

ORDINANCE 07-08

AN ORDINANCE PROVIDING FOR A PROCEDURE FOR BILLING AND PAYMENT OF TRASH COLLECTION FEES; FOR PROCEDURES TO BE FOLLOWED IN THE EVENT OF NON-PAYMENT; PROVIDING FOR PENALTIES FOR NON-PAYMENT; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Cammack Village, for a fee, provides trash collection services for home owners in Cammack Village, Arkansas.

WHEREAS, Cammack Village charges a fee to the homeowners for the cost of trash collection;

WHEREAS, the City of Cammack Village has of late experienced many home owners failing to pay the trash pick up fee;

WHEREAS, the City Council desires to revise its procedures for receipt of payment as follows:

SECTION 1: The City Council of the City of Cammack Village, Arkansas, shall provide trash collection services to each property owner of residences within the city limits for a monthly charge to be established by the City Council. The City Council of Cammack Village hereby establishes the monthly fee amount of \$16.25 for the trash collection services provided by the City, to be billed on a quarterly basis, beginning January 1, 2008. The charges may be paid according to the following schedule at the Cammack Village City Hall:

- A. \$48.75 per quarter, plus appropriate state and county taxes,
- B. \$97.50 semi-annually, plus appropriate state and county taxes,
- C. \$195 annually, plus appropriate state and county taxes.

SECTION 2: The above-noted charges shall become due and payable at the beginning of each quarter. Such charges may be paid without penalty at any time during the quarter or prior to close of the first day of the month of the next ensuing

quarter. (For example, charges for the first quarter may be paid without penalty through April 1.) After the close of the first day of the month of the next ensuing quarter, an additional penalty of \$15 for each quarterly payment will be imposed for each quarter or portion thereof during which the quarterly payment remains unpaid.

SECTION 3: It is the sole responsibility of the owner of the residence to pay the trash pick up fee, including all penalties which may accumulate although the City will accept payments from the current resident of the property without waiver of the property owner's responsibility for payment of any amounts not paid by the current resident.

SECTION 4: If a property owner fails to pay the trash collection fees within the applicable quarter, the property owner is not only subject to the above described late fee, but the payment then becomes delinquent. The City Clerk shall send a letter to the property owner informing the property owner he/she has no more than ten days from issuance of the letter to pay the entirety of the account, including past due amounts and penalties.

SECTION 5: Notices of trash collection fees and past due amounts owed will be sent to the property address, unless the Cammack Village City Clerk is notified by the property owner in writing that all notices shall be sent to another address. Such notification from the property owner shall specify the properties for which notice is to be given to the property owner at the alternative address. These fees cover all occupied and unoccupied properties. A deposit in the amount of Forty Eight Dollars & 75/100 (\$48.75) is required by all new residents, whether they are a homeowner or a renter. This deposit is refundable upon moving from the residence if said deposit was not required to pay any sanitation fees or penalties due and owing.

SECTION 6: In the event payment is not received within the ten-day period specified in Section 4, a citation will be issued against the owner of the property to appear in the Cammack Village City Court (or successor court) for violating this ordinance. If the property owner is found to have violated the provisions of this ordinance, a fine up to the amount of \$200.00 per violation may be imposed.

SECTION 7: Upon conviction for a failure to pay any of the charges set forth herein; notice shall be given to the property owner, by personal service or certified mail, stating that after thirty (30) days from the date of the notice, the City Attorney may file a lien in the office of the Circuit Clerk of Pulaski County,

Arkansas, as provided by Arkansas law, against the property affected. Such notice shall also state that the lien will be released only after payment of the fees, the fines assessed by the City Court, the costs of filing the lien and serving the notice and recording the lien, and post-judgment interest that accrues on the past due amounts from the date of filing of the lien at the maximum rate permitted by law.

SECTION 8: All ordinances and portions of Ordinances in conflict with the Ordinance are hereby repealed. Should any portion of the Ordinance be unconstitutional or invalid and be so declared by a court of competent jurisdiction, then the remainder of the Ordinance shall not be affected by such partial invalidity.

SECTION 9: EMERGENCY CLAUSE: It is found and it is hereby determined that the collection procedures for trash collection fees within the City of Cammack Village, Arkansas need to be adjusted and new procedures established since the inability to collect all sanitation fees due affects the City's ability to fund its operations. Further, it is determined that this Ordinance is immediately necessary in order to correct the existing situation and its enactment will correct existing conditions.

NOW, THEREFORE, an emergency is declared to exist and this ordinance, being necessary for the preservation of the public peace, health, and safety and welfare, shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF DECEMBER, 2007.

ADOPTED:

APPROVED:

Date: _____

Harry A. Light, Mayor

ATTEST:

Date: _____

Mary Walker, Recorder