

ORDINANCE 06-01

AN ORDINANCE SETTING THE FEES FOR TRASH COLLECTION SERVICES WITHIN THE CITY OF CAMMACK VILLAGE, ARKANSAS; ESTABLISHING PENALTIES FOR NON-COMPLIANCE WITH THE ORDINANCE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Cammack Village previously adopted Ordinance 99-4 and 99-8 (amendment to 99-4) concerning fees for trash collection services within the City of Cammack Village; and establishing penalties for non-payment of fees.

WHEREAS, the City Council desires to re-enact, revise and replace Ordinance 99-8 with this Ordinance 06-01 in order to strengthen and improve fee collection procedures.

SECTION 1: The City of Cammack Village, Arkansas shall provide trash collection services to each property owner within the city limits for a monthly charge to be established by the City Council.

SECTION 2: All notices of trash collection fees and past-due amounts owed will be sent to the property residence, unless the Cammack Village City Clerk is notified by the property owner that all notices shall be sent to another address. This does not preclude the property owner from including trash collection fees in the lease amount charged to a tenant. 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 are a renter. This deposit is refundable upon moving from the residence if said deposit was not required to pay any sanitation fees due and owing.

SECTION 3: The City Council of Cammack Village hereby establishes the monthly fee amount of Sixteen Dollars 25/100 (\$16.25) per month for the trash collection services provided by the City, to be billed on a quarterly basis.

SECTION 4: The charges set forth above 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) \$195.00 annually, plus appropriate state and county taxes

SECTION 5: 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 a quarter or prior to close of the first day of the month of the next ensuing quarter (for example, charges for the 1st qtr may be paid without penalty through April 1st). After the close of the first day of the month of the next ensuing quarter, an additional penalty of Three Dollars & no/100 (\$3.00) for each quarterly payment will be imposed for each quarter or portion thereof during which the quarterly payment remains unpaid (for example, if a payment for the 1st qtr is not made by April 1st, a penalty starts accruing on April 2nd).

SECTION 6: If the fee and penalty are not paid promptly upon receipt of notice from the City Clerk's Office, said office is authorized to give the offending property owner, through personal service or certified mail, a notice to appear in City Court of the City of Cammack Village. Such notice shall state the name, address of the violator and the fees, which are due. The office of the City Marshal shall swear out a complaint in the usual procedure upon the filing of complaints and the City Court shall govern the trial of the violator.

SECTION 7: Upon conviction for a failure to pay any of the charges set forth herein upon direction, notice shall be given to the owner of record of property affected, 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, plus additional penalty of Fifty Dollars & no/100 (\$50.00), the costs of serving the notice and recording the lien, and post-judgment interest that accrues on the past due amounts from the filing of the lien.

SECTION 8: In the event the lien is not satisfied, the City Attorney shall file suit for enforcement of the lien. In the event suit is filed to enforce the lien, there shall be assessed from the proceeds of the sale to enforce the lien, court costs for the action, post-judgment interest, plus a penalty of One-Hundred Dollars & no/100 (\$100.00). The City Attorney shall be entitled to receive from the proceeds of the sale or as an additional penalty from the property owner, the sum of One-Hundred Dollars & no/100 (\$100.00).

SECTION 9: 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 court of competent jurisdiction, then the remainder of the Ordinance shall not be affected by such partial invalidity.

SECTION 10: 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. 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, safety and welfare, shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2006.

APPROVED:

ATTEST:



HARRY A. LIGHT, MAYOR



MARY LYNN WALKER, RECORDER