

O-19-07

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 13, SECTION 2.3.1 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO PROHIBIT THE COMMERCIAL PICK-UP OF DUMPSTERS ADJACENT TO RESIDENTIAL PROPERTY BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M.; REPEALING ORDINANCE NO. 7500; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, numerous residential, commercial and industrial properties located within the City of North Little Rock have dumpsters located upon their property; and

WHEREAS, City departments and members of the City Council have received frequent complaints from North Little Rock citizens regarding the disturbance caused by the pick-up of garbage from dumpsters by commercial garbage collectors between the hours of 10:00 p.m. and 6:00 a.m.; and

WHEREAS, Ordinance No. 7500, codified in Section 2.3.1 of Chapter 13 of the North Little Rock Municipal Code (the "Code"), provides a process by which citizens can file a complaint if they are disturbed by commercial garbage pick-up between the hours of 10:00 p.m. and 6:00 a.m.; and

WHEREAS, the complaint process has been unsuccessful in deterring commercial garbage pick-up between the hours of 10:00 p.m. and 6:00 a.m.; and

WHEREAS, currently there are no provisions of the Code that prohibit the commercial pick-up of dumpsters between the hours of 10:00 p.m. and 6:00 a.m.

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

SECTION 1: Section 2.3.1 of Chapter 13 (Solid Waste) of the North Little Rock Municipal code shall be amended to read as follows:

Editor's note: Deletions are denoted" by ~~strikethrough~~ and additions by underline.

2.3.1 Filing a complaint for commercial garbage pick-up between the hours of 10:00 p.m. and 6:00 a.m. Prohibition of commercial garbage pick-up between the hours of 10:00 p.m. and 6:00 a.m. Any citizen who is disturbed by the commercial pick-up of garbage from dumpsters between the hours of 10:00 p.m. and 6:00 a.m., may file a complaint with the code enforcement department. The Code Enforcement Department shall prepare a complaint form that may be forwarded to the complainant to be used to assist with said complaints. Upon receiving a complaint, the Code Enforcement Department shall investigate the complaint and make contact with the company allegedly responsible for the disturbance to resolve the matter. If 15 days have passed since the company has been notified and the matter is not resolved to the satisfaction of both the complainant and the

~~Code Enforcement Department, that matter shall be filed with the City Council as a correspondence.~~

~~Reference Ord. No. 7500, § 1, 11-25-02~~

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. Each violation of this section by any individual or corporation shall be punishable by a fine not to exceed \$500.00.

SECTION 2: That Ordinance 7500 is hereby repealed. All ordinances or parts of ordinances in conflict herewith are also hereby repealed to the extent of the conflict.

SECTION 3: 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 4: It is hereby found and determined that abating noise nuisances suffered by citizens of the City is vitally important to the welfare of the City, and that the passage of this Ordinance is necessary in order to abate the ongoing nuisance caused by the commercial pick-up of garbage from dumpsters adjacent to residential property between the hours of 10:00 p.m. and 6:00 a.m., and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.


PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:


ATTEST:



Mayor Joe A. Smith

Diane Whitbey, City Clerk

APPROVED AS TO FORM:



Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/cf

FILED <u>11:15</u> A.M. _____ P.M.
By <u>city Atty Amy Fields</u>
DATE <u>1-22-19</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>H. Thomas</u>