O-20-99

ORDINANCE NO. _____

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 13, SOLID WASTE (ORDINANCE NO. 8585, AS AMENDED BY ORDINANCE NO. 9073 AND 9223); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, with the adoption of Ordinance No. 8585 on November 11, 2013, the North Little Rock City Council adopted North Little Rock Municipal Code ("NLRMC") Chapter 13, Solid Waste, as has been amended by Ordinance No. 9073 adopted on January 28, 2019, and Ordinance No. 9223, adopted on March 9, 2020; and

WHEREAS, the Sanitation Department, the City's administration, and the City Attorney's office have undertaken a comprehensive review of Chapter 13 and have recommended multiple changes to the Code, with the proposed revisions to Chapter 13 shown on Exhibit A attached hereto; and

WHEREAS, it is in the best interest of the City and its residents to adopt the proposed revisions and to amend North Little Rock Municipal Code, Chapter 13, Solid Waste.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That North Little Rock Municipal Code, Chapter 13, Solid Waste, is hereby amended to incorporate the revisions shown in Exhibit A attached hereto.

SECTION 2: That the final version of the amended NLRMC Chapter 13 reflecting said revisions, attached hereto as Exhibit B, is hereby adopted in its entirety.

SECTION 3: That three (3) copies of the revised NLRMC, Chapter 13, Solid Waste (Exhibit B attached hereto), shall be filed with the Office of the City Clerk and on the City website for inspection and view by the public.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 6: It is hereby found and determined that there is an immediate need for an amendment to the North Little Rock Municipal Code Chapter 13, Solid Waste; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be necessary for the immediate preservation of the public health, safety and welfare, and shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

Mayor Joe A. Smith

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED 10:40 A.M. ___ P.M.

By A. Fields

DATE 11-3-20

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED BY J. Ussery

EXHIBIT
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A

NORTH LITTLE ROCK, ARKANSAS
MUNICIPAL CODE

Chapter 13

SOLID WASTE

Adopted 11-11-13 – Ordinance No. 8585
Amended 1-28-19 – Ordinance No. 9073
Amended 3-9-20 – Ordinance No. 9223

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ARTICLE ONE
IN GENERAL

Section 1
DEFINITIONS

1.1.1. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means any public way, generally of less width than a street, used for the public utility purposes and right-of-way and as an alternate secondary or emergency route for vehicle and pedestrian traffic, generally situated at the rear of or alongside a tier of lots.

Apartment means an apartment as defined by the building code.

Apartment house means an apartment house as defined by the building code.

~~***Brush*** means non-putrescible solid waste consisting of tree, shrub and hedge clippings, provided that trunks and limbs do not exceed 12 inches in diameter and 6 feet in length or 6 inches in diameter and 12 feet in length.~~

Building code means the edition of the Standard Building Code as adopted by the City Council.

Commercial establishment means any structure intended or used for the purpose of conducting a commercial business enterprise.

Container means a receptacle for the deposit of solid waste.

Department means the Sanitation Department.

Director means the Sanitation Director or anyone authorized to act for him.

~~***Drive-in service*** means service involving department employees driving in on private property to collect commercial accounts.~~

Duplex means a structure intended for use and occupancy as two family dwelling units.

Dwelling unit means a dwelling unit as defined by the city's building code.

Food establishment means a cafe, restaurant, or other similar establishments serving food or food products, including quick service drive-ins where food is prepared or served.

Garbage means solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other food products.

~~***Green Wastes*** includes brush, leaves, grass clippings, shrubbery, hedges, and small amounts of wooden building material.~~

Hazardous Waste includes any unwanted or discarded material (excluding radioactive material), which because of its physical, chemical or infectious characteristics can cause significant hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed, or by virtue of their being defined hazardous by any state or federal law or regulation.

Household appliance means, but is not limited to, larger household appliances such as refrigerators, deep freezes, stoves, ovens, air conditioners, washers, dryers, trash compactors, dishwashers, televisions, radio, hot water heaters and plumbing fixtures.

Illegally dumped solid waste means any solid waste placed on properties with or without the consent of the owner or person in control where such waste constitutes a nuisance detrimental to the public health and welfare.

Institution **or** ***institutional*** means any church, church building or structure housing any charitable, philanthropic or eleemosynary undertaking, or any school.

Manager means the person in charge of real estate used for apartment, institutional or commercial purposes.

Manual collection means the service rendered in collecting municipal solid waste from containers, which containers can be handled in part by men picking up the containers as distinguished from picking up containers by mechanical means and which containers are too large for handling by manual means.

Municipal solid waste **or** ***solid waste*** means solid waste resulting from or incidental to municipal, community, trade, business and recreational activities, including garbage, rubbish or trash, ashes, street cleanings, dead animals, and all other solid waste other than industrial solid waste.

Occupant means the person residing in a dwelling unit, specifically the head of such household.

Owner means the record titleholder of real property.

Packout service means service involving city sanitation service employees walking ~~in on~~ onto private property to collect garbage and trash for residents who are physically unable

to convey their solid waste container to the designated collection location. This service does not include sanitation employees entering the residence to provide such services.

~~***Parkway*** means the area ordinarily intervening between the curb line of a street and the inside property line.~~

Permittee means any person licensed by the city to contract to collect, remove or dispose of solid waste.

Property line means the peripheral boundary of real estate.

Public easement means a right-of-way used or dedicated to be used by any public utility, including, but not limited to, services such as electricity, telephone, gas, solid waste collection, water, sewer and drainage.

Public way means any street, alley, easement or other right-of-way.

Residence means a structure intended for use and occupancy as a one-family dwelling unit.

~~***Rubbish or trash***~~***Trash*** means non-putrescible solid waste, consisting of both combustible and noncombustible waste materials; combustible rubbish or trash includes paper, rags, cartons, wood, excelsior, rubber and plastics; noncombustible rubbish or trash includes glass, crockery, tin cans, aluminum cans, and like materials which will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).

Sanitary landfill means a method of disposing of municipal solid waste on land without creating a nuisance or hazard to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area to reduce it to the smallest practical volume, and to cover it with a layer of earth at appropriate intervals.

Street means any public thoroughfare for the passage of vehicle and pedestrian traffic.

Vehicle means any wheeled conveyance.

Yard Waste means non-putrescible solid waste consisting of tree, shrub and hedge clippings, provided that trunks and limbs do not exceed 12 inches in diameter and 8 feet in length, brush, leaves, grass clippings, and small amounts of wooden building material

Section 2
LITTERING OF CERTAIN PUBLIC PLACES

1.2.1. Unlawful acts. It shall be unlawful for any person to place, throw, deposit, or otherwise put any newspaper, advertising circular, pamphlet, brochure, or any other

publication, advertising material or printed material in or on any city street, alley, curb, gutter, drainage ditch or related drainage facility.

Reference – Ordinance No. 9223, 03-09-20

1.2.2. Punishable by fine. Each violation of this section shall be punishable by a fine not to exceed $500.00; provided, however, that two or more violations of this section occurring on the same day shall be considered as a single violation under this section.

State law references: Litter Control Act, A.C.A. § 8-6-401 et seq.

Section 3
UNLAWFUL DEPOSITS

1.3.1. Unlawful act. It shall be unlawful for any person to place, deposit, discard, or otherwise cause to be put, brush, garbage, rubbish, or any other type of waste, on any outside premises within the city, whether public or private, in such a manner as to cause insanitary, unsightly, or unhealthy conditions, except at such places as are, have been, or shall be designated by the director and except in accordance with other provisions of this chapter. The term "outside premises" shall be construed to include streets, alleys, sidewalks, ditches, yards, lots, fields, streams, and exterior portions of buildings.

1.3.2. Enforcement and abatement. The Sanitation Director shall regularly inspect all outside premises to enforce the provisions of subsection (a) of this section. The Director shall issue citations for violations of this section and may abate such conditions pursuant to the provisions of Article 8 of Chapter 8 Nuisance Abatement and Property Maintenance code.

1.3.3. Owner's Responsibility. The Director or his designee may order the owner of any real property within the City to remove garbage, rubbish and other unsightly and unsanitary articles and things that may be upon the property. The order shall be in writing and shall be issued to the owner of the real property involved. Failure to maintain property free from garbage, rubbish, and other unsightly and unsanitary articles and things by the end of the third business day after notice is a violation that shall be punishable by a fine of not less than $50 nor more than $100 for each day the material remains.

~~**1.3.3. Prosecution.** In the prosecution of subsection 1.3.1 of this section, the following presumptions shall apply:~~

~~(A) If the condition resulting from the violation was found on premises owned and/or occupied by the person to whom notice was given, then it shall be presumed that such owner and/or occupant was responsible for such condition. If the person to whom notice was given fails to remove or otherwise correct such condition without notifying the director of the reason for his failure to do so within seven days, then it shall be presumed that such person notified was in fact responsible for such conditions not being~~

~~removed. The presumptions described above are rebuttable by the person charged and must be rebutted by clear and convincing evidence in order for the person so charged to be exonerated.~~

~~(B) If the condition resulting from the violation was found on property whereon multiple dwelling units exist and the party actually committing the violation cannot with reasonable certainty be determined, then it shall be presumed that the owner of the subject premises, upon being given notice, is the party responsible for ensuring that the condition is removed from the premises.~~

~~**State law references:** Litter Control Act, A.C.A. § 8-6-401 et seq.; liens for nuisance abatement, A.C.A. § 14-56-903.~~

Section 4
VEHICLE LOADS TO BE SECURED

1.4.1. Waste shall be secured in vehicle. It shall be unlawful for any person engaged in commercial or for-hire hauling to operate any truck or other vehicle within the limits of the city to transport litter, trash or garbage unless such vehicle is covered to prevent its contents from blowing, dropping or falling off or otherwise departing from the vehicle. In addition, any person operating his own truck or other vehicle to transport litter, trash or garbage shall take reasonable steps to prevent its contents from blowing, dropping or falling off or otherwise departing from the vehicle. Provided, no vehicle hauling predominately metallic material shall be required to be covered if it is loaded in a manner which will prevent such material from falling or dropping from the vehicle.

1.4.2. Punishable by fine. Each violation of this section shall be punishable by a fine not to exceed $200.00.

State law references: Vehicles spilling loads, A.C.A. § 27-35-110.

ARTICLE TWO
CITY COLLECTION SERVICE

Section 1
GENERALLY

2.1.1. Containers generally.

(A) Every person occupying a single-family residence or ~~duplex and every owner of an apartment~~ a multi-family residence with four (4) units or less shall provide such premises with a sufficient number of solid waste containers or receptacles to provide adequate capacity for the solid waste (garbage and trash) placed out for collection without overloading the capacity of the containers.

(B) Solid waste containers or receptacles shall be watertight and constructed of a solid and durable grade of metal or plastic material.

(C) In the case of those containers which are manually emptied by the sanitation service employees of the city, the combined weight of the waste and container shall not exceed 50 pounds.

(D) Underground containers are prohibited for use in the city.

(E) All containers (except plastic bags) shall be provided with suitable lifting handles on the outside and a closefitting or other approved cover equipped with a handle, and shall not exceed 30 gallons capacity.

(F) Containers shall not contain any inside structures, such as bands or reinforcing angles or anything within the container to prevent the free discharge of the contents. Containers that have deteriorated or that have become damaged to the extent that the covers therefor will not fit securely or that they have jagged or sharp edges capable of causing injury to sanitation service employees or other persons whose duty it is to handle such containers shall be condemned by the city and if such containers are not replaced after notice to the owner or user, such containers will be removed along with the contents thereof.

(G) The lid shall be closefitting and shall remain in place covering the container or receptacle at all times when there is any material in the container. The lid may be attached by an appropriate means to the rack upon which the containers are placed or to an adjacent fence or other appropriate fixed object in order to prevent the lids from getting into the pathway of vehicles, provided however, that no lid shall be attached to the container itself. Containers which have the lids directly attached to them constitute a hazard to sanitation service employees engaged in the collection of solid waste and

shall be condemned by the city, and if such attachments are not removed after notice to the owner or user, such containers will be removed along with the contents thereof.

(H) Plastic bags shall be constructed of a material and in the manner that prevents tearing and leakage. All plastic bags shall be secured at the top to prevent spillage.

2.1.2 Collection of garbage and trash. Garbage and trash will be collected weekly or as otherwise established and published by the Director of Sanitation Services ("Director") from residential properties with four or less units. Collection will be made from the street unless otherwise instructed by the Director.

(A) Items deposited for collection must be placed within 6 feet of the street or other designated access point in such a manner as to not protrude onto the street or sidewalk and free of overhead obstruction (trees, power lines, etc.) for at least 20 vertical feet and no closer than 3 feet to fixed objects or vehicles.

(B) Garbage and trash must be placed at the appropriate pick-up location before 7:00 am on scheduled collection day and no earlier than 5:00 PM on the preceding day. Containers must be removed to a point at the rear or side of the structure no later than 8:00 a.m. on the day following collection.

~~**2.1.2. Collection from residences and duplexes.** All collection of solid waste materials from residences or duplexes shall be by the Sanitation Department's crews; such service shall not be performed through any other person.~~

~~(A) It shall be unlawful for any person to place any solid waste container within any alley or any public utility easement or public way. Suitable racks and containers shall be provided by the occupant of any premises where containers are deemed by the director as necessary to prevent overturn or spillage by the actions of animals, wind or other similar causes.~~

~~(1) If a fence separates the alley from the lot where the container is located, a platform rack for the container or containers shall be constructed so that the top of the container shall be not lower than level with the top of the fence nor higher than five feet above the bottom of the fence or the ground at the fence.~~

~~(2) If a fence is constructed with an inset space for the placement of solid waste containers outside the fence, but inside the lot line, containers placed therein shall be protected from overturn or spillage by a rack as specified in this subsection.~~

~~(B) Where a residence or duplex is not served by an alley, public utility easement or other public way in the rear or alongside thereof, all containers shall be placed just behind the curb line of the street abutting such property, but shall not be placed in the street or on the sidewalk, or in any manner~~

~~placed where the containers will interfere with vehicular or pedestrian traffic.~~

~~(1) Where garbage is collected from the front or side street, containers shall be placed there no earlier than 6:00 p.m. of the afternoon preceding the collection day and shall be removed to a point at the side or rear of the structure not later than 8:00 a.m. of the day following collection.~~

~~(2) Where special conditions exist in which subject containers are so placed to overturn and spillage, the director may, at his direction, require such containers subject to overturn and spillage to be placed in a portable or moveable rack.~~

~~(3) For those residents who are physically handicapped and are not able to place their containers on the curb, the sanitation workers will collect the cans and carry them to the curbside. Any person who feels he qualifies for this service should contact the department. The director will investigate each case and when it has been determined that such service is justified, the appropriate collection crew will be notified to render special pickup service at no extra charge.~~

~~(C) Garbage containers shall be placed at locations and under such conditions approved by the director for collection service by the department.~~

2.1.3 Collection of bulky items and yard waste. Bulky items and yard waste will be collected weekly or as otherwise established and published by the Director from residential properties with 4 or less units. Collection will be made from the street unless otherwise instructed by the Director.

(A) Items deposited for collection must be placed within 6 feet of the street or other designated access point in such a manner as to not protrude onto the street or sidewalk and free of overhead obstruction (trees, power lines, etc.) for at least 20 vertical feet and no closer than 3 feet to fixed objects or vehicles.

(B) Quantities of bulky items exceeding two cubic yards will be assessed a pickup fee based upon the actual cost to the City to collect and dispose of the waste. The director or designee will notify the property owner by written notice attached to the front door of the residence, phone contact, or other reasonable method. The notice will include the amount to be paid for pickup and instructions for payment.

a. The property owner must pay the required fee or otherwise dispose of the items by the end of third business day following notice.
b. Failure to either arrange for pick-up by the sanitation department or have the items removed by the end of the third business day after notice is a violation that shall be punishable by a fine not to exceed $100.00 for each subsequent day.

(C) Small loose items and items of clothing and household trash or garbage will not be picked up as part of this service. Those items must be properly bagged or placed in an acceptable bin for regular garbage pick-up.

(D) Bulky items and yard waste collection will not be rendered as a pack out service.

(E) Yard waste must be separated by at least three feet from other items placed for collection.

(F) Schedules for collection of bulky items and yard waste will be established and published by the Director.

(G) Bulky items and yard waste must be placed at the appropriate pick-up location before 7:00 am on scheduled collection day and no earlier than 5:00 PM on the preceding day.

(H) Bulky items/bulk waste are large items such as the following:

a. Furniture
b. Appliances
c. Swing sets
d. Lawn mowers (drained of fluids)
e. Bikes
f. Carpet (must be rolled and tied and not more than 12 feet in length. More than two rolls of carpet is considered construction debris and will not be collected.)
g. Toilets
h. Doors
i. Grills with tanks removed

(I) Electronic items such as computers and televisions will not be collected and should be taken to an electronics recycle collection point.

~~**2.1.3. Collection of rubbish, trash or brush from residences and duplexes.** Rubbish, trash or brush normally shall be collected from residences and duplexes from the alley, when it is paved, and from the street when the alley is not paved or when no alley exists or is not serviceable.~~

~~(A) Where rubbish, trash or brush is collected from the alley, public utility easement or public way and not from the street, all rubbish, trash or brush shall be placed at the property line, but shall not be placed inside the alley, easement or public way in such a manner as to obstruct or interfere with vehicular or pedestrian traffic.~~

~~(B) Where rubbish, trash or brush is not collected from the alley, public utility easement or other public way, but is collected from the street, it shall be placed just behind the curb line of the street abutting the premises, but shall~~

~~not be placed in the street or on the sidewalk in such a manner as to obstruct or interfere with vehicular or pedestrian traffic.~~

~~(C) Where the quantity of brush set out for collection is excessive, the director shall determine the amount of brush to be collected at any one time, the day of its collection and any other matters pertaining to brush collection in order not to disrupt normal service to other premises.~~

~~(D) Rubbish or trash consisting of small, loose items shall be placed in an approved container.~~

~~(E) All boxes and cartons must be broken down and bundled and no bundle shall exceed 50 pounds in weight for collection by the city.~~

~~(F) Rubbish or trash collection service shall not be rendered as a pack out collection service.~~

~~(G) Schedules for pickups of rubbish and green waste will be established and published by the director.~~

~~(H) Schedules for pickups of rubbish and green waste will be established and published by the director.~~

~~(I) Rubbish or trash cannot be mixed with green waste or brush. Rubbish or trash must be separated from green waste by a minimum of 3 feet separation for collection purposes.~~

~~(J) Rubbish, trash, green waste or brush shall not be placed under overhead obstructions such as trees and power lines or closer than 3 feet to any fixed objects or parked vehicles.~~

~~(K)~~(A) ~~Rubbish, trash or household appliances may not be placed at the curb or other established pickup area, earlier than one day prior to the scheduled pickup.~~

Section 2.1.4 Collection Service is not provided to apartments, institutions, industrial, most commercial establishments, or undeveloped properties. City sanitation services are not offered to multi-family housing with more than four units, institutions, industrial, and commercial (other than small office) establishments. Four unit residential buildings that are part of a larger complex of multi-unit residential buildings are not eligible for service.

Small office operations generating only typical office refuse in amounts similar to residential refuse amounts may contract with the City to be included in the residential schedule for weekly pickup. The contract fee for this service is $20.00 per month. Typical office refuse are amounts not greater than two 30 gallon containers per week

and do not contain waste of food service operations, medical waste, or other waste not typical of a residential household or not accepted by the landfill.

These establishments, other than the small office operations contracting with the City, must provide for the safe, sanitary, and timely removal and disposal of waste from their operations.

Collection service is not available to vacant lots or other undeveloped properties or for any land clearing operations.

2.1.4. Collection from apartments, institutions and commercial establishments. The manual collection and removal of solid waste materials from apartments, institutions and commercial establishments shall be performed by department crews only where the containers conform to the requirements of containers for residential or duplex collection service.

(A) Where larger waste containers are used, the owner or occupant of the premises shall have the option of disposing of solid waste materials through his own efforts and at his own expense or may contract with persons who are permitted to collect and remove solid waste materials.

(B) The placement of containers for collection from apartment houses, institutions and commercial establishments by the city sanitation department shall be as approved by the director.

(C) Rubbish or trash collection shall not be rendered as a pack out collection service.

2.1.5. Collection from downtown areas. The collection of solid waste materials from the downtown area, as described in this chapter, shall be governed by all the provisions of this chapter pertaining to apartments, institutions and commercial establishments, *except* that no solid waste materials or containers of any kind shall be placed for collection on the public streets, sidewalks, alleys or easements of the city prior to 5:00 p.m. on the day of collection, and all containers which must be manually emptied shall be removed to a location inside the building situated on the premises by not later than 8:00 p.m. on the day of collection. Where collection service is furnished by the department to these premises, all provisions of this chapter which are applicable to residences and duplexes shall apply.

(A) At any of the establishments in the downtown area where there is insufficient space between any structure and the alley property line, the easement property line, or street property line to permit the placing of waste containers as required by the provisions of this chapter relating to residences and duplexes, the containers may be placed in such public way at the very boundary thereof so as to permit the passage of pedestrian and vehicular traffic, or at a time other than as set out in subsection (A) of this section, subject to the approval of the Director of Sanitation. In these special

~~locations, the owner or occupant of the premises shall remove all containers immediately after the solid waste material has been collected to a place within the structure situated on the premises until the next regularly scheduled time for collection~~.

2.1.6. Collection and removal of dead animals. The bodies of dead animals shall not be placed in solid waste containers or in any street, alley, easement or public way. The collection and removal of dead animal bodies shall be a service of the city's animal shelter and shall be furnished upon request or notification by any interested party.

2.1.7 Items the City will not collect. The scope of service rendered by the sanitation department in the collection and removal of solid waste materials is intended to serve the needs of residential and small commercial as defined in this chapter. It is considered to be beyond the scope of such service to collect or remove waste materials beyond such that would be normal and expected from a residential household.

The following waste materials will not be collected:

1. Building materials and other construction debris from remodeling or fire restoration work done by the resident or owner exceeding the limits established in Section 2.1.3;
2. Asphalt roofing materials or fiberglass insulation materials;
3. Concrete, asphalt, dirt, brick, rock or other similar material;
4. Tree trunks, limbs, and brush cut by a professional tree service or any other contractor or person other than the resident or owner of the property;
5. Industrial wastes from manufacturing or processing operations including food processing operations;
6. Electronic items such as televisions, computers, computer monitors, and audio systems; (these items should be taken the electronics recycling drop-off site)
7. Liquid paint;
8. Liquid petroleum based products, such as gasoline, oil, and other automotive fluids;
9. Vehicles and vehicle parts, including batteries and tires;
10. Trash, clothing, or other small items not bagged or in an acceptable container;
11. Bio-hazard materials including medical waste;
12. Hazardous waste material; or
13. Any other items or materials not accepted by the landfill or for which the department is not equipped to collect.

2.1.8 Failure to comply. The failure of any property owner or tenant to remove materials not subject to collection by the sanitation department as defined in this chapter from the sanitation collection point for the property within three business days of notice of violation is punishable by a fine of not less than $50.00 nor more than $100.00 for each day the material remains.

2.1.9 Placing waste materials on vacant lots or property of another. It is unlawful for any person to place trash. Debris, bulky items or other waste material on vacant lots or the property of another person. A violation of this section shall be punishable by a fine of not less than $200.00 nor more than $500.00.

2.1.10 No import of waste materials. Waste material shall not be moved from an offsite location to a residence for sanitation service. Only the waste generated by the service residence may be placed for sanitation service at the collection place for the residence. A violation of this section shall be punishable by a fine of not less than $200.00 nor more than $500.00.

2.1.12 Rummaging trash and other solid waste. It is unlawful for any person to open and remove items from plastic bags or other containers of trash or solid waste placed for sanitation pick-up at a property not owned or occupied by that person. The penalty for violation of this section is a fine of $50.00. Subsequent violations within 12 months shall carry a penalty of a fine of not less than $100.00 nor more than $250.00.

~~**2.1.7. Items city will not collect.** The scope of the service rendered by the department in the collection and removal of solid waste materials is intended, in general, to serve the needs of dwelling units and their directly related activities, operating businesses and commercial establishments, except as exempted from the provisions of this chapter. It is considered to be beyond the scope of such service to collect or remove solid waste materials generated by clearing, construction, demolition and other such solid waste materials resulting from an activity beyond the scope described above.~~

~~(A) The following solid wastes shall not be collected and removed by the department as a regular service:~~

~~(1) Rock, scrap building materials or other trash resulting from construction, remodeling or destruction by fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from property in preparation for construction or occupancy. Such materials shall be removed at the expense of the owner or developer.~~

~~(2) Industrial wastes resulting from manufacturing or processing operations, including waste from food and vegetable produce houses, poultry dressing establishments, meat processing and meat packing plants, must be disposed of by the owner or occupant of the building, business or premises where such wastes originate in the manner prescribed by state law and any other applicable ordinance. The Director of Sanitation shall determine what wastes fall within this industrial classification.~~

Section 2
PROCESSING AND DISPOSAL

2.2.1. Procedures and operational responsibility. All garbage and rubbish or trash or other solid waste materials must be processed and/or disposed of at a location and in a manner approved by the director.

Section 3
MISCELLANEOUS

2.3.1. Prohibition of commercial garbage pick-up between the hours of 10:00 p.m. and 6:00 a.m. The commercial pick-up of garbage from any dumpster that is located on residential property, or from any dumpster that is located on a parcel of property that is adjacent to residential property, is prohibited between the hours of 10:00 p.m. and 6:00 a.m. In addition, the commercial pick-up of garbage from any dumpster that is located on, or adjacent to, any property that is used for temporary lodging (including but not limited to hotels, motels, bed and breakfasts, RV parks, campgrounds, and inns) is prohibited between the hours of 10:00 p.m. and 6:00 a.m. Each violation of this section by any individual or corporation shall be punishable by a fine not to exceed $500.00.

Reference – Ord. No. 9073, § 1, 01-28-19

2.3.2. Regulations for trash dumpsters.

(A) All trash dumpsters in active use as a trash receptacle within the city limits shall be secured and maintained as follows:

(1) All trash dumpsters shall be maintained in a sanitary manner that will not cause odorous or rank smells. These dumpsters shall also be maintained in a manner in which no trash, rubbish, or debris is located outside of the dumpster.

(2) Doors to a trash dumpster shall be closed at all times when trash is not being deposited into or emptied from the dumpster.

(B) It is hereby declared to be unlawful for any owner of property upon which an active trash dumpster is used fails to comply with the requirements of this section.

Reference – Ord. No. 7624, §§ 1 & 2, 3-8-04

2.3.3. Securing of household appliances set out for collection. All property owners, tenants, entities, or residents within the city who place household appliances out for collection or store or keep a household appliance in an open, accessible area (i.e. porch, patio, etc.) shall do so in a manner that will not pose a risk to the public health, safety, or welfare of others, or in a manner otherwise violating Municipal Code Provisions. Any person or entity who places household appliances out for collection or keeps household appliances in open, accessible areas, shall take any and all reasonable precautions to

preclude the existence of any hazards in this respect, including but not limited to, removing refrigerator doors and latches, securing doors with locks, chain, wire or rope to prevent opening, or other reasonable methods.

Reference – Ord. No. 7692, § 2, 2-28-05

Section 4
~~RATES AND CHARGES~~

~~**2.4.1. Generally.**~~

~~(A) The establishment of solid waste service charges will be based upon the current use of the property rather than being based upon the zoning.~~

~~(B) There shall be no proration of service charges for a portion of a billing period. No final billing for sanitation charges for less than a full billing period shall be rendered.~~

~~**State law reference** – Fees and charges authorized, A.C.A. § 8-6-211(b).~~

~~Section 5~~
~~SCHEDULE~~

~~**2.5.1. Solid waste collection service charge established.** A solid waste collection service charge is hereby established for all residences, businesses and duplexes, including all mobile type dwelling units as follows:~~

~~(A) A collection service charge will be made for all commercial establishments for all collection services provided by the sanitation department of the city as provided below:~~

~~*Table of Monthly Charges*~~

~~No. of Pickups~~	~~1~~	~~2~~	~~3~~	~~4~~	~~5~~
~~4 Cans or Less~~	~~$14.70~~	~~$16.70~~	~~$19.20~~	~~#21.70~~	~~$24.20~~
~~Each additional can~~	~~0.50~~	~~1.00~~	~~1.50~~	~~2.00~~	~~2.50~~

~~(B) Miscellaneous collection service charges will be as follows:~~

~~(1) Public housing may be charged as apartments.~~

~~(2) Churches, clinics, hospitals, public buildings and schools will be charged as commercial locations.~~

~~(C) A charge of $50.00 will be assessed for failure to separate rubbish or trash from green waste as required by Section 2.1.3(I) above. However, on the first violation, a warning may be issued by posting a notice on the front door of the residence or establishment, and no fee will be assessed.~~

~~**Reference** – Ord. No. 6947, § 1, 12-27-95; Ord. No. 7088, § 1, 12-8-97; Ord. No. 7191, § 1, 1-11-99~~

~~Section 6~~
~~DISCONTINUING SERVICE~~

~~**2.6.1. Notice to discontinue service; no credit if notice not given.** It shall be the responsibility of the owner or occupant of property which receives solid waste collection service from the city to notify the city to discontinue such service; there shall be no billing credits unless the city is so notified.~~

~~**2.6.2. Credit for vacant apartments.**~~

~~(A) Sanitation service charge credits will be granted for vacant or unoccupied dwelling units in apartment complexes which contain two or more dwelling units upon receipt from the applicant of proof of such vacancy meeting certain uniform requirements specified by the director, but such credits shall be limited to only those units which are continuously vacant or unoccupied for 30 days or more and no credit will be given prior to the date of notification.~~

~~(B) Any applicant for credit under this section who intentionally makes any misrepresentation in any written statement required by the uniform requirements specified in this section shall be guilty of a misdemeanor.~~

~~Section 7~~
~~BILLING AND COLLECTION~~

~~**2.7.1. Billing and collection.**~~

~~(A) All solid waste collection and disposal charges and fees shall be billed in a manner which will show each customer's fees and charges separately from the water bill. Such charges and fees shall be billed to the person in control of the premises, and if this fact cannot be ascertained, the bill shall be directed to the record owner of such premises. The person who is so billed and to whom the services are made available shall be indebted to the city for such services and shall be obligated to make payment therefor as provided in this article. The bill will become delinquent ten days after it is rendered.~~

~~(B) In addition to all other legal remedies available for the collection of a debt, the following actions and remedies are authorized for delinquent payment of the charges authorized in this article:~~

~~(1) The Sanitation Department may refuse to pick up and dispose of the solid waste at the delinquent location.~~

~~(2) A penalty of ten percent of the total net bill shall be charged in the event of delinquency.~~

~~(3) All present utility guaranty deposits upon termination of sanitary service and/or water service may be applied to any amounts due either for sanitation service charges or fees of water utility bills.~~

~~(4)~~(1) ~~All utility service contracts entered into between the department and the customer shall contain an agreement that any guaranty deposit upon termination of sanitation service, electric service and/or water service may be applied to utility charges that have become due.~~

Section 8
RECYCLABLE ITEMS

2.8.1. Generally. The City of North Little Rock contracts with an independent service provider for residential pickup of recyclable items. The agreement between the parties, which shall be approved by the City Council, establishes type(s) of containers or receptacles, collection schedules, restrictions on items collected and fees. All fees charged to the City by the independent service provider will be billed to each residence for reimbursement to the City. Residents are responsible for payment of recycling fees whether or not they utilize recycling services. Contact information of the service provider, as well as pickup schedules and other pertinent information, shall be made available to the public, including informational data for posting on the City's web site.

2.8.2. Collection from residential recyclable containers.

(A) The independent service provider for residential pickup of recyclable items will provide a container (cart, bin or other approved receptacle) for residential customers who participate in recycling. The North Little Rock Sanitation Department will *not* be responsible for collection of materials placed in the recyclable container provided by the independent provider. All recyclable materials shall be collected at curbside by the independent contractor as provided for in Section 90-80 above.

(B) Collection Schedules are set by the independent service provider; however, pickup will usually occur on the same day of the week as that for solid waste by the Sanitation Department. Schedules will be provided to residential customers.

Recycle containers, with lids or covers firmly in place, shall be placed on the front or side street no earlier than 6:00 p.m. of the day preceding the scheduled collection day and shall be removed to a point at the side or rear of the structure not later than 8:00 a.m. of the day following collection.

Reference – Ord. No. 8350 adopted 06-27-11.

ARTICLE THREE
ANIMAL WASTE

Section 1
DEFINITIONS

3.1.1. Definitions. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein:

Immediate shall mean that the pet solid waste is removed at once, without delay.

Owner/Keeper shall refer to any person who shall possess, maintain, house or harbor any pet, fowl, livestock or any other domesticated animal or otherwise have custody thereof, whether or not the owner of such pet, livestock, fowl or other domesticated animal.

Person is any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to City of North Little Rock ("the City") jurisdiction.

Pet/Animal is a domesticated animal (other than a disability assistance animal), fowl, or livestock kept for amusement or companionship.

Solid waste or feces means waste matter expelled from the bowels of the pet, fowl, livestock or other domesticated animal; excrement.

Proper disposal is the placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the City or any other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal. Animal waste disposal in residential areas shall be placed with other household waste for curbside pickup by the City on the day regularly scheduled for the residential location.

Section 2
DISPOSAL

3.2.1. Requirement for Disposal. All pet/animal owners and keepers are required to immediately and properly dispose of their pet/animal's solid waste deposited on any property, public or private, not owned or possessed by that person.

3.2.2. Means of Disposal. Residential pet/animal waste shall be disposed of by one of the following methods (not applicable to commercial kennels):

(A) Bagging and Disposal. Place waste in a no greater than a gallon size plastic bag (double bagging is required) and dispose of with your garbage.

Waterproof container or double bagging holding the waste shall not weigh more than ten pounds or exceed a bag or container size of one gallon.

(B) Burial. May be used so long as a nuisance is not created. Avoid burial in quantities or locations which may impact public health. Avoid burial in children play areas, water supplies or drain fields.

(C) **NEVER** put pet/animal feces into storm sewers or septic systems.

3.2.3. Exemptions. The provisions of this section shall not apply to a certified guide dog accompanying a blind person, a certified service dog accompanying a disabled person, or dogs used in official police activities with the permission of the city's police department.

3.2.4. Horses on authorized trails or bridges. Owners riding or walking horses on authorized paved trails or bridges in the City shall have an obligation to clear any feces from said areas; *except* when the animal waste is deposited on the natural trail services, clean up is not required.

See also Section 6.1.10 of NLRMC, Chapter 2 – Animal Control.

~~ARTICLE FOUR~~
~~RESIDENTIAL RECYCLABLE ITEMS~~

~~Section 1~~
~~GENERALLY~~

~~4.1.1. Generally. **The City of North Little Rock contracts with an independent service provider for residential pickup of recyclable items. The agreement between the parties, which shall be approved by the City Council, establishes type(s) of containers or receptacles, collection schedules, restrictions on items collected and fees. Contact information of the service provider, as well as pickup schedules and other pertinent information, shall be made available to the public, including informational data for posting on the City's web site.**~~

~~Section 2~~
~~COLLECTION~~

~~4.2.1. Collection from residential recyclable containers.~~
~~(A) **The independent service provider for residential pickup of recyclable items will provide a container (cart, bin or other approved receptacle) for residential customers who participate in recycling. The North Little Rock Sanitation Department will *not* be responsible for collection of materials placed in the recyclable container provided by the independent provider. All recyclable materials shall be collected at curbside by the independent contractor as provided for in Section 4.1.1 above.**~~

~~(B) **Collection Schedules are set by the independent service provider; however, pickup will usually occur on the same day of the week as that for solid waste by the Sanitation Department. Schedules will be provided to residential customers.**~~

~~(C) **Recycle containers, with lids or covers firmly in place, shall be placed on the front or side street no earlier than 6:00 p.m. of the day preceding the scheduled collection day and shall be removed to a point at the side or rear of the structure not later than 8:00 a.m. of the day following collection.**~~

~~Reference—**Ord. No. 8350, 6-17-11.**~~

EXHIBIT
tabbies
B

NORTH LITTLE ROCK, ARKANSAS
MUNICIPAL CODE

Chapter 13

SOLID WASTE

Adopted 11-11-13 – Ordinance No. 8585
Amended 1-28-19 – Ordinance No. 9073
Amended 3-9-20 – Ordinance No. 9223
Amended __-__-20 – Ordinance No. ____

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ARTICLE ONE
IN GENERAL

Section 1
DEFINITIONS

1.1.1. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means any public way, generally of less width than a street, used for the public utility purposes and right-of-way and as an alternate secondary or emergency route for vehicle and pedestrian traffic, generally situated at the rear of or alongside a tier of lots.

Apartment means an apartment as defined by the building code.

Apartment house means an apartment house as defined by the building code.

Building code means the edition of the Standard Building Code as adopted by the City Council.

Commercial establishment means any structure intended or used for the purpose of conducting a commercial business enterprise.

Container means a receptacle for the deposit of solid waste.

Department means the Sanitation Department.

Director means the Sanitation Director or anyone authorized to act for him.

Duplex means a structure intended for use and occupancy as two family dwelling units.

Dwelling unit means a dwelling unit as defined by the city's building code.

Food establishment means a cafe, restaurant, or other similar establishments serving food or food products, including quick service drive-ins where food is prepared or served.

Garbage means solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other food products.

Hazardous Waste includes any unwanted or discarded material (excluding radioactive material), which because of its physical, chemical or infectious characteristics can cause significant hazard to human health or the environment when improperly treated, stored,

transported, disposed of or otherwise managed, or by virtue of their being defined hazardous by any state or federal law or regulation.

Household appliance means, but is not limited to, larger household appliances such as refrigerators, deep freezes, stoves, ovens, air conditioners, washers, dryers, trash compactors, dishwashers, televisions, radio, hot water heaters and plumbing fixtures.

Illegally dumped solid waste means any solid waste placed on properties with or without the consent of the owner or person in control where such waste constitutes a nuisance detrimental to the public health and welfare.

Institution* or *institutional means any church, church building or structure housing any charitable, philanthropic or eleemosynary undertaking, or any school.

Manager means the person in charge of real estate used for apartment, institutional or commercial purposes.

Manual collection means the service rendered in collecting municipal solid waste from containers, which containers can be handled in part by men picking up the containers as distinguished from picking up containers by mechanical means and which containers are too large for handling by manual means.

Municipal solid waste* or *solid waste means solid waste resulting from or incidental to municipal, community, trade, business and recreational activities, including garbage, rubbish or trash, ashes, street cleanings, dead animals, and all other solid waste other than industrial solid waste.

Occupant means the person residing in a dwelling unit, specifically the head of such household.

Owner means the record titleholder of real property.

Packout service means service involving city sanitation service employees walking onto private property to collect garbage and trash for residents who are physically unable to convey their solid waste container to the designated collection location. This service does not include sanitation employees entering the residence to provide such services.

Permittee means any person licensed by the city to contract to collect, remove or dispose of solid waste.

Property line means the peripheral boundary of real estate.

Public easement means a right-of-way used or dedicated to be used by any public utility, including, but not limited to, services such as electricity, telephone, gas, solid waste collection, water, sewer and drainage.

Public way means any street, alley, easement or other right-of-way.

Residence means a structure intended for use and occupancy as a one-family dwelling unit.

Sanitary landfill means a method of disposing of municipal solid waste on land without creating a nuisance or hazard to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area to reduce it to the smallest practical volume, and to cover it with a layer of earth at appropriate intervals.

Trash means non-putrescible solid waste, consisting of both combustible and noncombustible waste materials; combustible rubbish or trash includes paper, rags, cartons, wood, excelsior, rubber and plastics; noncombustible rubbish or trash includes glass, crockery, tin cans, aluminum cans, and like materials which will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).

Street means any public thoroughfare for the passage of vehicle and pedestrian traffic.

Vehicle means any wheeled conveyance.

Yard Waste means non-putrescible solid waste consisting of tree, shrub and hedge clippings, provided that trunks and limbs do not exceed 12 inches in diameter and 8 feet in length, brush, leaves, grass clippings, and small amounts of wooden building material

Section 2
LITTERING OF CERTAIN PUBLIC PLACES

1.2.1. Unlawful acts. It shall be unlawful for any person to place, throw, deposit, or otherwise put any newspaper, advertising circular, pamphlet, brochure, or any other publication, advertising material or printed material in or on any city street, alley, curb, gutter, drainage ditch or related drainage facility.

Reference – Ordinance No. 9223, 03-09-20

1.2.2. Punishable by fine. Each violation of this section shall be punishable by a fine not to exceed $500.00; provided, however, that two or more violations of this section occurring on the same day shall be considered as a single violation under this section.

State law references: Litter Control Act, A.C.A. § 8-6-401 et seq.

Section 3
UNLAWFUL DEPOSITS

1.3.1. Unlawful act. It shall be unlawful for any person to place, deposit, discard, or otherwise cause to be put, brush, garbage, rubbish, or any other type of waste, on any outside premises within the city, whether public or private, in such a manner as to cause

insanitary, unsightly, or unhealthy conditions, except at such places as are, have been, or shall be designated by the director and except in accordance with other provisions of this chapter. The term "outside premises" shall be construed to include streets, alleys, sidewalks, ditches, yards, lots, fields, streams, and exterior portions of buildings.

1.3.2. Enforcement and abatement. The Sanitation Director shall regularly inspect all outside premises to enforce the provisions of subsection (a) of this section. The Director shall issue citations for violations of this section and may abate such conditions pursuant to the provisions of Article 8 of Chapter 8 Nuisance Abatement and Property Maintenance code.

1.3.3. Owner's Responsibility. The Director or his designee may order the owner of any real property within the City to remove garbage, rubbish and other unsightly and unsanitary articles and things that may be upon the property. The order shall be in writing and shall be issued to the owner of the real property involved. Failure to maintain property free from garbage, rubbish, and other unsightly and unsanitary articles and things by the end of the third business day after notice is a violation that shall be punishable by a fine of not less than $50 nor more than $100 for each day the material remains.

Section 4
VEHICLE LOADS TO BE SECURED

1.4.1. Waste shall be secured in vehicle. It shall be unlawful for any person engaged in commercial or for-hire hauling to operate any truck or other vehicle within the limits of the city to transport litter, trash or garbage unless such vehicle is covered to prevent its contents from blowing, dropping or falling off or otherwise departing from the vehicle. In addition, any person operating his own truck or other vehicle to transport litter, trash or garbage shall take reasonable steps to prevent its contents from blowing, dropping or falling off or otherwise departing from the vehicle. Provided, no vehicle hauling predominately metallic material shall be required to be covered if it is loaded in a manner which will prevent such material from falling or dropping from the vehicle.

1.4.2. Punishable by fine. Each violation of this section shall be punishable by a fine not to exceed $200.00.

State law references: Vehicles spilling loads, A.C.A. § 27-35-110.

ARTICLE TWO
CITY COLLECTION SERVICE

Section 1
GENERALLY

2.1.1. Containers generally.

(A) Every person occupying a single-family residence or a multi-family residence with four (4) units or less shall provide such premises with a sufficient number of solid waste containers or receptacles to provide adequate capacity for the solid waste (garbage and trash) placed out for collection without overloading the capacity of the containers.

(B) Solid waste containers or receptacles shall be watertight and constructed of a solid and durable grade of metal or plastic material.

(C) In the case of those containers which are manually emptied by the sanitation service employees of the city, the combined weight of the waste and container shall not exceed 50 pounds.

(D) Underground containers are prohibited for use in the city.

(E) All containers (except plastic bags) shall be provided with suitable lifting handles on the outside and a closefitting or other approved cover equipped with a handle, and shall not exceed 30 gallons capacity.

(F) Containers shall not contain any inside structures, such as bands or reinforcing angles or anything within the container to prevent the free discharge of the contents. Containers that have deteriorated or that have become damaged to the extent that the covers therefor will not fit securely or that they have jagged or sharp edges capable of causing injury to sanitation service employees or other persons whose duty it is to handle such containers shall be condemned by the city and if such containers are not replaced after notice to the owner or user, such containers will be removed along with the contents thereof.

(G) The lid shall be closefitting and shall remain in place covering the container or receptacle at all times when there is any material in the container. The lid may be attached by an appropriate means to the rack upon which the containers are placed or to an adjacent fence or other appropriate fixed object in order to prevent the lids from getting into the pathway of vehicles, provided however, that no lid shall be attached to the container itself. Containers which have the lids directly attached to them constitute a hazard to sanitation service employees engaged in the collection of solid waste and shall be condemned by the city, and if such

attachments are not removed after notice to the owner or user, such containers will be removed along with the contents thereof.

(H) Plastic bags shall be constructed of a material and in the manner that prevents tearing and leakage. All plastic bags shall be secured at the top to prevent spillage.

2.1.2 Collection of garbage and trash. Garbage and trash will be collected weekly or as otherwise established and published by the Director of Sanitation Services ("Director") from residential properties with four or less units. Collection will be made from the street unless otherwise instructed by the Director.

(A) Items deposited for collection must be placed within 6 feet of the street or other designated access point in such a manner as to not protrude onto the street or sidewalk and free of overhead obstruction (trees, power lines, etc.) for at least 20 vertical feet and no closer than 3 feet to fixed objects or vehicles.

(B) Garbage and trash must be placed at the appropriate pick-up location before 7:00 am on scheduled collection day and no earlier than 5:00 PM on the preceding day. Containers must be removed to a point at the rear or side of the structure no later than 8:00 a.m. on the day following collection.

2.1.3 Collection of bulky items and yard waste. Bulky items and yard waste will be collected weekly or as otherwise established and published by the Director from residential properties with 4 or less units. Collection will be made from the street unless otherwise instructed by the Director.

(A) Items deposited for collection must be placed within 6 feet of the street or other designated access point in such a manner as to not protrude onto the street or sidewalk and free of overhead obstruction (trees, power lines, etc.) for at least 20 vertical feet and no closer than 3 feet to fixed objects or vehicles.

(B)Quantities of bulky items exceeding two cubic yards will be assessed a pickup fee based upon the actual cost to the City to collect and dispose of the waste. The director or designee will notify the property owner by written notice attached to the front door of the residence, phone contact, or other reasonable method. The notice will include the amount to be paid for pickup and instructions for payment.

a. The property owner must pay the required fee or otherwise dispose of the items by the end of third business day following notice.
b. Failure to either arrange for pick-up by the sanitation department or have the items removed by the end of the third business day after notice is a violation that shall be punishable by a fine not to exceed $100.00 for each subsequent day.

(C) Small loose items and items of clothing and household trash or garbage will not be picked up as part of this service. Those items must be properly bagged or placed in an acceptable bin for regular garbage pick-up.

(D) Bulky items and yard waste collection will not be rendered as a pack out service.

(E) Yard waste must be separated by at least three feet from other items placed for collection.

(F) Schedules for collection of bulky items and yard waste will be established and published by the Director.

(G) Bulky items and yard waste must be placed at the appropriate pick-up location before 7:00 am on scheduled collection day and no earlier than 5:00 PM on the preceding day.

(H) Bulky items/bulk waste are large items such as the following:

a. Furniture
b. Appliances
c. Swing sets
d. Lawn mowers (drained of fluids)
e. Bikes
f. Carpet (must be rolled and tied and not more than 12 feet in length. More than two rolls of carpet is considered construction debris and will not be collected.)
g. Toilets
h. Doors
i. Grills with tanks removed

(I) Electronic items such as computers and televisions will not be collected and should be taken to an electronics recycle collection point.

2.1.4 Collection Service is not provided to apartments, institutions, industrial, most commercial establishments, or undeveloped properties. City sanitation services are not offered to multi-family housing with more than four units, institutions, industrial, and commercial (other than small office) establishments. Four unit residential buildings that are part of a larger complex of multi-unit residential buildings are not eligible for service.

Small office operations generating only typical office refuse in amounts similar to residential refuse amounts may contract with the City to be included in the residential schedule for weekly pickup. The contract fee for this service is $20.00 per month. Typical office refuse are amounts not greater than two 30 gallon containers per week and do not contain waste of food service operations, medical waste, or other waste not typical of a residential household or not accepted by the landfill.

These establishments, other than the small office operations contracting with the City, must provide for the safe, sanitary, and timely removal and disposal of waste from their operations.

Collection service is not available to vacant lots or other undeveloped properties or for any land clearing operations.

2.1.5. Collection and removal of dead animals. The bodies of dead animals shall not be placed in solid waste containers or in any street, alley, easement or public way. The collection and removal of dead animal bodies shall be a service of the city's animal shelter and shall be furnished upon request or notification by any interested party.

2.1.6. Items the City will not collect. The scope of service rendered by the sanitation department in the collection and removal of solid waste materials is intended to serve the needs of residential and small commercial as defined in this chapter. It is considered to be beyond the scope of such service to collect or remove waste materials beyond such that would be normal and expected from a residential household.

The following waste materials will not be collected:

1. Building materials and other construction debris from remodeling or fire restoration work done by the resident or owner exceeding the limits established in Section 2.1.3;
2. Asphalt roofing materials or fiberglass insulation materials;
3. Concrete, asphalt, dirt, brick, rock or other similar material;
4. Tree trunks, limbs, and brush cut by a professional tree service or any other contractor or person other than the resident or owner of the property;
5. Industrial wastes from manufacturing or processing operations including food processing operations;
6. Electronic items such as televisions, computers, computer monitors, and audio systems; (these items should be taken the electronics recycling drop-off site)
7. Liquid paint;
8. Liquid petroleum based products, such as gasoline, oil, and other automotive fluids;
9. Vehicles and vehicle parts, including batteries and tires;
10. Trash, clothing, or other small items not bagged or in an acceptable container;
11. Bio-hazard materials including medical waste;
12. Hazardous waste material; or
13. Any other items or materials not accepted by the landfill or for which the department is not equipped to collect.

2.1.7 Failure to comply. The failure of any property owner or tenant to remove materials not subject to collection by the sanitation department as defined in this chapter from the sanitation collection point for the property within three business days of notice of violation is punishable by a fine of not less than $50.00 nor more than $100.00 for each day the material remains.

2.1.8 Placing waste materials on vacant lots or property of another. It is unlawful for any person to place trash. Debris, bulky items or other waste material on vacant lots

or the property of another person. A violation of this section shall be punishable by a fine of not less than $200.00 nor more than $500.00.

2.1.9. No import of waste materials. Waste material shall not be moved from an offsite location to a residence for sanitation service. Only the waste generated by the service residence may be placed for sanitation service at the collection place for the residence. A violation of this section shall be punishable by a fine of not less than $200.00 nor more than $500.00.

2.1.10. Rummaging trash and other solid waste. It is unlawful for any person to open and remove items from plastic bags or other containers of trash or solid waste placed for sanitation pick-up at a property not owned or occupied by that person. The penalty for violation of this section is a fine of $50.00. Subsequent violations within 12 months shall carry a penalty of a fine of not less than $100.00 nor more than $250.00.

Section 2
PROCESSING AND DISPOSAL

2.2.1. Procedures and operational responsibility. All garbage and rubbish or trash or other solid waste materials must be processed and/or disposed of at a location and in a manner approved by the Director.

Section 3
MISCELLANEOUS

2.3.1. Prohibition of commercial garbage pick-up between the hours of 10:00 p.m. and 6:00 a.m. The commercial pick-up of garbage from any dumpster that is located on residential property, or from any dumpster that is located on a parcel of property that is adjacent to residential property, is prohibited between the hours of 10:00 p.m. and 6:00 a.m. In addition, the commercial pick-up of garbage from any dumpster that is located on, or adjacent to, any property that is used for temporary lodging (including but not limited to hotels, motels, bed and breakfasts, RV parks, campgrounds, and inns) is prohibited between the hours of 10:00 p.m. and 6:00 a.m. Each violation of this section by any individual or corporation shall be punishable by a fine not to exceed $500.00.

Reference – Ord. No. 9073, § 1, 01-28-19

2.3.2. Regulations for trash dumpsters.

(A) All trash dumpsters in active use as a trash receptacle within the city limits shall be secured and maintained as follows:

(1) All trash dumpsters shall be maintained in a sanitary manner that will not cause odorous or rank smells. These dumpsters shall also be maintained in a manner in which no trash, rubbish, or debris is located outside of the dumpster.

(2) Doors to a trash dumpster shall be closed at all times when trash is not being deposited into or emptied from the dumpster.

(B) It is hereby declared to be unlawful for any owner of property upon which an active trash dumpster is used fails to comply with the requirements of this section.

Reference – Ord. No. 7624, §§ 1 & 2, 3-8-04

2.3.3. Securing of household appliances set out for collection. All property owners, tenants, entities, or residents within the city who place household appliances out for collection or store or keep a household appliance in an open, accessible area (i.e. porch, patio, etc.) shall do so in a manner that will not pose a risk to the public health, safety, or welfare of others, or in a manner otherwise violating Municipal Code Provisions. Any person or entity who places household appliances out for collection or keeps household appliances in open, accessible areas, shall take any and all reasonable precautions to preclude the existence of any hazards in this respect, including but not limited to, removing refrigerator doors and latches, securing doors with locks, chain, wire or rope to prevent opening, or other reasonable methods.

Reference – Ord. No. 7692, § 2, 2-28-05

Section 4
RECYCLABLE ITEMS

2.4.1. Generally. The City of North Little Rock contracts with an independent service provider for residential pickup of recyclable items. The agreement between the parties, which shall be approved by the City Council, establishes type(s) of containers or receptacles, collection schedules, restrictions on items collected and fees. All fees charged to the City by the independent service provider will be billed to each residence for reimbursement to the City. Residents are responsible for payment of recycling fees whether or not they utilize recycling services. Contact information of the service provider, as well as pickup schedules and other pertinent information, shall be made available to the public, including informational data for posting on the City's web site.

2.4.2. Collection from residential recyclable containers.

(A) The independent service provider for residential pickup of recyclable items will provide a container (cart, bin or other approved receptacle) for residential customers who participate in recycling. The North Little Rock Sanitation Department will *not* be responsible for collection of materials placed in the recyclable container provided by the independent provider. All recyclable materials shall be collected at curbside by the independent contractor as provided for in Section 90-80 above.

(B) Collection Schedules are set by the independent service provider; however, pickup will usually occur on the same day of the week as that for solid waste by the Sanitation Department. Schedules will be provided to residential customers.

Recycle containers, with lids or covers firmly in place, shall be placed on the front or side street no earlier than 6:00 p.m. of the day preceding the scheduled collection day and shall be removed to a point at the side or rear of the structure not later than 8:00 a.m. of the day following collection.

Reference – Ord. No. 8350 adopted 06-27-11.

ARTICLE THREE
ANIMAL WASTE

Section 1
DEFINITIONS

3.1.1. Definitions. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein:

Immediate shall mean that the pet solid waste is removed at once, without delay.

Owner/Keeper shall refer to any person who shall possess, maintain, house or harbor any pet, fowl, livestock or any other domesticated animal or otherwise have custody thereof, whether or not the owner of such pet, livestock, fowl or other domesticated animal.

Person is any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to City of North Little Rock ("the City") jurisdiction.

Pet/Animal is a domesticated animal (other than a disability assistance animal), fowl, or livestock kept for amusement or companionship.

Solid waste or feces means waste matter expelled from the bowels of the pet, fowl, livestock or other domesticated animal; excrement.

Proper disposal is the placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the City or any other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal. Animal waste disposal in residential areas shall be placed with other household waste for curbside pickup by the City on the day regularly scheduled for the residential location.

Section 2
DISPOSAL

3.2.1. Requirement for Disposal. All pet/animal owners and keepers are required to immediately and properly dispose of their pet/animal's solid waste deposited on any property, public or private, not owned or possessed by that person.

3.2.2. Means of Disposal. Residential pet/animal waste shall be disposed of by one of the following methods (not applicable to commercial kennels):

(A) Bagging and Disposal. Place waste in a no greater than a gallon size plastic bag (double bagging is required) and dispose of with your garbage.

Waterproof container or double bagging holding the waste shall not weigh more than ten pounds or exceed a bag or container size of one gallon.

(B) Burial. May be used so long as a nuisance is not created. Avoid burial in quantities or locations which may impact public health. Avoid burial in children play areas, water supplies or drain fields.

(C) **NEVER** put pet/animal feces into storm sewers or septic systems.

3.2.3. Exemptions. The provisions of this section shall not apply to a certified guide dog accompanying a blind person, a certified service dog accompanying a disabled person, or dogs used in official police activities with the permission of the city's police department.

3.2.4. Horses on authorized trails or bridges. Owners riding or walking horses on authorized paved trails or bridges in the City shall have an obligation to clear any feces from said areas; *except* when the animal waste is deposited on the natural trail services, clean up is not required.

See also Section 6.1.10 of NLRMC, Chapter 2 – Animal Control.