

**JOHNSON COUNTY CODE OF ORDINANCES
Ch. 11 - Public Works**

Chapter 11: PUBLIC WORKS

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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 Requirement for all vehicles hauling waste to be appropriately covered or enclosed.

1100.01 Regulation of hazardous and noxious disposal activities, designated truck routes; penalties.

110.02 Fees charged for County landfill.

§ 1100.00 REQUIREMENT FOR ALL VEHICLES HAULING WASTE TO BE APPROPRIATELY COVERED OR ENCLOSED.

- 1) All motor vehicles hauling garbage, trash, or other waste to the Johnson County Landfill shall be appropriately covered or enclosed so as to prevent any portion of the vehicle's contents from leaking, blowing, dropping, falling off, or otherwise departing from the vehicle; provided any motor vehicle, the contents of which is predominantly metallic materials or brush and limbs, shall not be required to be covered or enclosed in the event that the cargo is loaded and secured in such a manner as to prevent any portion of the cargo from falling or dropping from the vehicle. Any vehicle transporting garbage, trash,

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or other waste and not appropriately covered or enclosed shall be allowed access to the landfill only by paying two times the normal landfill fee for the disposal of the contents of the vehicle. On any free access day for users of the landfill, any vehicle not covered or enclosed as provided herein may be unloaded only after payment of the normal landfill fee for disposal of the contents of the vehicle.

- 2) EFFECTIVE DATE. It is hereby determined that an emergency exists with reference to the effective control of litter and other debris along the public rights-of-way so that this Ordinance, being necessary for the health, safety, and welfare of the inhabitants of the County, shall become effective thirty (30) days after adoption by the Quorum Court of Johnson County.

(Ord. 1993-579, passed 06-03-1993)

§ 1100.01 REGULATION OF HAZARDOUS AND NOXIOUS DISPOSAL ACTIVITIES, DESIGNATED TRUCK ROUTES; PENALTIES.

- 1) The purpose of this Ordinance is to preserve order and secure freedom for the citizens from dangerous and noxious activities; and to provide for an assessment of a fee for the performance of dangerous and noxious activities by disposal haulers transporting dangerous waste into and for disposal in Johnson County, Arkansas. To provide for the enforcement of designated truck routes or disposal hauler routes. To assess a fee to be collected by the disposal facility operator and submitted to the County.
- 2) SCOPE. This Ordinance shall be liberally construed to protect the public from noxious and dangerous activities conducted by disposal haulers transporting dangerous waste into and for disposal in Johnson County, Arkansas.
- 3) DEFINITIONS.
 - a) "**DISPOSAL HAULER**" means the driver, owner, or operator of a motor vehicle engaged in hauling materials or production fluids related to oil or gas exploration into Johnson County to a disposal facility.
 - b) "**DISPOSAL FACILITY**" means a surface or injection well disposal facility designated for the disposal of materials and production fluids related to oil or gas exploration located in Johnson County, Arkansas.
 - c) "**DISPOSAL OPERATOR**" means the owner, manager, or operator of a disposal facility located in Johnson County, Arkansas.
- 4) PROVISIONS UPON DISPOSAL OPERATORS. There is hereby imposed a five dollar (\$5.00) per load fee upon each load for the transport and disposal of materials and production fluids related to oil or gas exploration into Johnson County to a disposal facility in

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Johnson County. The five dollars (\$5.00) transport and disposal fee shall be collected by the disposal operator and remitted to the County Treasurer on a monthly basis. All revenue generated by this assessment shall be deposited in the County General Fund.

- 5) PROVISIONS UPON DISPOSAL HAULERS. A “**DISPOSAL HAULER**”, i.e., the driver, owner, or operator of a motor vehicle engaged in hauling materials or production fluids related to oil or gas exploration into Johnson County to a disposal facility, shall, in the performance of this dangerous and noxious activity, be designated at all times to use any “designated local road truck route” for a local public road established by the County Judge as the route to be used by disposal haulers to transport materials and production fluids related to oil or gas exploration to and from a disposal facility. Otherwise, disposal haulers shall use any truck route or disposal hauler route designated by the Arkansas State Highway and Transportation Department for transport over State, U.S., or interstate highways in Johnson County, Arkansas.
- 6) PENALTIES.
 - a) Failure of a disposal facility operator to collect the per load fee of five dollars (\$5.00) assessed upon each load transported into Johnson County to a disposal facility in Johnson County shall constitute a misdemeanor to be assessed a fine of one thousand dollars (\$1,000.00) for each violation and failure to collect and submit the five-dollar fee (\$5.00) for a load. Any further violations during the same calendar month for failure to collect and submit a five-dollar (\$5.00) fee not collected and submitted the same calendar month.
 - b) Use by a disposal hauler of a local public road not designated by the County Judge as the route to be used by disposal haulers to transport materials and production fluids related to oil or gas exploration to and from a disposal facility, if any, shall constitute a misdemeanor and shall be assessed a fine of one thousand dollars (\$1,000.00) per violation. Use by a disposal hauler of a State, U.S., or interstate highway, not designated by the Arkansas State Highway and Transportation Department as a designated truck route or disposal hauler route, if any, to transport materials and production fluids related to oil or gas exploration to and from a disposal facility shall constitute a misdemeanor and shall be assessed a fine of one thousand dollars (\$1,000.00) per violation. All fines assessed under this Ordinance shall be delivered unto the County Treasurer and deposited into the County General Fund.
- 7) REPEALER. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such a conflict.

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- 8) Johnson County does not intend or desire to discriminate against interstate commerce, and regardless of any other language in this Ordinance, the five-dollar (\$5.00) fee(s) imposed by this Ordinance will be assessed on a per load basis for all waste disposal in Johnson County, regardless of the origin of the waste.
- 9) The provisions of this Ordinance shall be cumulative to all other laws, Ordinances, and regulations heretofore enacted, or which may be hereafter enacted covering any subject in this Ordinance.
- 10) **SEVERABILITY CLAUSE.** It is hereby declared the intention of the Johnson County Quorum Court that the provisions of this Ordinance shall be severable in accordance with the following:

If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such a judgment shall not affect any of the provisions of this Ordinance not specifically adjudicated by the judgment to be invalid; if any court of competent jurisdiction shall adjudge the application of any provision of this Ordinance to be invalid to a particular structure, site, facility, or operation, such judgment shall not affect the application of said provision to any other structure, site, facility, or operation not specifically adjudicated and specifically included in the judgment.

- 11) **REPEALER.** All Ordinances and parts thereof in conflict with this amendment to Ordinance 10-1347 are hereby repealed to the extent of such conflict. The original provisions of Ordinance 10-1347 not amended hereby are ratified and affirmed and are to remain in full force and effect.
- 12) **EMERGENCY CLAUSE.** It has been found that effectiveness of this Ordinance is necessary for the immediate enforcement of the above mentioned purposes and, therefore, an emergency is declared to exist and this Ordinance, being necessary for the preservation of the public peace, health, and safety, shall be in full force upon its passage and approval.
(Ord. 2010-1347, passed 05-13-2010; Am. Ord. 2010-1355, passed 09-09-2010)

§ 1100.02 FEES CHARGED FOR COUNTY LANDFILL

- 1) The following fees and rates are hereby adopted and shall be collected from persons, firms and corporations who use the Johnson County Landfill.

Loose/Uncompacted Rates:

- i. 1-4 Cubic Yards \$ 4.00 FLAT FEE - Cars & Pickups
- ii. 5-40 Cubic Yards \$ 2.00 per Cubic Yard
 \$ 5.00 Per Full Pickups

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- b. Compacted Rates
 - i. 10–40 Cubic Yards \$ 3.00 per Cubic Yard

An attendant shall be present at all times to collect the hereinabove fees and unless such fees are paid, the vehicles will be denied the privilege of dumping at the Johnson County Landfill.

- 2) In addition to the hereinabove set out fees and charges, the following special fees are hereby adopted:
 - a. For putrescible items and large items requiring special care:
 - b. Cow-----\$ 25.00
 - c. Horse----- \$ 25.00
 - d. Small Animals-----\$ 10.00
 - e. Appliances-----\$ 2.50
 - f. Tires-----\$.50
- 3) EMERGENCY CLAUSE. It has been determined that this Ordinance is necessary and vital to the health, common welfare, and safety of the public; therefore, an emergency is hereby declared to exist and this Ordinance is to be effective immediately.
(Ord. 1986-342, passed 06-11-1968; Am. Ord. 1989-405, passed 09-13-1989; Am. Ord. 1994-606, passed 01-13-1994)

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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.

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Article III. UTILITY SERVICES

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Article IV. SANITARY, STORM SEWERS

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.

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Article VI. WATER SUPPLY AND DISTRIBUTION SERVICES

Section

Reserved.