

This instrument prepared by
THE CITY ATTORNEY
NAME See last
ADDRESS page

ORDINANCE NO. 1611

AN ORDINANCE ESTABLISHING A SOLID WASTE MANAGEMENT SYSTEM
FOR THE CITY OF RUSSELLVILLE AND FOR OTHER PURPOSES

WHEREAS, Arkansas state law requires that "all municipalities shall provide a solid waste management system which will adequately provide for the collection and disposal of all solid wastes generated or existing within the incorporated limits ..." (see A.C.A. §8-6-211); and

WHEREAS, after receiving input from a Citizens's Solid Waste Advisory Committee, and other City residents, the City Council has determined that the citizens of Russellville will be best served by a system that will allow for competition between several waste hauling individuals or companies;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS:

SECTION 1: DEFINITIONS:

1. City Solid Waste Officer - The individual assigned by the Mayor or City Council, to supervise all City programs, procedures and investigations relating to solid waste matters.
2. Person - Any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, city, town, municipal authority or trust, venture, or other legal entity, however organized.
3. Solid Waste - Any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air

pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. § 1342, or source, special nuclear, or by-products material as defined by the Atomic Energy Act of 1954, as amended.

4. Solid Waste Management System - The entire process of source reduction, storage, collection, transportation, processing, waste minimization, recycling, and disposal of solid waste by any person engaging in the process as a business or by any municipality, authority, trust, county, or by any combination thereof.
5. Transfer Station - A facility that is used to manage the removal, compaction, and transfer of solid waste from collection vehicles and other small vehicles to greater capacity transport vehicles.
6. Yard Waste - Grass clippings, leaves, and shrubbery trimmings collected from residential property.

SECTION 2: MANDATORY SERVICES: All individuals occupying residential structures and commercial or industrial business establishments inside the Russellville city limits are henceforth required to establish and maintain an agreement/relationship with a city-licensed waste hauling person or company to remove the solid

waste generated at all residential or business locations. Failure by any person to establish and maintain an agreement/relationship with a city licensed waste hauling company for the removal of solid waste from each and every residence and business location shall constitute a violation of this ordinance, and said violation shall be punished as provided for in Section 10. Persons or businesses desiring to receive an exemption due to financial hardship, service at another location, or any other reason, from the provisions of this section may apply for an exemption by submitting an application on a form that may be obtained at the City Code Enforcement Office. The decision on exemption applications shall be made by the Code Enforcement Officer, with an appeal being allowed to the Mayor.

SECTION 3: BUSINESS LICENSE REQUIRED: Persons or companies desiring to engage in the business of collecting solid waste in the City of Russellville shall be required to obtain a license from the Business Permit Office [see A.C.A. §8-6-211(b)(1)]. Each applicant seeking a license shall be required to submit the following:

- a. An application on a form to be provided by the City.
- b. Proof of a general liability insurance policy in the amount of \$300,000.00 and a motor vehicle liability policy in the amount of \$500,000.00 on each waste hauling vehicle to be used by the applicant or applicant's company/employees.

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- b. Proof of a general liability insurance policy in the amount of \$300,000.00 and a motor vehicle liability policy in the amount of \$500,000.00 on each waste hauling vehicle to be used by the applicant or applicant's company/employees.

- c. Proof that each waste hauling vehicle to be used has been inspected and found to be safe for operation on City streets and State highways, as well as proof that the vehicle is properly licensed by the State of Arkansas and the Solid Waste District Board. Each waste hauling vehicle shall be inspected at least once annually by the Solid Waste Officer prior to the operation of said vehicle on city streets, and an inspection sticker shall be affixed to the vehicle's windshield at the time of inspection.
- d. A list of the applicant's current commercial and residential customers. Said list shall be maintained by the City and shall be kept confidential and exempt from disclosure under the state F.O.I.A. law as a "business document exception" [See A.C.A. §25-19-105(b)(9)(A)]. Said list shall be used by City officials to determine the amount of the license fee to be paid by the applicant, and to ensure that each residential structure and business location is properly serviced by a solid waste hauler or has properly obtained an exemption from the mandatory service requirement. (see Section 2 above)
- e. License fee: Each applicant shall be required to pay a license fee in an amount to be determined

based upon the number of waste hauling vehicles to be operated on City streets and the number of customers the hauler will be servicing. For calendar year 1998 the fee shall be \$500.00 per vehicle plus \$1.00 per customer. Beginning January 1, 1999, the fees shall be set annually, at amounts to be established by the City Council no later than November 30 of each year. The fees for calendar years 1999 and beyond will be established once the City has developed working procedures for the solid waste management system, and has better ascertained the cost of the system to the City.

License renewal applications for each calendar year must be submitted during the month of December of the preceding year. Persons or companies found to be collecting solid waste in the City without a City issued license, or in a vehicle not registered with, and inspected by the City and the Solid Waste District Board, shall be in violation of the provisions of this ordinance and shall be punished as provided herein.

SECTION 4: RECYCLING : Each licensed solid waste hauler is encouraged to establish a system whereby all collected solid waste is sorted and recyclable materials (cardboard, newspaper, glass, plastic, aluminum, etc.) are removed, either at the curb-side prior to pick-up, or at state licensed and approved transfer station. All solid waste haulers are hereby put on notice that solid waste

recycling may become mandatory at a date in the near future (possibly 1-1-99), and are encouraged to establish a system to properly remove recyclable materials from the solid waste collected from each customer, residential and commercial/industrial, inside the city limits of the City of Russellville.

SECTION 5: COLLECTION OF LARGE ITEMS: All licensed solid waste haulers will provide, as a service (with or without an additional fee), for the collection of large items such as worn out refrigerators/freezers, washers, dryers, sofas/chairs, televisions, etc., for proper disposal. Currently items of this type may be taken to the Pope County Road Department, or to a State approved Class Four land-fill.

SECTION 6: YARD WASTE: It shall be illegal for any residential or commercial/industrial customer to place yard waste in a solid waste collection bag or container, for collection by a solid waste hauler, unless the yard waste is separated into an additional container/bag for proper recycling/composting at an approved private, City, County, or State location. Customers may compost their yard waste on their own property.

It shall be illegal as a violation of this ordinance, and of Arkansas State law for a solid waste hauler to collect yard waste inside the city limits of Russellville unless said material is separated at curb-side prior to pick up, so that the material can be properly recycled/composted. This requirement is mandated by state law so that space in landfill sites will not be filled up with biodegradable/recyclable yard waste materials.

SECTION 7: BURNING OF SOLID WASTE: It shall be illegal for any person to burn solid waste inside the city limits of Russellville.

Exceptions:

- a. Yard waste as provided for in Act No. 1151 of 1997.
- b. The burning of solid waste may be allowed upon receipt of a permit from the City Fire Marshall.

SECTION NO. 8: SOLID WASTE ADVISORY BOARD: A Solid Waste Advisory Board shall be appointed by the City Council to assist and advise the City and its officers and employees on solid waste issues such as waste reduction and recycling. This board/committee shall consist of five citizens of Russellville. Board/committee members shall be appointed within thirty (30) days of the passage of this ordinance. Of the five initial board/committee members, two shall be appointed for a term that will expire December 31, 1999, and three members shall be appointed for terms that will expire December 31, 2000. All subsequent boards/committee members shall be appointed for terms that shall last two years. No committee member shall serve more than two consecutive terms.

SECTION NO. 9: POLICIES AND PROCEDURES: The city Solid Waste Officer and all employees in all City departments, under the supervision of the Mayor, with assistance from the City Attorney, shall move forward to establish policies and procedures to encourage/facilitate the following:

- a. Programs, under the control of the City or otherwise, to encourage the recycling of solid waste, in an effort to reduce pollution and reduce

the volume of solid waste generated in the City of Russellville.

- b. Community education programs, with the assistance of the Arkansas Department of Pollution Control and Ecology and the Solid Waste District Board, to encourage proper handling, collection, disposal and recycling of solid waste. Special attention/emphasis shall be given to the education of children concerning the harm caused by illegal dumping of solid waste and other waste products, with the accompanying contamination of soil and ground water supplies.
- c. Development of a community composting plan (yard waste is currently accepted at the Russellville Animal Shelter).
- d. Development of a plan, to be implemented no later than 1-1-99, to provide for the City approved collection (quarterly or semi-annually) of hazardous household waste such as used motor oil, antifreeze, paint/paint cans, automobile batteries, etc. It is noted that this program would be best implemented with the cooperation of the Pope County government and the Solid Waste District Board.
- e. A program shall be developed, for consideration for adoption by the City council, that will provide for assistance for elderly/low income/disabled

individuals that suffer a financial (or otherwise) hardship due to the provisions of this ordinance.

SECTION NO. 10: Enforcement: The provisions of this ordinance shall be enforced by all City employees and officials. Primary enforcement duties shall be the responsibility of the City Solid Waste Officer (the Code Enforcement Officer unless otherwise designated by the Mayor or City Council). Officers of the Russellville Police Department shall also enforce the provisions of this ordinance, upon seeing a violation during routine patrol, upon being dispatched (via 9-1-1 or City Hall), or upon receiving a request from the Solid Waste Officer or other appropriate official. The City Attorney shall also enforce the provisions of this ordinance, in response to complaints, or as a back up to prior actions taken by the Solid Waste Officer. Citizens with complaints relating to solid waste issues should direct them to the Solid Waste Officer or other appropriate City officials (Russellville Police Department, Mayor, City Attorney).

SECTION 11: Penalties: Violation of any of the provisions of this ordinance shall constitute a misdemeanor offense and shall be punishable, upon conviction in the Russellville Municipal Court or Pope County Circuit Court, by payment of a fine. Fines shall be as follows:

- a. Violations by persons, for failure to establish and/or maintain residential or commercial/industrial solid waste service, or any other customer violation, shall be punishable by

payment of a fine not less than \$150.00 nor more than \$500.00.

- b. Violations by a solid waste hauling individual/company, for violation of the licensing requirement, or any other provision herein, shall be punishable by payment of a fine of not less than \$400.00 no more than \$500.00.
- c. Second or subsequent offenses - The maximum fine for repeat offenders (second or subsequent offenders) shall be \$500.00.
- d. Each day a violation continues shall constitute a separate offense.

SECTION 12: SEVERABILITY CLAUSE: Any portion of this ordinance found to be invalid by a court shall not affect the validity of the remaining portions of this ordinance.

SECTION 13: Emergency Clause: Because Arkansas State law requires that municipalities have a solid waste management system and our city is currently without such a system, the Russellville City Council hereby finds that the immediate implementation of this Ordinance is necessary in order to protect the public health, safety, and welfare. Therefore an emergency is declared to exist, and this Ordinance shall be in full force and effect from and after its passage.

Passed and approved this 11 day of June, 1998.

Phillip O. Carruth
PHILLIP O. CARRUTH, MAYOR

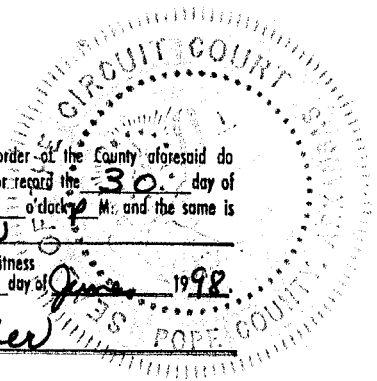


ATTEST:

Helen Price
HELEN PRICE, CITY CLERK

CLERKS CERTIFICATE OF RECORD
STATE OF ARKANSAS - COUNTY OF POPE

I, JUANITA BARBER, Circuit Clerk and Recorder of the County aforesaid do hereby certify that this instrument was filed for record the 30 day of June, 1998 at 3:50 o'clock P. and the same is now duly recorded in Record Book 28W Pages 19-29. Witness my hand and seal of said court this the 30 day of June, 1998.
Juanita Barber - Circuit Clerk and Recorder
By Juanita Barber



This ordinance was prepared by the City Attorney at the request of several Alderman.