

Chapter 11: PUBLIC WORKS

Article

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Article I. SOLID WASTE COLLECTION / DISPOSAL

A.C.A. § 8-6-212. County solid waste management systems.

- (a) (1) Each county of the state is authorized to provide and shall provide a solid waste management system adequate to collect and dispose of all solid wastes generated or existing within the boundaries of the county and outside the corporate limits of any municipality in the county.

- (2) By agreement or contractual arrangement, the county may assume responsibility for solid wastes generated within municipalities whether within its county or other counties.

- (3) A county may enter into agreements with other counties, one (1) or more municipalities, a regional solid waste management district, governmental agencies, private persons, trusts, or with any combination thereof, to provide a solid waste management system for the county or any portion thereof but the agreement shall not relieve the parties to the agreement of their responsibilities under this subchapter.

. . .

- (e) A county shall have the right to issue orders, to establish policies for, and to enact ordinances concerning all phases of the operation of a solid waste management system, including hours of operation, the character and kinds of wastes accepted at the disposal site, the separation of wastes according to type by those generating them prior to collection, the type of container for storage of wastes, the prohibition of the diverting of recyclable materials by persons other than the generator or collector of the recyclable materials, the prohibition of burning wastes, the pretreatment of wastes, and such other rules as may be necessary or appropriate, so long as such orders, policies, and ordinances are consistent with, in accordance with, and not more restrictive than, those adopted by, under, or pursuant to this subchapter or any other laws, rules regulations or orders adopted by state law or incorporated by reference from federal law, the Arkansas Pollution Control and Ecology Commission, or the regional solid waste management boards or districts, unless:
 - (1) There exists a fully implemented comprehensive area-wide zoning plan and corresponding laws or ordinances covering the entire county; or
 - (2) The county has made a request to the regional solid waste management board or district to adopt a more restrictive rule, regulation, order, or standard and no public hearing has been held within sixty (60) days or the request has not been acted upon within ninety (90) days.

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A.C.A. § 8-6-703. Regional districts and boards.

(a) (1)(A) The eight (8) regional solid waste planning districts created by Acts 1989, No. 870, and each solid waste service area created pursuant to Acts 1989, No. 870, are renamed regional solid waste districts.

(B) Each district shall be governed by a regional solid waste management board.

A.C.A. § 19-5-1019. County Solid Waste Management System Aid Fund.

(a) (1) There is established in the State Treasury a fund to be known as the County Solid Waste Management System Aid Fund, to consist of such special or general revenues or other moneys that may be deposited in it as provided by the General Assembly, to be used for the purpose of providing financial assistance to counties in the manner provided in this section, for the establishment, expansion, maintenance, and operation of county solid waste collection and disposal systems.

Section

1100.00 Solid waste; collection and disposal.

1100.01 Tipping or dumping fees for the landfill; penalties.

§ 1100.00 SOLID WASTE; COLLECTION AND DISPOSAL.

1) For the purposes of this Ordinance, the following definitions shall apply:

- a. **Commercial Unit** – Each individual business or commercial premises located in Ashley County, Arkansas, and the person or entity occupying the same.
- b. **Construction or Maintenance Waste** – A type of prohibited solid waste more particularly described as all vegetation, leaves, limbs, tree trunks, grass, debris, and waste construction or maintenance materials, including earth, rock, concrete, brick, plaster, plasterboard, glass asphaltic concrete plastics, and metal derived

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from the construction, or the partial or total demolition of buildings, or roads or other structures, or maintenance relating thereto.

- c. **Container** – A container designated for collection of solid waste designated by County Judge for use in the system.
- d. **County Judge** – The County Judge of Ashley County, Arkansas.
- e. **Customer** – A residential unit, covered commercial unit, meaning one which has not complied with Article 3(b) and a mobile home part owner as to each individual residence located thereon.
- f. **Dumpster** – A container designed for solid waste collection from individual commercial units.
- g. **Hazardous Waste** – A type of prohibited solid waste more particularly described as waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, which because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or managed.

Such wastes include, but are not limited to, chemical wastes, herbicide wastes, pesticide wastes and those which are radioactive, toxic, corrosive, flammable, irritants, strong sensitizers, or which generate pressure through decomposition, heat or other means.
- h. **Owner** – The person owning the land on which any residential unit, as hereinafter described, is located, including individual mobile home and including any mobile home park, whether the land is owned by a person or persons different from the owner(s) of the mobile home(s) located thereon, or whether the dwelling, including mobile home(s) is also owned by the landowner.
- i. **Person** – Any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, city, town of municipal authority, trust, venture or other legal entity, however organized.

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- j. ***Permitted Solid Waste*** – All household garbage or rubbish, including paper, plastic, cardboard, tin or aluminum cans, glass and crockery, which is generated by or results from the normal activities of residential household unless the same constitutes prohibited solid waste.

- k. ***Prohibited Solid Waste*** – All solid waste which constitutes construction or maintenance waste, specially handled waste, hazardous waste, special waste and all other solid and semi-solid waste materials resulting from industrial, commercial, agricultural, or community activities.

- l. ***Quorum Court*** – The Quorum Court of Ashley County, Arkansas.

- m. ***Residential Unit*** – Each occupied individual residence, household or other dwelling, including mobile homes located on lands owned by the owner of the mobile home(s) or located on lands owned by another, including located at mobile home parks, whether a detached single family residence or a single family unit which is part of a multi-family dwelling, in Ashley County, Arkansas, and the person or persons occupying the same. Occupied, as used herein, shall mean to utilize the residence, household or dwelling as a principal and full-time residence.

- n. ***Solid Waste*** – All perishable and non-perishable refuse in solid or semi-solid form, including but not limited to, garbage, rubbish, ashes, street refuse, construction or maintenance wastes, specially handled waste, hazardous wastes, special wastes and all other solid and semi-solid waste materials resulting from industrial, commercial, agricultural, community and residential activities.

- o. ***Special Waste*** – A type of prohibited solid waste more particularly described as solid waste that, due to its special nature, requires or allows special treatment with regard to its disposal and will include, but not be limited to, solidified sludge, spent herbicide containers, condemned food products, incinerator residue, vehicle tires, and dead animals.

- p. ***Specially Handled Waste*** – A type of prohibited solid waste more particularly described as solid waste that requires special handling or special equipment for the proper disposal and will include, but not be limited to household appliances, freezers, refrigerators, coolers, vending machines, air conditioners, heaters, lawn mowers, garden implements, sofas, mattresses, bed springs, stoves, bicycles, motor vehicles, motor bikes, boats, large tables, desks, water heaters, lumber, roofing material, wire, sheetrock, and demolition waste.

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- q. **System** –The solid waste collection and disposal system established by this Ordinance consisting of a system of collection from individual residential units. This system may be referred to as the Ashley County Solid Waste System.
- 2) a. The County hereby establishes a countywide system for which permitted solid waste now being collected in the “green box” collection system will, as soon as feasible, be collected from individual residential units for transportation to a solid waste storage site or to a facility to be processed for transportation to a solid waste storage site.
- b. The fee for solid waste collection levied herein shall apply to weekly residential unit collection. The date of initiation of a collection from individual residential units shall be established by the County Judge.
- 3) a. Each Residential Unit in Ashley County, Arkansas, shall participate in the System, unless otherwise exempted by this Ordinance.
- b. Each commercial unit shall participate in a solid waste collection program that complies with all federal and Arkansas laws and with the Ordinances of this County and of any municipality within which such Commercial Unit may be located. A commercial unit may participate in the Ashley County program only upon such terms and for such fees as may hereafter be established by Ordinance.
- c. Each residential unit located within Ashley County shall participate in the system except for those located within a municipality which passes or currently has an ordinance requiring mandatory participation in a solid waste collection service within the borders of such municipality.
- 4) When initiated by the County Judge, the System shall provide for weekly service for each residential unit subject to this Ordinance.
- 5) a. Only permitted solid waste may be placed for collection at residential units. All permitted solid waste shall be placed in plastic bags designed for the containment of solid waste, and each such bag shall be fully and properly sealed to prevent the spillage of the contents thereof. Such bags may be further placed within a container (not to exceed 35 gallons) provided by the resident.
- b. It is the responsibility of a residential unit to place all permitted solid waste at a pick-up location as designated by the County Judge or his representative and within eight feet of the curb or edge of the public road at which it is to be picked up and readily accessible for collection at such place.

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- c. The residential unit shall place the permitted solid waste at the pickup location prior to the designated pick-up day and time.
 - d. The residential unit shall not place the waste for pick-up within a closed or locked fence nor in the vicinity of any dangerous animal.
 - e. No pick-up shall be required of solid waste from residential units when such solid waste is not properly bagged and placed as required in this Ordinance.
 - f. The owner of each residential unit shall promptly and completely clean up any spillage or scattered debris resulting from the placement of waste from that residential unit.
 - g. The owner of the land upon which a residential unit is located shall pay for pickup regardless of whether or not any solid waste is placed for pickup, or if there is no pickup because the waste is not bagged or is placed improperly.
 - h. The rules and procedures for the collection of and placement of solid waste shall be prescribed by the County Judge.
- 6) a. Prohibited solid waste is prohibited from being placed for pick-up by the system, unless prior authorization has been obtained from the County Judge.
- b. No prohibited solid waste shall be placed into the system, unless prior authorization has been obtained from the County Judge and a fee set by the County Judge has been paid thereof.
 - c. No person shall place solid waste at any location other than the residential unit owned or occupied by that person.
 - d. No person shall move, disturb, deface, destroy, burn, or otherwise tamper with any solid waste placed for pick-up or any container for a commercial unit.
 - e. No person shall place any solid waste beside or around any container or commercial unit container which is not owned by that person.
 - f. No person shall remove any solid waste from any container or commercial unit container which is not owned by that person, except for persons employed by the system or a contractor for the system.

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- g. No person shall get inside any container or commercial unit container which is not owned by that person, except for persons employed by the system or a contractor for the system.
 - h. No person shall search through any residential or commercial unit container which is not owned by that person or remove the contents thereof, except for persons employed by the system or a contractor for the system.
- 7) a. The fees for the collection from each residential unit for collections beginning January 1, 2006 and thereafter, shall be the sum of \$12.00 per month plus, in addition to the stated monthly rate, an amount equal to the sales tax due thereon now prescribed by Arkansas law and as prescribed from time to time hereafter by the Arkansas Department of Finance and Administration.

Fees for such collection and disposition are to be paid by the owner of the property, and it is specifically provided that as to any mobile home park at which the land is owned by a person other than the owner of the mobile home the fee shall be paid by the landowner for every mobile home located thereon. In either event the responsibility shall rest upon the landowner as stated herein unless a tenant has been properly registered as provided by Article 7(a-1).

Such fees shall be payable in advance and shall be due by the first day of the month for which service is to be rendered regardless of whether billed by that date or whatever billing cycle is utilized by the County and shall be delinquent if unpaid on the fifteenth day of such month.

- b. A service charge of ten percent (10%) is imposed on all fees provided for herein which have not been paid by the 15th day of any month for which service charges are billed as hereinabove provided.
- c. The System shall invoice the Owner of the land on which is located any residential unit as herein provided for a collection fee for services above described not less frequently than quarterly. The owner may pay such fees monthly, in advance, regardless of the billing cycle utilized for the County, provided that such monthly fees are subject to garbage service charges as provided above for any fees not timely paid.
- d. Each single family unit located at a multi-family unit shall be considered a separate Residential Unit for payment purposes.

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- e. It shall be the responsibility of the Owner, as defined herein, for each residential unit, to pay the collection service fee when and as due regardless of the use or non-use of such service.

- f. Any collection service fees and service charges which are more than 120 days delinquent on November 1st of each year shall be entered on the tax records of Ashley County, Arkansas as a delinquent collection service fee or service charge and shall be collected by Ashley County (a) from persons with only personal property taxes due, according to the procedure set forth in A.C.A. § 8-6-212 (as hereinafter amended) or (b) any such delinquent collection service fee or service charges may be collected from the owner of said real estate along with real property taxes, according to the procedure set forth in A.C.A. § 8-6-212 (as hereinafter amended).

The Collector of Ashley County, Arkansas, shall not accept payment of any property taxes, real or personal, where annual fees or service charges or delinquent periodic fees or service charges appear on the Ashley County tax records of a taxpayer unless and until all such charges and fees have been paid in full. Procedures for collection and distribution of such fees and charges shall be as provided in A.C.A. § 8-6-212.

- 8) The County Judge may, by order, adopt additional procedures and may implement policies which are necessary or incidental to the implementation of the system, however, any such procedures or policies may be amended by ordinance of the Quorum Court.

- 9) No person shall be permitted to collect or remove solid waste from residential units for a fee, unless approved by the Quorum Court.

- 10) The County may provide solid waste collection in whole or in part, directly, or by private contractor or contractors.

- 11) Prohibited solid waste may be handled only by special handling approved by the County.

- 12) a. Any person who commits a prohibited act as prescribed by this Ordinance or who fails to perform an act required by this Ordinance shall be guilty of a misdemeanor and shall be fined an amount of not less than \$100.00 and not more than \$500.00 for each violation. Each day or part of a day during which a violation is continued or repeated shall constitute a separate offense; however, in such case, the fine for the first day of the offense shall be as set forth in the preceding sentence and the fine for the second and each later day of the offense shall not exceed two hundred and fifty dollars (\$250.00).

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- b. In addition to the fine described in the preceding subsection, or in lieu thereof, the sentencing body may require such person to remove and clean up, without remuneration, the solid waste for which the person was responsible.
- c. Any person found guilty of any provisions of this Ordinance may, in addition to the preceding penalties or in lieu thereof, be required to assist, without remuneration, the County in the cleanup of litter in the County.

13) SEVERABILITY CLAUSE. If any provisions of this Ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

14) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being essential to the health, welfare, economic growth and development of the citizens of Ashley County, Arkansas, shall be in full force and effect from and after the date of its passage.

(Ord.1996-008, passed 8-13-96; Am. [Ord. 1999-006](#), passed 12-14-99; Am. [Ord. 2004-003](#), passed 3-9-04; Am. [Ord. 2004-008](#), passed 6-8-04; Am. [Ord. 2005-009](#), passed 11-29-05; Am. [Ord. 2005-013](#), passed 12-13-05)

§ 1100.01 TIPPING OR DUMPING FEES FOR THE LANDFILL; PENALTIES.

- 1) It is determined that it is necessary for tipping or dumping fees for utilization of the Ashley County Landfill to be and they are hereby increased effective beginning January 1, 2005 at 6:00 a.m. and thereafter, as hereafter provided.
- 2) Tipping or dumping fees on a per scale basis will be as follows:
 - a. FROM OUTSIDE ASHLEY COUNTY. For garbage or solid waste products delivered from outside Ashley County, Arkansas, the tipping or dumping fees are established at \$35.50 per ton, plus tax, and prorated for fractional tons;
 - b. FROM ASHLEY COUNTY. For garbage or solid waste products delivered from sources inside Ashley County, Arkansas, the tipping or dumping fees are established at \$25.50 per ton, plus tax, and prorated for fractional tons.
 - c. PERSONAL DELIVERIES. For personal deliveries of garbage or solid waste products from sources inside Ashley County, Arkansas, if the producer and deliverer is a

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customer of the Ashley County rural garbage system, such personal deliveries are exempt from additional tipping or dumping fees. For all other persons, within Ashley County rural garbage system, personal deliveries to the Ashley County Landfill will be at a charge of \$5.00, plus tax, for weights up through 499 pounds, and will be prorated at \$25.50 per ton, plus tax, for all amounts of garbage or solid waste products in excess of 499 pounds.

- d. **PENALTIES FOR PAYMENT DELINQUENCY.** For any amounts for which credit is extended to the customer by Ashley County Landfill or Ashley County, Arkansas, owed for tipping or dumping fees, payment is due to be paid upon forwarding of statement by regular US mail to the last known address of the customer or by personal delivery of billing from Ashley County, Arkansas; any account so billed which is unpaid thirty days after the date of posting by regular US mail to the last address of the user or customer, or by personal delivery, shall bear a penalty of 10% of the unpaid balance due at the time of such billing or at the time of delinquency, whichever is greater.
- 3) It is the intention of the Quorum Court of Ashley County, Arkansas, in operating the Ashley County Landfill, to try to keep pace with inflation, including cost of diesel and motor fuels, cost of construction, cost of maintenance of the cell at the Landfill in compliance with ecological standards of the State of Arkansas and the United States of America, and the Quorum Court of Ashley County, Arkansas has therefore determined that the increases in fees herein set forth are required to meet and effect those purposes.
- 4) **EMERGENCY CLAUSE.** An emergency is hereby declared to exist and this Ordinance, being necessary for the immediate preservation of the public health and welfare, shall be in full force and effect from and after its passage and approval.
[\(Ord. 2004-017](#), passed 11-30-04)

Article II. RECYCLING

A.C.A. § 8-6-720. Recycling centers.

- (a) (1) Beginning July 1, 1992, each regional solid waste management board shall ensure that its residents have an opportunity to recycle. "Opportunity to recycle" means availability of curbside pickup or collection centers for recyclable materials at sites that are convenient for persons to use.
- (2) Beginning July 1, 1993, at least one (1) recyclable materials collection center shall be available in each county of a district unless the Arkansas Pollution Control and Ecology Commission grants the district an exemption. An exemption may be granted if a county is adequately served by a recyclable materials collection center in another county.
- (3) Boards shall assess the operation of existing and proposed recycling centers and materials recovery facilities to determine the adequacy of these facilities for the collection and recovery of recyclable materials. Boards shall give due consideration to existing recycling facilities in ensuring the opportunity to recycle and are encouraged to use, to the extent practicable, persons engaged in the business of recycling on March 26, 1991, whether or not the persons were operating for profit.

Section

Reserved.

Article III. UTILITY SERVICES

Section

1130.00 Notice requirement prior to installation of any system on County roadway.

§ 1130.00 NOTICE REQUIREMENT PRIOR TO INSTALLATION OF ANY SYSTEM ON COUNTY ROADWAY.

- 1) From the effective date of this Ordinance and thereafter, no person, firm, entity or corporation (hereafter “installer”) may install any pipeline, cable, communications circuitry, any form of utility transmission facility or other device (hereafter “utility”) by which any form of utility or service is provided or conveyed, unless such installer shall have given a minimum of 72 hours advance notice of intention to make such installation, giving the location to be affected, to the office of the Ashley County Judge and Hamburg, Arkansas.
- 2) Failure to give such notice, followed by installation in any County maintained roads or road of a utility shall be a continuing trespass and Ashley County specifically disclaims responsibility for any monetary or other damages that may subsequently occur to the utility during the course of its maintenance or reconstruction of a road, culvert, bridge or other county road facility.
- 3) Failure of the “installer” to give the required notice followed by installation of a utility shall relieve Ashley County of any duty to notify “installer” of county maintenance or reconstruction of such road, culvert, bridge, or other county facility for the reason that the County will not be on notice of the existence or location of such “utility”.
- 4) It is further provided that any “installer” who locates or establishes a “utility” without compliance with the notice provisions of paragraph 1 above shall be guilty of a violation of this Ordinance, which violation is defined as having the same characteristics of a Class “B” Misdemeanor, per A.C.A. § 5-1-107 (b)(2), and upon conviction for such violation may be fined up to \$100.00 for such offense.
- 5) SEVERABILITY CLAUSE. The provisions of this Ordinance are severable and if for any reason a provision of the Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall continue in full force and effect.
- 6) EMERGENCY CLAUSE. An emergency is declared to exist and this Ordinance shall be in full force and effect immediately upon its adoption.
([Ord. 1997-004](#), passed 6-10-97)

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Article IV. SANITARY, STORMSEWERS

Section

Reserved.

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Article V. SEWAGE TREATMENT SERVICES

A.C.A. §§ 14-238-106. Rural waterworks facilities board.

- (a) Any county is authorized to create one (1) or more rural waterworks facilities boards and to empower each board to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of, waterworks facilities and wastewater facilities or any interest in such facilities, including, without limitation, leasehold interests in and mortgages on such facilities.

- (b) Boards created under this subchapter are not administrative boards under the County Government Code, §14-14-101, et seq.

- (c) Any public facilities board created under the Public Facilities Boards Act, § 14-137-101, et seq., or its predecessor, for the purpose of operating a waterworks facility and/or a wastewater facility, and which is in existence on July 28, 1995, may petition the quorum court which created the board to grant the board all the powers conveyed by this chapter, and if the quorum court adopts an ordinance to that effect, the powers and authority granted under this chapter shall be applicable to that public facilities board, and it shall thereafter be governed exclusively by the provisions of this chapter and none other.

Section

Reserved.

Article VI. WATER SUPPLY AND DISTRIBUTION SERVICES

Section

Reserved.