

(b) The Contractor shall provide a special bulky waste collection service to all residential customers. The Contractor agrees to collect such large objects and quantities of waste as provided in the contract between the Contractor and the City.

**SECTION 6. RATES.** The rates to be charged for sanitation services shall be as follows:

(a) For Residential Units, the rate for collection by the Solid Waste and Recycling Contractor shall be consistent with the Solid Waste and Recycling Contract between the Contractor and the City.

(b) For Business and Industrial Units, commercially reasonable rates shall be negotiated and agreed upon by and between the appropriate Business or Industrial customer and the Contractor based on the amount of service required at Business or Industrial location.

(c) All other rates and charges shall be consistent with the Solid Waste and Recycling Contract between the Contractor and the City.

**SECTION 7. RESPONSIBILITY FOR PAYMENT OF BILL.** The fact that legal title to property is in any person, business or other entity, constitutes prima facie proof that the person, business or other entity is responsible for the payment of charges provided for in this chapter. The fact that charges incurred were for services provided to a tenant, agent or other person using the title holder's property shall not be grounds for avoidance of penalties under this Ordinance.

**SECTION 8. PENALTIES.** Any person refusing or failing to pay any charge assessed pursuant to the provisions of this chapter, including both the failure to pay for private Solid Waste and Recycling collection and the failure to pay Commercial or Industrial contracts, shall be guilty of a violation of this chapter and punished as provided by Section 10 herein.

**SECTION 9. CONTAINMENT OF CONSTRUCTION REFUSE AND DEBRIS.** The general contractor of any construction site shall provide adequate trash containment facilities for the construction site. All such trash containment facilities must be able to hold a minimum of five cubic yards of refuse, and must contain no openings of greater than three inches. The trash containment facility must be in place no later than at the time of the first required inspection of the site by the Mayor or his authorized representative. The trash containment facility shall be emptied on a regular basis. If the City received a complaint regarding a trash containment facility at a construction site, the Mayor or his authorized representative shall notify the general contractor in writing regarding the complaint, and shall request that efforts be undertaken by the general contractor to remedy the situation. If subsequent complaints are received by the City pertaining to the same construction site, the Mayor or his authorized representative shall provide the general contractor with written notice that the general contractor has three (3) working days in which to remedy the situation. If the general contractor does not remedy the situation within that time, it shall be considered a violation of this Code, and shall be punishable pursuant to Section 10 of this Code. In addition, the Mayor or his authorized

representative shall cease all inspections until the construction site complies with this section.

**SECTION 10.** Whoever violates any provisions of the ordinance shall be guilty of a misdemeanor and may be punished by a fine or not less than Ten Dollars (\$10.00), not more than Five Hundred Dollars (\$500.00) for the first offense, not less than Ten Dollars (\$10.00), not more than Two Hundred Fifty Dollars (\$250.00) for each offense each day, plus court costs and reasonable attorney fees for each violation.

**SECTION 11.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distance and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

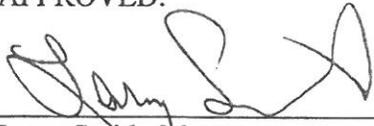
**SECTION 12.** Any matters set forth in this Ordinance which are contrary to the existing ordinances of the City of Cave Springs shall prevail, and the Cave Springs Zoning Code is amended to conform thereto, and all other ordinances and resolutions or parts of ordinances and resolutions in conflict herewith and therewith are hereby repealed to the extent of such conflict.

**SECTION 13.** This Ordinance shall take effect on January 1, 2012.

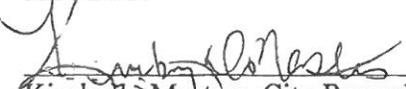
**EMERGENCY CLAUSE.** The City Council hereby determines that this Ordinance is necessary for the sanitary provision of Solid Waste and Recycling services within the City of Cave Springs. Therefore, an emergency is declared to exist, and this Ordinance being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto the ordinance enacting this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

**PASSED AND APPROVED** this 14th day of December, 2011.

APPROVED:

  
\_\_\_\_\_  
Larry Smith, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Masters, City Recorder

FILED FOR RECORD  
AT 7:10 O'CLOCK P.M.

DEC 19 2011

CITY OF CAVE SPRINGS, AR  
CITY CLERK

SEAL

City of Cave Springs-  
Amended Solid Waste Ordinance