

ORDINANCE NO. A- 361

AN ORDENANCE REGULATING THE COLLECTING, TRANSPORTING AND DISPOSING OF GARBAGE, WASTE, TRASH AND REFUSE WITHIN THE CITY OF CONWAY; PROVIDING FOR THE ISSUANCE OF PERMITS THEREFOR; PROVIDING FOR THE INSPECTION OF THE PREMISES AND VEHICLES USED IN THE COLLECTION OF SAME; REGULATING THE TYPE OF TRUCK OR TRUCKS TO BE USED IN SUCH COLLECTIONS; PROVIDING A PENALTY FOR VIOLATION THEREOF; REPEALING OTHER ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES

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

SECTION ONE (1). That the operation of a businsss for the purpose of collecting, transporting and disposing of garbage, waste, trash and refuse within the corporate limits of the City of Conway, Arkansas is hereby declared to be a privilege subject to the following regulations :

(a) In order to better protect the nealth, safety and welfare of the inhabitants and citizens of said City it is hereby declared to be the policy of the City of Conway that before a permit shall be issued to any person, firm or corporation for the operation of a business to collect, transport and dispose of garbage, waste, trash and other refuse in said City, such person, firm or corporation shall procure liability insurance in some reliable insurance company or companies authorized to do business in the State of Arkansas, in such amount or amounts as to adequately insure such person, firm or corporation against any loss or damage to property, or injury or death to persons growing out of the operation of motor vehicles by any such person, firm or corporation in the course of any such business; provided, however, that the minimum amount of insurance which shall be carried in any instance shall be that required by the financial responsibility laws of the State of Arkansas in effect at the time of the effective date. of this ordinance, and that such insurance shall be issued on each truck or vehicle used in said business. Should any person, firm or corporation fail or refuse to procure such public liability insurance, or should said public liability insurance, after being procured, be for any reason cancelled, then in either such event the permit or license for the operation of any such business theretofor issued to any person, firm or corporation owning such vehicle, shall be revoked, together with

the privilege to operate such business, and shall become of no force and effect.

(b) No permit for the operation of any such business shall be valid for a period longer than twelve months. The first twelve month period shall begin on March 1st, 1961. All licenses issued during any twelve month period shall expire the last day of February following the date of issuance of such permit and no permits shall be renewed except in the manner set forth in Section 1-d, of this ordinance.

(c) A license fee of \$75.00 for each twelve month period or fraction thereof is hereby imposed upon the operator of each truck or vehicle used in the operation of any such business inside the corporate limits of said City. Said license fee shall be payable promptly in advance at the beginning of each twelve month period, and payment of said license fee shall be a condition precedent to the right of any person, firm or corporation to operate any such business within said City. No license or permit shall be issued to any person under the age of twenty-one years,

(EL) Any person, firm or corporation desiring to operate a business for the purpose of collecting, transporting and/or disposing of garbage, waste, trash or refuse within said City shall file with the City Clerk of said City, at least two weeks before the beginning of any twelve month period his written and verified application therefor upon such form as may be prescribed by said City Clerk, and containing the following information:

- (1) Name and business address of each person interested in the business of applicant;
- (2) Name of make, style, year model, motor number and serial number of each truck for which license is desired;
- (3) Name of insurance carrier or carriers and amount of public liability insurance issued therefor.

Each applicant shall tender with said application the permit fee hereinabove prescribed, together with satisfactory evidence that the applicant has procured public liability insurance in accordance with Section 1-a hereof. The City Clerk shall, at the first meeting of the City Council held following the filing of said application, present said application to the Council for its approval and upon approval of said application, said City Clerk shall

issue to the applicant a license or permit for the operation of such truck or trucks in said business, Should any such application be disapproved by the Council, the City Clerk shall at once notify the applicant thereof and shall refund to the applicant the permit fee tendered at the time of filing such application,

(e) A separate application shall be filed for each truck on which a permit is desired. All applications shall be numbered in the order in which same are approved during each twelve month period. Each license shall be given a number corresponding with the application number and the description of each truck as contained in the application shall be included in the license, The owner of each truck shall, before placing the same in operation, cause to be legibly painted in a conspicuous place on the outside of each door of each truck, in numbers at least ten inches in height and three inches in width, the number of the license issued for such truck, No permit or license issued hereunder shall be transferred from one person, firm or corporation to another, or from one truck or vehicle to another, and a permit so issued shall be valid only for the vehicle described in the application for said permit. Should the owner of any such truck so licensed as above sell or exchange such truck he shall immediately surrender the permit issued therefor to the City Clerk and should the owner desire a permit for the unexpired portion of the twelve month period during which said truck or vehicle has been exchanged for another truck or vehicle owned by him for which no license has theretofore been issued he shall file an application therefor on the form hereir prescribed and the City Clerk shall issue to the applicant a license or permit on the truck or vehicle described in such application and for which no license had theretofore been so issued for the unexpired term of the then twelve month pzriod. Upon surrender of any license on any such truck or vehicle used in the aforesaid business as herein provided, said license shall be cancelled and its cancellation made of record by the City Clerk,

(f) All applications for a permit to operate a business for the purpose of collecting, transporting and disposing of garbage, waste, trash and refuse within the corporate limits of the City of

Conway shall be considered on merit and in the light of the public convenience, interest and necessity of the City of Conway and its inhabitants. The City Council in its discretion may grant or refuse to grant any such application,

(g) No permit shall be issued to any person, firm or corporation hereunder for a period of five consecutive years following the effective date of this ordinance which was not engaged in the business of collecting, transporting and disposing of garbage, trash, waste and refuse within the corporate limits of said City upon the effective date of this ordinance. The permittees now engaged in said business shall have the option to renew the permit or permits then in effect at the expiration of five years after the effective date of this ordinance,

SECTION TWO (2). All trucks used by persons, firms or corporations regulated by this ordinance shall be of packer type, with waterproof beds or of metal type beds, the purpose herein being to retain the garbage, waste, trash and refuse placed therein and to prevent the same from being scattered upon the streets and other public ways of the City of Conway while being transported to the place of disposition. The bed of all trucks used in said business shall be totally enclosed by some type metal, wood or canvass. The body or bed of each truck utilized in transporting garbage, waste, trash and refuse and/or the containers used for collecting the same shall be washed daily. All trucks used in such business shall be regularly inspected by the Chief of Police or other designated employee of the City to ascertain if the provisions of this ordinance are being complied with,

SECTION THREE (3). The word "garbage" as used in this ordinance shall include all rejected food, waste, and refuse, accumulations of or from animals, fruit or vegetable matter used in or intended as food, or intended for the preparation of foods, in cooking, in dealing in or storing of meats, fish, fowl, fruit and/or vegetables.

SECTION FOUR (4). The words "waste" and "trash" as used in this ordinance shall include all waste matter and materials derived from human habitation or from places of business, offices and/or factories of a kind not deposited in sanitary sewers, which are not included withi

the definition of the word "garbage" as hereinabove described, but shall include paper, cardboard, clothing, grass, leaves, ashes, tin cans, containers, sweepings, shrubbery, **small** trees, discarded furniture and other matters, whether herein listed or not.

SECTION FIVE (5). All persons, firms or corporations having garbage, as hereinabove defined, to be collected, transported and disposed of by persons, firms or corporations engaged in such business shall provide a suitable metal or plastic container therefor with tight fitting lid or cover for the purpose of gathering such garbage until the same may be collected and removed from the premises. In residential areas these cans or containers shall be of not more than thirty gallon capacity. All persons, firms or corporations having waste or trash or other refuse than garbage for removal by persons, firms or corporations in such business shall provide a suitable container or containers therefor and shall keep the waste or refuse in said container upon their premises until the same is collected and transported from the premises.

SECTION SEVEN (7). Every person, firm or corporation in the City of Conway, whether individually or as a firm or corporation, may utilize the facilities of any permittee engaged in the business of collecting, transporting and disposing of garbage, waste, trash and refuse within said City and shall pay such person, firm or corporation with whom or with which contracted. Provided, however, that nothing herein is or shall be construed to require that any person, firm or corporation must subscribe to such service, nor shall anything herein be construed in such manner as to prevent any person, firm or corporation from disposing of his or its own garbage, waste, trash or refuse.

SECTION EIGHT (8). Any such person, firm or corporation engaging in the aforesaid business shall be paid for the service so rendered solely by those who contract to have such work done or service performed and the city of Conway shall in no manner be or become liable for the payment of any fees due to any such person, firm or corporation by reason of any such work or service performed for any person, firm or corporation other than the City of Conway.

SECTION NINE (9). The amount or mounts to be charged for such work or services shall be mutually agreed upon between the person, firm or corporation performing the same and the person, firm or corporation for whom performed, but shall not exceed those amounts set forth hereinafter for the respective classification of store, office, business, home or dwelling unit for which contracted, which maximum charges are as follows:

For business establishments, per month:

Each cafe or restaurant	\$15.00
Each grocery store	\$30.00
Each grocery and meat market	\$30.00
Each drug store	\$7.50
Each shoe repair shop	\$2.00
Each jewelry store	\$2.00
Each barber shop	\$2.00
Each beauty shop	\$2.00
Each auto supply store, retail	\$7.50
Each garage	\$12.50
Each service or filling station	\$5.00
Each machinery equipment store	\$6.00
Each wholesale store	\$12.00
Each theater	\$12.00
Each professional office	\$3.00
Each lumber yard	\$3.00
Each stock sales barn	\$7.50
Each bottling plant	\$5.00
Each plumbing and/or electric shop	\$4.00
Each processing plant	\$15.00
Each newspaper and/or printing shop	\$15.00
Any business establishment, exclusive of factories, not otherwise defined or specifically mentioned herein	\$30.00

For factories and manufacturing plants, the monthly charge shall be negotiated,

For homes, apartments and residences, per month:

Each separate family dwelling	\$ 1.00 to \$1.50
Each duplex apartment house, per unit	\$ 1.00 to \$1.50
Each apartment house, per unit	\$ 1.00 to \$1.50

SECTION TEN (10). Each person, firm or corporation applying for a permit to engage in such business in the City of Conway shall, before such permit is issued, in order to assure the faithful performance of the duties and responsibilities thereunder, procure and deposit with the City Clerk his or its bond in the penal sum of \$1,000.00, with sufficient sureties thereon, to be approved by the Mayor of said City. Said bond shall be conditioned so as to hold said City harmless for any and all acts and things done or suffered to be done by any such person, firm or corporation, or by its officers, agents or employees in the performance of such work.

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SECTION ELEVEN (11). Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$10.00 nor more than \$100.00, and each violation of this ordinance shall be a separate offense and shall be punished as such, Upon a second or subsequent conviction for a violation of any of the provisions of this ordinance the license issued to the person, firm or corporation so involved in such violation, after five days' written notice to the holder of such license, issued by the Mayor of the City of Conway, may be revoked by a majority vote of the members of the City Council, and in case of such revocation the holder of any such license shall not be issued another license for the operation of any such business within the then calendar year,

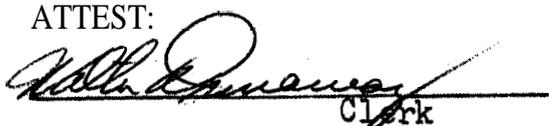
SECTION TWELVE (12). If any clause, sentence, paragraph, section or other portion of this ordinance shall be found to be unconstitutional, invalid or inoperative by any court of competent jurisdiction, such finding shall not affect the validity of the remainder of these sections, nor shall any proceeding attacking any portion of these sections operate to affect any portion of the remainder of said sections not specifically attacked in said proceeding,

SECTION THIRTEEN (13). All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION FOURTEEN (14). It is ascertained and declared that the lack of adequate methods and facilities for gathering, transporting and disposing of garbage is endangering the health and well being of the inhabitants of the city of Conway; therefore, an emergency is hereby declared to exist and this ordinance, being necessary for the immediate preservation of the health, safety and welfare of the inhabitants of said City, shall take effect and be in force from and after its passage and publication.

PASSED AND APPROVED this 28th day of February, 1961.

ATTEST:


Clerk

APPROVED:


Mayor