

ORDINANCE # 04-2007

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF AUSTIN TO REQUIRE MANDATORY PARTICIPATION IN THE MONTHLY DISPOSAL FEE FOR CITY GARBAGE COLLECTION SERVICES OF EVERY CITIZEN THAT USES AUSTIN CITY WATER.

WHEREAS, the collection and disposal of waste is part of Austin's governmental power to protect public health, safety, and welfare; and

WHEREAS, Arkansas statutes give cities the power to regulate the proper disposal of dirt, garbage, trash, or liquid refuse; and

WHEREAS, the City provides a weekly collection of residential refuse; and

WHEREAS, the City Code provides that each residential unit, as set out in this ordinance shall be charged a monthly disposal fee for such garbage collection services; and

WHEREAS, the City Council desires to state unequivocally that the monthly disposal fee is mandatory for all residential units that are connected to Austin city water irrespective of whether they utilize the garbage collection services provided;

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Austin, in regular session, that Ordinance 04-2007 shall be as follows:

1) Each residential unit (including churches and bona fide charities) to which city water service is provided said resident shall also be required to take part in garbage collection services and shall be charged a disposal fee in an amount established by the city council. The disposal fee will be billed monthly and made a part of the city water and sewer bill. No residential unit within the City of Austin shall be permitted to refuse city garbage collection services, and the failure to utilize such services shall not exempt any residential unit from payment of the fees described herein.

2) A "residential unit" shall consist of:

1. A single-family dwelling;
2. Each separate dwelling unit contained within a multiple-family building.
3. Each rooming or boarding house, capable of occupancy by five (5) or more residents, regardless of the number of individual rooms contained therein and provided that no room shall contain an independent cooking area, shall be counted as two (2) residential unites.

SECTION B: SEVERABILITY.

Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions.


SECTION C: EFFECT ON OTHER ORDINANCES.

Where the definitions contained in this Ordinance are in conflict with relevant portions of other City of Austin, Arkansas, ordinances the definitions contained within those portions of other ordinances will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION D: EFFECTIVE DATE.



This Ordinance shall take effect upon final passage.

PASSED by the City council and APPROVED by the Mayor on this 28th day of January, 2008.



Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:
Tim Blair, City Attorney