

AMENDED
7/2/19
City Clerk
Dr. Sylvia Rose
City Clerk

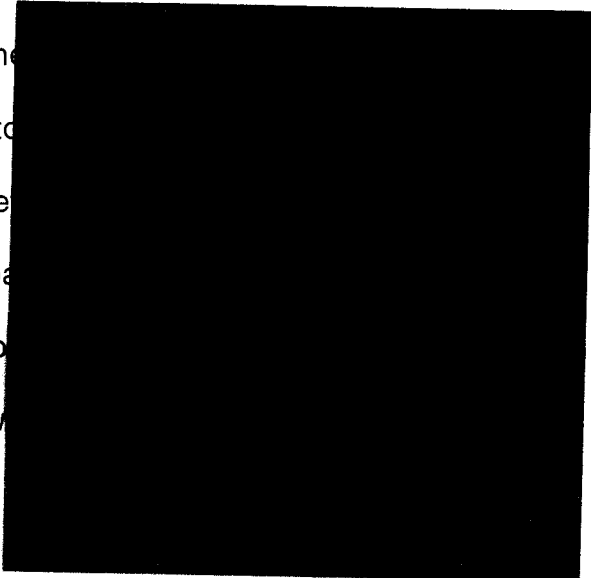
AN ORDINANCE TO ABOLISH ORDINANCE 2124, REGARDING THE COLLECTION OF MATERIAL OTHER THAN GARBAGE AND TO ABOLISH ORDINANCE 1789, REGARDING REMOVAL OF CONSTRUCTION DEBRIS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST MEMPHIS, ARKANSAS:

SECTION 1. RESIDENTIAL TRASH AND DEBRIS SERVICE.

Private residential trash or pick up shall be provided to residential customers on a regular basis. The initial schedule for said curbside trash and debris pickup shall be one day per week. Pickup times and days may be varied in the future by the Sanitation Department after consultation and approval of the Public Works Committee and the City Council.

The City of West Memphis will pick up bagged yard waste, which includes grass clippings and bagged leaves only. Bags shall be ~~securely~~ securely tied and not weigh more than 50 pounds each. Yard waste generated by residents must be placed curbside and not in the residential containers. The Sanitation Department will not pick up curbside solid tree trunks over ten (10) inches in diameter as well as construction debris, including, but not limited to asphalt, lumber, processed wood products, roofing, sheetrock, windows that result from construction, remodeling or repair. Removal of these items will be the responsibility of the homeowner. If a homeowner chooses to use a tree-trimming service, it is the homeowner's responsibility to





(LANDSCAPERS, TREE TRIMMERS, ETC...)

any excess yard waste caused by businesses^v doing work on their property, the City will not pick up after commercial services.

Explosives of any kind, such as small arms ammunition, black powder, blasting agents, compressed gas cylinders or any kind of flammable materials shall not be placed with the curbside trash or debris. Tires, batteries, gas, paint, oil, flammable liquids or solids, corrosives, motor oil, anti-freeze, oil filters, fluorescent bulbs, batteries, lead acid, poisons, flares, asbestos, mercury (liquid), and hazardous chemicals shall not be placed with other solid waste and is the responsibility of the dwelling unit's owner for removal and proper disposal.

The Sanitation Department will pick up brush and limbs up to ten (10) inches in diameter and six (6) feet long. Brush and limbs will be collected by the city, if the amount does not exceed an area larger than ten (10) feet long by six (6) feet wide and three (3) feet in height. There must be at minimum six (6) feet of clearance on each side of the customer's curbside trash/debris.

Any homeowner, who has limbs that are longer than six (6) feet long or ten (10) inches in diameter or that exceeds the area requirement for the size of the pickup, or does not allow for six (6) feet of clearance on both sides of the trash/debris near a storm drain, the regularly scheduled pickup will not be serviced. If the trash/debris is not corrected in according to the ordinance in seven (7) days, fines will ensue, as defined below.



Any yard debris or other curbside trash items found on a storm drain or within six (6) feet of a storm drain, will be in violation of this ordinance. It is a violation of Arkansas Department of Environmental Quality's Regulation No. 4 to introduce any unnatural litter or debris from subdivisions into neighboring lakes or streams. Any debris left near a storm drain, could find its way into the closed drainage system and into neighboring streams.

Furniture and household items will be picked up from residential trash service, excluding refrigerators, freezers, radiators or air conditioning units that contain coolants, the amount of debris does not exceed the area of ten (10) feet long by six (6) feet wide and by three (3) feet in height. Any homeowner, who has furniture or other household items that are non-hazardous that do exceed the area of more than ten (10) feet long by six (6) feet wide and by three (3) feet in height, will not be picked up by the City of West Memphis. If the debris is not corrected according to this ordinance in seven (7) days, fines will ensue, as defined below.

The City will not pick up any kind of biodegradable debris that is placed on the curb such as food items, small garbage materials (paper or ashes), human or animal excrete, or animal remains. If the debris violation on the curb is not corrected according to this ordinance in seven (7) days, fines will ensue as defined below.

SECTION 1.1. PENALTY FOR OFFENSES

Placing any type of trash debris around a storm drain, having more than the described amount of curbside debris, not having proper clearance, not using clear bags for debris



or placing the wrong type of material on the curbside, will result in the following penalties.

1. First offense, written warning outlining the ordinance and subsequent penalties, and given seven (7) days to correct the violation before subsequent offenses incur.
2. Not less than three hundred dollars (\$300.00) for the second offense that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.
3. Not less than five hundred dollars (\$500.00) for the third offense that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.
4. Not less than one thousand dollars (\$1000.00) for the fourth and any subsequent offenses of the same violation that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.

SECTION 2. NONRESIDENTIAL TRASH & DEBRIS SERVICE.

Nonresidential customers, include stores, offices, restaurants, warehouses, non-manufacturing activities, or any multi-dwelling property that is rented for residential unit application in-turn-for profit to a landlord from a tenant. Single unit dwellings (rented single family living quarters), although rented in-turn-for profit, must adhere to the Residential Trash and Debris Service as defined in Section 1 and 1.1 of this ordinance.



Any accumulation of excess debris which is not suitable to be placed in a bag and put in a can or ~~dumpster~~, shall be the responsibility of the tenant. Debris that is not to be

bagged and placed in individual cans or dumpsters include: yard debris, (lawn clippings or limbs), nonperishables items (furniture, ~~clothing, normal~~ ^{Large} household items, ~~paper,~~

~~ashes~~), demolition debris (wood, shingles, carpet, etc.). Nonresidential customers will

not be allowed to place any yard debris on the City's curbside, this includes limbs, yard ~~debris or excess furniture.~~ ^{clothing, bagged personal items, biodegradable items, food items.} In the event the tenant cannot be located, then the owner of

the property is responsible for bringing the property into compliance with the city

ordinances. Any owner of a multi-dwelling unit must hold the tenant responsible for any

debris that the tenant may accumulate while occupying the property owner's dwelling.

The City of West Memphis will not be responsible for the risk a property owner takes

when conducting business with tenants. Any property not brought in compliance with

this ordinance within seven (7) days of issuance of first offense will result in the

penalties outlined below.

SECTION 2.1. PENALTY FOR OFFENSES

1. First offense, written warning outlining the ordinance and subsequent penalties and given seven (7) days to correct the violation before subsequent offenses incur.
2. Not less than three hundred dollars (\$300.00) for the second offense that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.



3. Not less than five hundred dollars (\$500.00) for the third offense that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.
4. Not less than one thousand dollars (\$1000.00) for the fourth and any subsequent offenses of the same violation that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.

SECTION 3. TIRE STORAGE & REMOVAL.

All tires on any property must be stored, as to not collect water, be in a clean and dry environment, away from heat and sunlight. Stored tires are to be stacked on top of one another sideways, as to create a column.

SECTION 3.1. RESIDENTIAL TIRE STORAGE & REMOVAL.

A single-family residence can store up to four (4) tires on their property, ~~as long~~ ^{so long} as the resident does not have the tires out in the open, exposed to collecting water when it rains ^{winds,} or in direct sunlight. The resident must have the tires stacked in a column. The city will hold biannual tire pickups around the city in the spring and in the fall for residential customers only. Each resident will be allowed to place up to four (4) tires on the curb for the publicly announced day. This will be announced via newspaper and social media.



SECTION 3.2. NONRESIDENTIAL TIRE STORAGE & REMOVAL.

Nonresidential customers must hold a business privilege license to store new or used tires on the property. All tires must be stored in a dry location away from rain accumulation, ^{winds, and} out of direct sunlight, ~~and~~ stacked in columns for sanitary conditions. If a nonresidential customer is found to be storing any new or used tires on the property while not holding a legal business privilege license or storing the new or used tires improperly, a violation of this ordinance will be assessed as outlined below.

SECTION 3.3. PENALTY FOR RESIDENTIAL TIRE STORAGE VIOLATION

1. First offense, written warning outlining the ordinance and subsequent penalties, and given seven (7) days to correct the violation before subsequent offenses incur.
2. Second offense, not less than five-hundred dollars (\$500.00) that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.
3. Third offense, not less than seven hundred fifty dollars (\$750.00) that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.
4. Fourth and subsequent offenses, not less than one thousand dollars (\$1000.00) that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.

SECTION 3.4. PENALTY FOR COMMERCIAL TIRE STORAGE VIOLATION

1. First offense, not less than five-hundred dollars (\$500.00) and given seven (7) days to correct the violation before subsequent offenses incur.
2. Second offense, not less than seven hundred fifty dollars (\$750.00) that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.
3. Third and subsequent offenses, not less than one thousand dollars (\$1000.00) that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.

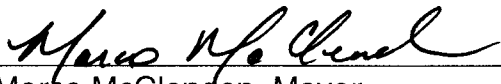
SECTION 3.5. PENALTY FOR ILLEGAL DUMPING OF TIRES

The City of West Memphis is responsible for ensuring its residential and nonresidential customers are disposing of tires in a non-prohibited manner, according to State Regulation 14.703. A prohibited manner consists of dumping new or used tires on any public or privately-owned lot or storing tires in a manner inconsistent with this ordinance. Any property not brought into compliance with this section will result in an ordinance violation for the resident or landowner, as outlined below.

1. First offense, not less than five-hundred dollars (\$500.00) and given seven (7) days to correct the violation before subsequent offenses incur.
2. Second offense, not less than seven hundred fifty dollars (\$750.00) that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.

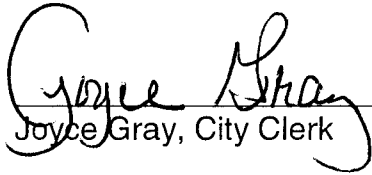
3. Third and subsequent offenses, not less than one thousand dollars (\$1000.00) that occurs within twelve (12) months of prior offenses and given seven (7) days to correct the violation before subsequent offenses incur.

PASSED AND APPROVED this 3 day of July, 2019.



Marco McClendon, Mayor

ATTEST:



Joyce Gray, City Clerk

SPONSORED BY:



