection rate based on the number of collections per week as established by §50.40(B)(1). The rate for providing extra collection of any commercial loadall type container shall be \$8.19 per cubic yard.

(4) The rate for providing cardboard and paper recycling service shall be \$8.19 per cubic yard.

(5) Container rental is a flat fee per month.

Container Rental/Dumpster Lease Fee Schedule

Container Size (Cubic Yards)	Monthly Rate
2 yd	\$12.89
4 yd	\$14.73
6 yd	\$17.14
8 yd	\$20.24

(6) A residential multi-family complex office shall pay an additional \$0.95 per month to its solid waste bill as if it were an individual unit when the residential multi-family complex is receiving recycling service.

(D) *Loadall type container service.* The monthly rate for one pickup per week for any commercial establishment using loadall type containers for collection of garbage shall be \$16.38 per cubic yard collected.

(E) *Commercial Recycling.* Limited commercial recycling is offered per the table below.

Size	Once Per Week
4 yd cardboard	\$32.76
6 yd cardboard	\$49.14
8 yd cardboard	\$65.52
4 yd paper	\$32.76
18 gal recycle bin (up to five bins)	\$5.88

(F) *Use of composting facility.*

(1) Businesses, including commercial landscapers and tree trimmers, and nonresidents that bring brush to the

City's composting facility for disposal will be charged as follows:

Composting User Fee Schedule

Size	Rate
Compact pickup trucks	\$5.00
Full size pickup trucks	\$8.00
Trailers up to 14 feet long	\$10.00
Trailers greater than 14 feet long	\$15.00

Current Provisions

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

CHAPTER 50: GARBAGE AND TRASH*

**ARTICLE I
GENERAL PROVISIONS**

50.01 Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Biodegradable bag. A bag capable of being decomposed by natural micro-organic processes, to be used for the disposal of yard waste; and having a capacity of no more than thirty-five gallons.

Brush. Shrubbery, bush, and tree trimmings under three inches in diameter.

Bulk brush. Brush, under three inches in diameter, that is cut in lengths of four feet or less and tied in bundles that one person can handle.

Bulky waste. Items too large for collection in city-issued residential garbage carts, such as appliances, furniture, large limbs; etc. Customers should contact the Solid Waste and Recycling Division for specific requirements.

Commercial service. The collection and removal of garbage and trash from any establishment other than single-family residences. Commercial service shall include, but not be limited to: office buildings, private institutions, professional buildings, restaurants, apartments, duplexes and trailer parks.

Curbside. The edge of the public roadway directly in front of a residence. On corner lots curbside may be construed as the edge of the roadway directly alongside of the residence. In areas where garbage and trash collection is provided along alleys, curbside shall refer to the edge of the pavement of said alley. In either case, placement shall be no more than six feet from the public roadway. Garbage and trash placed at curbside must not impede the flow of traffic on the roadway or public sidewalk in any way.

Exemption to curbside. Exemption to the mandatory curbside placement of garbage and trash will be granted to persons who are disabled to the extent that they cannot reasonably meet the curbside requirement, and that have no one residing on premises greater than 12 years of age that can meet the requirement for them.

Garbage. All waste accumulations of animal, fruit, or vegetable matter that attend the preparation,

use, cooking, dealing in, or storage of meat, fowl, fish, fruits, or vegetables, tin cans, or other containers originally used for food stuffs. The term "garbage" shall not include mineral wastes or manufacturing or processing wastes.

Garbage disposal area. A place or places designated by the city for the purpose of disposing of refuse, including incinerator and other dumping areas.

Limbs. Tree trimmings over three inches in diameter.

Person. Any individual, firm, or corporation.

Premises. Any flat, dwelling, rooming house, apartment house, hospital, school, hotel, club, restaurant, boardinghouse, eating place, shop, church, place of business, manufacturing establishment, courthouse, jail, city hall, post office or other building.

Operations Department Director. The Operations Department Director of the city.

Residential service. The collection and removal of garbage and trash from all single-family residences located on public roadways within the City of Fayetteville. Collection of garbage and trash from residents on private roadways will be at the discretion of the city. The city shall only collect garbage and trash contained in city-issued carts and bags with the appropriate city permit sticker attached.

Sanitation service. The collection, removal, and disposal of waste, refuse, garbage, trash, and rubbish; the insecticidal fogging and/or spraying performed by the city; animal control and such other functions contained herein that are necessary for the preservation of health, safety, and welfare of the community.

Specialized customer. A customer that requires specialized services for the collection of garbage and trash and/or cardboard recycling that the city cannot provide.

Trash. All nonputrescible solid wastes, consisting of both combustible and noncombustible wastes such as paper, cardboard, glass, crockery, excelsior, cloth and similar materials. The term "trash" shall not include mineral waste or manufacturing or processing wastes.

(Code 1965, §10-1; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Ord. No. 3581, 12-3-91; Ord. No. 3755, §1, 2, 12-21-

Current provisions

Fayetteville Code of Ordinances

93; Ord. No. 3842, §1, 11-16-94; Ord. No. 4111, §§ 1-3, 8-4-98; Ord. No. 4341, 10-2-01; Ord. No. 4415, § 1, 2, 9-17-02; Code 1991, §50.01)

State law reference(s)--Solid Waste Management Act, A.C.A. §8-6-201 et seq.

50.02 Solid Waste And Recycling Division To Administer Collection And Removal

(A) In order, among other functions, to satisfactorily collect and remove garbage and trash and accomplish the other purposes of this chapter, there is hereby created a Solid Waste and Recycling Division for the city.

(B) The Solid Waste and Recycling Division shall be under the direction of the operations director who in turn is subject to the general direction of the mayor.

(Code 1965, §10-2; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Code 1991, §50.02)

50.03 Dumping Prohibited; Garbage Disposal Areas

Dumping within any area within the city, except garbage disposal areas as defined by §50.01, is prohibited.

(Code 1965, §10-6; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Code 1991, §50.03)

Cross reference(s)--Penalty, §10.99.

50.04 Depositing On Vacant Lots

It shall be unlawful for any person to dump, throw or otherwise deposit any garbage or trash or accumulations of the same on any vacant lot in the city.

(Code 1965, §10-12; Ord. No. 1194, 4-6-59; Code 1991, §50.04)

Cross reference(s)--Penalty, §10.99.

50.05 Depositing On Streets, Alleys, Or Sidewalks

It shall be unlawful for any person to throw, place, dump, litter, or otherwise deposit any garbage, trash, or refuse upon any public street, alley, or sidewalk of this city, except in receptacles placed upon such streets, alleys or sidewalks without approval of the city Solid Waste and Recycling Division.

(Code 1965, §10-13; Ord. No. 1149, 10-14-57; Ord. No. 1194, 4-6-59; Code 1991, §50.05)

Cross reference(s)--Penalty, §10.99.

50.06 Burning Of Garbage And Trash

It shall be deemed a violation of this Code for any person to burn trash or garbage except in incinerators that have been approved by the County Health Department, Solid Waste and Recycling Division, and Fire Department of the city.

(Code 1965, §10-17; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Code 1991, §50.06)

Cross reference(s)--Penalty, §10.99.

50.07-50.19 Reserved
ARTICLE II
COLLECTION PROCEDURE

50.20 Service Requirements

(A) *Commercial service.*

(1) *Containers required.* Each owner, occupant, tenant, or lessee using or occupying any house, building, structure or portion thereof requiring commercial service shall provide and maintain containers of sufficient number and size to contain the garbage and/or trash that will accumulate on the premises. In the case of multiple dwellings or multiple occupancy, this duty shall be upon the owner of the premises. Said containers shall be covered at all times except when refuse is being placed in or removed from them. The city shall not be required to remove garbage or other litter not placed in containers or that is placed on top of or around the containers.

(2) *Container specifications.* Such containers shall meet specifications set forth by the operations director, and shall be compatible for automated commercial collection by city vehicles. Containers of volume less than two cubic yards shall be issued through the city for a purchase price of container cost plus taxes and delivery charges.

(3) *Maintenance of containers.* It shall be the duty of such person to replace unserviceable containers and to keep them clean at all times. Notice of unserviceable or unsanitary condition of containers will be served upon such person by the city, at which time such person shall take prompt action to correct the existing conditions.

(4) *Location of containers.* The placement and location of containers for commercial service and for apartments and apartment buildings shall be negotiated between the user and the

TITLE V PUBLIC WORKS

operations director. The city assumes no liability for the loss of items placed on or near the containers; the owner and/or occupant assumes the risk of loss of such items. Further, the city assumes no responsibility for lost or stolen containers.

(B) Residential service.

(1) *Residential garbage carts required.*

Customers receiving residential garbage and trash service shall use only the residential garbage carts provided by the city. The City shall only collect garbage and trash placed in residential garbage carts or bags with the appropriate city permit sticker attached.

(a) *Additional garbage bag pickup.* On the collection day, an additional garbage bag (not to exceed 35 gallons in capacity, or 50 pounds in weight), with an attached city permit sticker may be left beside the garbage cart, and shall be picked up without additional charge. Each residential garbage cart customer shall receive four free city permit stickers per year.

(b) *Additional collection.* Residential customers may request additional garbage cart collection by appointment. Again, trash shall be placed in the garbage cart, and an additional bag, not to exceed 35 gallons in capacity, may be placed beside the garbage cart. An additional collection fee of \$6.00, plus the actual disposal cost based on carts size, shall be billed to the customer at the next billing cycle. Bags placed outside of the garbage cart without city permit stickers shall not be collected.

(2) *Location of residential garbage carts.* Residential garbage carts shall be placed at a single collection point within three feet of the curb, street, or alley line, where applicable, by 6:00 a.m. on mornings regularly scheduled for garbage and trash collection, provided however, that garbage carts shall not be placed at the curb, street, or alley more than 12 hours before regular pickup, and shall be removed within 12 hours thereafter. Alternate collection points may be specified at the discretion of the city.

(3) *Exemptions.* Residential customers who wish to apply for an exemption of the required location of residential garbage carts may contact the Solid Waste and Recycling

Division for an application. Final determination of exemption status shall be made by the operations director, or his designated representative.

(4) *Rental property cart service.* Rental property owners listed on major owner list maintained by the City of Fayetteville Business Office, shall be permitted 10 days of service immediately following the vacation of the rental property for ½ the normal monthly rate for the cart at the residence. The landlord shall be responsible to contact the Solid Waste and Recycling Division if the cart is discovered missing during cleanup activities. The landlord shall be responsible for the cart during these 10 days and shall be required to contact the Solid Waste and Recycling Division to arrange for cart pickup.

(5) *Storage/maintenance.* Residential garbage carts shall be stored and maintained in a manner not likely to create a fire hazard, provide nesting space for rodents and other vermin, or breeding sites for insects.

(C) *Yard waste.* Only biodegradable bags, as defined herein, shall be acceptable for the disposal of yard waste.

(Code 1965, §10-3; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Ord. No. 3581, 12-3-91; Ord. No. 3842, §2, 11-16-94; Ord. No. 4111, §4, 8-4-98; Ord. No. 4270, 9-5-00; Ord. No. 4341, 10-2-01; Ord. No. 4415, §3, 9-17-02; Code 1991, §50.20)

Cross reference(s)--Penalty, §10.99.

50.21 Access To Garbage And Trash Containers

(A) In the event that an exemption to curbside placement of garbage and trash is granted, it shall be incumbent upon the tenants, lessees, occupants, or owners of the premises where garbage or trash is generated to provide a safe and convenient entrance to and through the premises for the purposes of collecting same.

(1) All vicious animals shall either be confined, or garbage and trash containers placed at a point where collectors may service same without attack from said animals.

(2) Where commercial collections are made from alleys and access ways, said approaches shall be maintained in such manner as not to be a hazard to Solid Waste and Recycling Division personnel or

Current provision

TITLE V PUBLIC WORKS

the corporate limits of the city, such service shall be subject to all the provisions of this chapter.

(Code 1965, §10-16; Ord. No. 1194, 4-6-59; Code 1991, §50.28)

50.29 Private Collectors; Contract With City Required

No person, except a duly authorized agent or employee of the city, shall empty garbage or trash receptacles, or convey or transport garbage or trash on the streets or public thoroughfares of the city, without a written contract with the city.

(Code 1965, §10-46; Ord. No. 1194, 4-6-59; Code 1991, §50.29)

Cross reference(s)--Penalty, §10.99.

50.30 Bulky Waste/Community Cleanups

(A) *Bulky waste pickup.* Each customer shall be entitled to one bulky waste pickup per year. Customers shall arrange for bulky waste pickup by contacting the Solid Waste and Recycling Division to reserve a collection date. Mobile home parks and apartment complexes consisting of four or more units shall not be eligible.

(B) *Community cleanups.*

(1) *City-wide Earth Week cleanup.* During Earth Week of each year, customers may dispose of normal residential waste at the Solid Waste and Recycling Facility free of charge.

(2) *Neighborhood association/ward cleanups.* Each City Council ward shall be eligible for up to four community cleanups per year, provided however that each cleanup shall be coordinated by at least one neighborhood association, under the sponsorship of both of the ward's alderperson(s). The city shall collect everything except normal residential garbage and hazardous waste free of charge.

(Ord. 4415, §4, 9-17-02; Code 1991, §50.30)

50.31-50.39 Reserved

**ARTICLE III
COLLECTION CHARGES; BILLING**

50.40 Rates For Services

(A) *Residential service.* Garbage and trash shall

be collected from residential customers one time each week for the following rates:

Garbage/Trash User Fee Schedule

Container Volume	Fixed Fee	Graduated Volume Fee	Cart replacement	Monthly Rate
32	\$6.13	\$2.19	\$0.43	\$8.75
64	\$6.13	\$6.68	\$0.54	\$13.35
96	\$6.13	\$12.13	\$0.70	\$18.96

(1) There shall be no charge for the collection of residential yard waste.

(2) Residential service customers shall receive bulk collection at no charge one time per year.

(3) If a residential customer wishes to exchange to a larger residential garbage cart size, the customer shall be assessed a twenty dollar (\$20.00) cart exchange fee. No fee shall be assessed for customers wishing to exchange to a smaller cart.

(4) The Garbage/Trash User Fee shall be adjusted annually based upon the Consumer Price Index (CPI) as published by the U.S. Department of Labor.

(B) *Commercial service.* Trash shall be collected from commercial customers as shown below.

(1) The monthly commercial rate shall be:

Commercial User Fee Schedule

Commercial Container Size	Rate Per Pickup
95 Gallon Cart	15.90
2 cubic yards	\$32.76
4 cubic yards	\$65.52
6 cubic yards	\$98.28
8 cubic yards	\$131.04

(2) Commercial 95 gallon carts have a maximum of four pickups per week, Monday through Thursday. Larger commercial containers shall be serviced a minimum of once per week and a maximum of six times per week, Monday through Saturday, except authorized holidays for City employees and unavoidable inclement weather.

(3) The rate for providing extra collection of any 95 gallon cart shall be twice the monthly collection rate based on the number of

Current Provisions

Fayetteville Code of Ordinances

collections per week as established by §50.40(B)(1). The rate for providing extra collection of any commercial loadall type container shall be \$8.19 per cubic yard.

Compact pickup trucks	\$5.00
Full size pickup trucks	\$8.00
Trailers up to 14 feet long	\$10.00
Trailers greater than 14 feet long	\$15.00

(4) The rate for providing cardboard and paper recycling service shall be \$8.19 per cubic yard.

(5) Container rental is a flat fee per month.

Container Rental/Dumpster Lease Fee Schedule

Container Size (Cubic Yards)	Monthly Rate
2 yd	\$12.89
4 yd	\$14.73
6 yd	\$17.14
8 yd	\$20.24

(Code 1965, §§10-28, 10-29, 10-29.1; Ord. No. 1194, 4-6-59; Ord. No. 1443, 4-26-65; Ord. No. 2587, 12-18-79; Ord. No. 2751, 8-18-81; Ord. No. 2767, 10-20-81; Ord. No. 2855, 9-21-82; Ord. No. 2886, 1-18-83; Ord. No. 3626, 8-4-92; Ord. No. 3755, §§3, 4, 12-21-93; Ord. No. 3841, §1, 11-16-94; Ord. No. 3842, §3, 11-16-94; Ord. No. 3993, §§1-5, 9-17-96; Ord. No. 4111, §5, 8-4-98; Ord. No. 4349, 11-6-01; Ord. No. 4382, 3-19-02; Ord. No. 4415, §5, 9-17-02; Code 1991, §50.40, Ord. 4457 §50.40, 01-21-03; Ord. 4765, 09-20-05; Ord. 5278, 10-05-09; Ord. 5299, 12-15-09; Ord. 5470, 12-20-11)

(6) The rate for providing multi-family recycling is \$0.95 per month per unit in an apartment complex or multi-family residential complex receiving recycling service. The complex office shall have this same \$0.95 per month per unit added to its solid waste bill as if it were an individual unit in the complex. Customers residing in multi-family complexes which do not receive recycling service will not be charged for recycling service.

50.41 Rates For Service Outside City Limits

In the event garbage and trash collection and removal service is rendered by the city for buildings, structure or premises located outside the corporate limits of the city, as provided for in §50.28, the monthly charge for such service shall be as prescribed in §50.40(A) and (B), plus 50%.

(Code 1965, §10-30; Ord. No. 1194, 4-6-59; Code 1991, §50.41)

(C) *Loadall type container service.* The monthly rate for one pickup per week for any commercial establishment using loadall type containers for collection of garbage shall be \$16.38 per cubic yard collected.

50.42 Higher Rate To Control In Case Of Uncertainty, Contradiction Or Duplication

In case of uncertainty, contradiction or duplication of rates prescribed in this article, the higher rate shall control.

(Code 1965, §10-31; Ord. No. 1194, 4-6-59; Code 1991, §50.42)

(D) *Commercial Recycling.* Limited commercial recycling is offered per the table below.

Size	Once Per Week
4 yd cardboard	\$32.76
6 yd cardboard	\$49.14
8 yd cardboard	\$65.52
4 yd paper	\$32.76
18 gal recycle bin (up to five bins)	\$5.88

State law reference(s) Rate, schedules -Greater or lesser rate not to be charged, A.C.A. § 23-4-107.

(E) *Use of composting facility.*

50.43 Adjustment Of Rates; Exemptions

Appeal for adjustment of rates for charges prescribed by this article may be directed in writing to the operations director and the mayor. Appeal from their decision shall be directly to the City Council, and shall be in writing and filed with the city clerk within 30 days of the date written notice of the decision of the operations director and the mayor is given. Exemptions from sanitation charges may be granted by the City Council upon written request only, for a just cause.

(Code 1965, §10-32; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Code 1991, §50.43)

Composting User Fee Schedule

Size	Rate
------	------