

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.

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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.

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Section

1100.00 Prohibiting hazardous and other solid waste disposal facilities.

§ 1100.00 PROHIBITING HAZARDOUS AND OTHER SOLID WASTE DISPOSAL FACILITIES.

- 1) No hazardous or other solid waste disposal facility as defined by Arkansas law shall be located within five (5) miles of the main water sources within Madison County, specifically including but not necessarily limited to, Lake Hindsville, White River, Kings River, War Eagle Creek, Richland Creek, Lollars Creek, Ball Creek, Clifty Creek, Lynch Creek, Pine Creek, Drakes Creek, Henderson Creek, Crosses Creek, Holman Creek, Kecks Creek, Glade Creek, Maxwell Creek, Wharton Creek, Reeds Creek, Delaney Creek, Dry Creek, Berry Branch, Town Branch, Clear Creek, Felkins Creek, Guesse Creek, and other main water sources so designated by the Quorum Court.
- 2) In addition to the assessment of any civil penalties herein, the Madison County Attorney, upon approval by the Quorum Court and County Judge, is hereby authorized to institute a civil action in any court of competent jurisdiction to restrain any violation of, and to

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compel compliance with, provisions of this Ordinance and of any rules, regulations, orders or permits issued pursuant to it:

- a) To require the taking of such remedial measures as may be necessary or appropriate to implement or effectuate the provisions and purposes of this Ordinance;
 - b) To recover any expenses reasonably incurred in the removing, correcting, or terminating any adverse effect resulting from a violation, including the cost of investigation, inspection, or survey establishing the violation or unlawful act;
 - c) To recover payment for any other expense or actual damages resulting therefrom;
and
 - d) To recover civil penalties assessed pursuant to this section.
- 3) EMERGENCY CLAUSE. An emergency is declared to exist and this Ordinance, being immediately necessary to meet a public emergency affecting the life, health, safety, and property of the people in Madison County, Arkansas, shall be effective immediately upon passage by the Quorum Court and approval of the County Judge.
([Ord. 1989-005](#), passed 10-16-89)

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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

Section.

1120.00 Receiving utilities; 9-1-1 address required.

§ 1120.00 RECEIVING UTILITIES; 9-1-1 ADDRESS REQUIRED.

- 1) MADISON COUNTY QUORUM COURT REQUIRING ALL PERSONS TO HAVE A 9-1-1 ADDRESS. All persons, prior to obtaining utilities in Madison County, shall obtain a current 9-1-1 address and provide the address to each utility company from which he or she is requiring service. Also, all utility companies doing business in Madison County shall provide the 9-1-1 address to the Madison County 9-1-1 Emergency Coordinator.
- 2) DEFINITION. *PERSON* is defined as any individual, partnership, corporation, or legal entity, who desires to obtain the use of utilities.
([Ord. 2001-007](#), passed 12-03-01)

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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.

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