

ORDINANCE NO. 2

AN ORDINANCE ENTITLED: "AN ORDINANCE PROVIDING FOR THE COLLECTION OF GARBAGE, WASTE, TRASH AND REFUSE IN THE TOWN OF SHERWOOD, PROVIDING FOR INSPECTION OF PREMISES, FIXING A SCHEDULE OF FEES FOR SAID SERVICE, AUTHORIZING THE COUNCIL TO GRANT A CONTRACT FOR THE COLLECTION OF SAID GARBAGE, WASTE, TRASH AND REFUSE, PROVIDING FOR DISPOSITION OF ANY SURPLUS FEES COLLECTED, PROVIDING A PENALTY FOR THE VIOLATION HEREOF, AND FOR OTHER PURPOSES."

Be it ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHERWOOD, ARKANSAS:

Section 1. From and after the passage and approval of this ordinance all garbage, waste, trash and refuse in the Town of Sherwood shall be collected regularly by the employees, agents or contractors of the Town of Sherwood, and for said service the Town Council, or its designated agents, shall collect the fees as set forth in the following schedules:

- (1) A fee of \$1.00 per month, payable in advance on the first day of each month, or Ten Dollars (\$10.00) per year if paid in advance, is hereby levied for each single family dwelling actually occupied as a residence.
- (2) Fees mentioned in this ordinance are hereby levied on and collectable from the person who in contemplation of law is the head of the family residing in the dwelling house unit, and if there is no one dwelling in the house who is in the contemplation of the law the head of the family, said fee shall be collectable from and paid by each adult residing on the premises, provided however, that not more than one fee per month for each such dwelling house unit shall be collected.
- (3) The Mayor of the Town of Sherwood, acting by vote of the Town Council, shall have the authority to establish fees for collections of garbage and trash from business or commercial establishments.

Section 2. Garbage within the meaning of this ordinance shall be construed to include all rejected food waste and to

include every accumulation of animal, fish, fowl, fruit or vegetable matter used or intended for food or anything intended for the preparation of food used in cooking, dealing in, or storing of meat, fish, fowl, fruits or vegetables.

Section 3. Rubbish and trash within the meaning of this ordinance shall include refuse, other than food stuffs, such as paper, clothing, grass, leaves, wood, ashes, tin cans, and all such rubbish must be placed in a separate and distinct from the container containing garbage.

Section 4. The occupants of all dwelling houses and business buildings shall provide a metallic can, or cans, with tight fitting covers for the holding of garbage and shall place them at designated places upon the days designated for collection. Said cans must not be larger than twenty (20) gallon capacity and shall have handles suitable as aids in loading or emptying the cans.

Section 5. All garbage must be drained or liquid substances before same is placed in garbage cans.

Section 6. The Mayor and Town Council shall have the right to contract with any person, firm or corporation for the removal of said garbage, waste, trash and refuse, and said person, firm or corporation so receiving the contract shall be an agent of the Town of Sherwood, Arkansas, in the collection of said garbage, waste, trash and refuse.

Section 7. Garbage shall be collected in the Town of Sherwood at least once each week during the months of October, November, December, January, February, and March, and garbage shall be collected at least twice each week during the months of April, May, June, July, August and September, and it is hereby made the duty of the occupants of every dwelling to have the garbage and waste properly place in approved containers and available for regular collections. Waste, trash and refuse other than garbage shall be collected at least once each week.

Section 8. Fees herein provided shall be payable monthly in advance, and shall be collected at such places and in such manner as the Mayor and Town Council may from time to time announce. A notice of such place and manner of payment of fees when posted upon the front door of the Town Hall shall be deemed sufficient notice to everyone. In the event that the fees are not paid when due, a penalty of 50¢ for each delinquent fee is hereby levied upon the person delinquent in payment and said penalty shall become a part of and be collected with the regular fee heretofore levied. In the event that any fee levied herein remains unpaid for a period of more than thirty (30) days from the time said fee became due. The Town of Sherwood is hereby authorized to institute civil suit for the recovery of said fee with any penalties that may have been attached thereto, plus court costs.

Section 9. From and after the passage and approval of this ordinance (a) it shall be unlawful for any person, firm or corporation to cause or allow on his premises accumulation of garbage, waste, trash and refuse for longer periods than the intervals between regular collections; (b) it shall be unlawful for any person, firm or corporation to dump or throw garbage, trash waste or refuse on any accumulation on any vacant lot, street or roadway in the Town of Sherwood or to transport any such material from or through the Town of Sherwood for deposit on roads, lots or vacant property outside the boundaries of said Town; and (c) it shall be unlawful for any person, firm or corporation to collect or move garbage in the Town of Sherwood other than the person, firm or corporation with whom the Town has contracted to haul garbage, waste, trash and refuse as provided for in Section six (6) of this ordinance.

Section 10. It is distinctly provided that this ordinance does not in any way obligate the Town of Sherwood its agents of employees to clean up or pick up refuse or debris resulting from

construction or repair, remodeling or demolishing of buildings, fences, wood or limbs resulting from removal of trees from private property.

Section 11. The Town Council shall have the right to appoint or employ inspectors who shall have the right to inspect all properties in the Town of Sherwood in order to note and report on existing conditions of sanitation. It shall be the specific duty of inspectors to report to the Council any unsanitary conditions or practices which are unlawful because of regulations made in this ordinance. Notice will be sent to the head of the resident family at any property where unsanitary conditions are reported to exist, and such person receiving such notice will be given five days from the receipt thereof in which to correct any such unsanitary conditions or practices. If the conditions are not corrected within five days from the date of the receipt of said notice, or if such unsanitary conditions again develop at the same premises at the cause of the forewarned parties, the person responsible for these conditions shall be deemed guilty of a violation of this ordinance, as punished as hereinafter provided.

Section 12. Any person, firm or corporation failing to pay the fees required by Section One (1) of this ordinance in advance when due shall be deemed guilty of a violation of Section Nine (9) of this ordinance.

Section 13. Any person, firm or corporation violating any of the provisions of this ordinance, or failing to pay any of the fees herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof in the Mayor's Court of the Town of Sherwood shall be fined in any sum of not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00).

Section 14. In the event that the fees collected under this ordinance exceed the cost of services, the surplus shall be paid into the General Fund of the Town of Sherwood.

Section 15. If any part or parts, sections or subsections of this ordinance are held to be unconstitutional or invalid, such ruling shall not affect the validity of the remaining portion of this ordinance. The Town Council hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts, section or subsection, thereof would be declared unconstitutional or invalid.

Section 16. Whereas it is necessary to make proper regulations for the collection of garbage, waste, trash and refuse and the proper and sanitary collection and disposal of such garbage, trash, waste and refuse is necessary for the protection of the health of the citizens of the Town of Sherwood, and that because of the present lack of any type of regulations for the collection of such garbage, waste, trash and refuse and that this ordinance is necessary for the immediate protection of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED: August 3, 1948

APPROVED:

Hal P. LaCoste,

Mayor

ATTEST:

Town Recorder

Repealed by the City Council September 7, 1948