

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

**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 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(a). Creation of districts and boards – Members of 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 regional solid waste management district shall be governed by a regional solid waste management board.

. . . .

**A.C.A. § 19-5-1019(a). County Solid Waste Management System Aid Fund --- Definitions.**

(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            Regulating storage, collection, transportation and disposal of solid waste; penalty.

**§ 1100.00    REGULATING STORAGE, COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE; PENALTY.**

1)    APPLICATION OF ORDINANCE. This Ordinance shall be known as the Faulkner County Solid Waste Management Ordinance of 1985, and shall regulate the storage, collection, transportation and disposal of all solid waste generated by residences and businesses within Faulkner County, Arkansas, and shall provide for the development of a comprehensive solid waste management plan and program which will recognize the need for proper solid waste management in the county and the need to conserve energy and to operate the system as efficiently and cost effectively as possible.

2)    DEFINITIONS. For the purposes of this Ordinance, the following words and phrases shall have the meaning defined by this section.

    a.    **County:** The County of Faulkner, Arkansas (excludes incorporated areas).

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- b. ***Solid Waste:*** All perishable and non-perishable refuse in solid or semi-solid form, including but not limited to, garbage, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, chemical wastes, herbicide and pesticide wastes, and all other solid and semi-solid waste material resulting from industrial, commercial, agricultural, community and residential activities.
  - c. ***Disposal Site:*** Any place at which solid waste is dumped, abandoned, disposed of or accepted for final disposition by incineration, land-filling, composting, or any other method.
  - d. ***Solid Waste Management System:*** The entire process of storage, collection, transportation, processing and disposal of solid waste.
  - e. ***Establishment:*** Any commercial or industrial plant or office where any activity occurs which typically generates solid waste.
  - f. ***Residence:*** Any place of domicile for human inhabitants, except hotels, motels, and apartment complexes.
  - g. ***Apartment Complex:*** An establishment providing more than four units of housing.
  - h. ***Person:*** Any individual; corporation; company; firm partnership; association; trust; state agency; government instrumentality of agency, institution, county, city, town or municipal authority or trust venture of other legal entity, however organized.
  - i. ***Private Hauler:*** Any person engaged in the collection or transportation of solid waste for financial consideration, fee, or profit.
- 3) FINDINGS.
- a. It is found that substantial private free enterprise solid waste collection and transportation services are provided within and throughout the county. In support of the free enterprise concept, the County will coordinate and initiate agreements with private haulers, by issuing a license to said hauler, to provide for the availability of adequate collection and transportation services throughout the county.

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- b. It is found that a properly operated, solid waste disposal facility which is permitted by the Arkansas Department of Pollution Control and Ecology is located in the County, and said disposal facility is capable of properly disposing of all waste generated within the county.
  - c. It is found that the fee structures at the aforementioned facility are fair and reasonable for the service rendered and may be used to defray the cost incurred.
  - d. It is found that under paragraph (c), Section 10 of Act 237 of 1971, individuals have the right to dispose of solid waste resulting from their own household activities on their land providing such disposal does not create a public or private nuisance or hazard to health, and does not involve the open dumping of garbage.
  - e. It is found that by executing agreements providing available solid waste collection and transportation service to all persons in the county, licensing of private haulers and regulating their activities, executing agreements providing for the proper disposal of all waste in the county, and providing for the enforcement and penalties for violation of this Ordinance, the County will be substantially in compliance with its responsibilities set forth in Section 6 of Act 237 of 1971.
- 4) COORDINATION OF COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE GENERATED OR EXISTING WITHIN THE BOUNDARIES OF THE COUNTY AND OUTSIDE THE CORPORATE LIMITS OF ALL MUNICIPALITIES IN THE COUNTY.
- a. Private Haulers. All private haulers collecting or transporting waste within the county will obtain a license from the county. Licensing shall include but not be limited to the following:
    - i. Three hundred-dollar (\$300.00) fee a year.
    - ii. All equipment being used to collect solid waste must be listed by motor number and comply with State and local laws including a valid inspection and motor vehicle license.
    - iii. Each private hauler will maintain general liability on each vehicle that they operate in limits of \$30,000 to \$60,000. Prior to obtaining any license from the County Judge the private hauler must provide proof of insurance certified by the agent with the limits of liability and the duration of the policy on the County Judge.

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- iv. Other pertinent information deemed necessary by the County Judge, such as amount of fees licensee currently charges individuals. License must be obtained from the County Judge between January first and fifteenth each year. Further, any private hauler, as defined in Section Four (4), Part A, operating without a license shall cease and desist immediately upon notification by certified mail or by the Sheriff's Department. Any further violation shall be punishable according to Section Five (5) of this Ordinance. Any private hauler found in violation with any portion of Section Four (4) may be charged according to Section Five (5). Fees or service charges for collection or transportation of solid waste in the county must have the approval of the Quorum Court. Due to differences in cost of operation, it is not necessary that fees be uniform from one area of the county to another. Before a change is made in fee or service charges by a private hauler, he shall request, in writing, the changes setting forth the reasons for the requested change for consideration by the Quorum Court. Licenses of private haulers shall be revoked by reasons of the Faulkner County Quorum Court.
  - 1. Failure to cooperate with the county to provide availability of service to all areas of the County;
  - 2. Disposal of solid waste at a disposal facility other than a disposal facility designated by the Quorum Court and permitted by the Arkansas Department of Pollution Control and Ecology;
  - 3. Violation of State law or local ordinance; and
  - 4. Failure to provide agreed upon services to persons subscribing to solid waste collection service, so long as they pay for said service.
  - 5. Failure to comply with any provisions or any portions of this Ordinance.
- v. Private haulers will not haul any item declared to be hazardous waste by any State or Federal agency nor will they allow it to be dumped if within their authority.
- b. Disposal. The County provides for the proper disposal of solid waste generated in the county by agreement with any person designated by the Quorum Court who operates a permitted, property operated disposal facility. An agreement entered

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into by the County and said person shall entitle private haulers servicing the County, any all other persons, to deliver solid waste to the permitted facility for disposal on a fee service charge or free basis, depending on the details of the agreement; any fee charged for dumping will be paid by the hauler or the individual doing the dumping and not by this County. Waste generated in the County shall be disposed of at a disposal facility designated by the Quorum Court, or as provided for in paragraph 4 of section 3. Mailing labels or other identification found in waste disposed of in any location other than provided for herein shall constitute prima facie evidence of violation of this Ordinance. Upon notification, by certified mail return receipt requested (three unsuccessful attempts to deliver said certified mail shall constitute notification), persons in violation of this Ordinance will have ten (10) days to remove described waste and present proof of proper disposal and proof that they are subscribing to solid waste collection service. Charges may be filed after ten (10) days. For purposes of this Ordinance, assignment of enforcement responsibility includes, but is not limited to, the County Sanitarian the Faulkner County Road Foreman, and the Faulkner County Sheriff, the principal enforcement agent.

- 5) **PENALTIES.** Any persons convicted of a violation of this Ordinance shall be subject to a fine of not more than \$1,000.00 or imprisonment in county jail for not more than sixty (60) days or by both such fine and imprisonment. Each day or part of a day during which violation is continued or repeated shall constitute a separate offense.  
([Ord. 1985-009](#), passed 06-18-1985; Am. [Ord. 1986-005](#), passed 05-21-1986)

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**Article II.    RECYCLING**

**A.C.A. § 8-6-720. Opportunity to recycle – Recyclable materials collection centers – Definition.**

- (a) (1) Each regional solid waste management board shall ensure that its residents have an opportunity to recycle.
- (2) At least one (1) recyclable materials collection center shall be available in each county of a regional solid waste management 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 the existing and proposed recycling centers and materials recovery 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.
- (4) As used in this subsection, “opportunity to recycle” means availability of curbside pickup or collection centers for recyclable materials at sites that are convenient for persons to use.

**Section**

Reserved.



**Article III. UTILITY SERVICES**

**Section.**

1120.00            System for utility requirements and plat mapping requirements involving 9-1-1 property addressing.

**§ 1120.00    SYSTEM FOR UTILITY REQUIREMENTS AND PLAT MAPPING REQUIREMENTS INVOLVING 9-1-1 PROPERTY ADDRESSING.**

- 1) Utility Requirements: No person, firm, corporation, partnership, or other entity shall authorize any public utility company to supply any services to any new or existing residence or business in the unincorporated areas of Faulkner County unless the resident or business owner first provides a copy of the written verification from the Faulkner County OEM/911 Office that an address has been assigned.
- 2) No public utility company shall supply any services to any new or existing residence or business in the unincorporated areas of Faulkner County unless the resident or business owner first provides a copy of the written verification from the Faulkner County OEM/911 Office that an address has been assigned.
- 3) Pursuant to Arkansas Code Annotated § 14-14-906, any person, firm, partnership, or other entity violating this Ordinance shall be guilty of a violation punishable by a fine up to one hundred dollars (\$100.00). Each day while such violation exists shall constitute a separate punishable offense.
- 4) Plat: The Faulkner County Circuit Clerk will not accept any plat map from a person, firm, corporation, partnership, or other entity until the Faulkner County 9-1-1 Office has approved the addresses and/or street name.
- 5) SEVERABILITY CLAUSE. In the event any portion of this Ordinance is declared or adjudged invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this Ordinance and the remaining portions of the Ordinance shall be executed fully and faithfully.
- 6) REPEALER. All ordinances in conflict herewith are repealed to the extent of the conflict.
- 7) EMERGENCY CLAUSE. It is hereby found and determined that the unincorporated areas of Faulkner County currently have no uniform system for utility requirements or plat maps.

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It is hereby recognized that this system would assist emergency services in locating roads and addresses. Therefore, an emergency is declared to exist, and this Ordinance being necessary for preservation and protection of the public health, safety, and welfare of Faulkner County.

([Ord. 2012-019](#), passed 08-21-2012; Am. [Ord. 2012-023](#), passed 09-18-2012)

**§ 1120.01    REGULATIONS FOR SITING, PLACEMENT AND ERECTION OF  
WIRELESS COMMUNICATION FACILITIES.**

1) PURPOSE AND GOALS.

- a. Purpose. The purpose of this Ordinance is to establish general guidelines for the siting, erection and placement of WCF, and to provide for a penalty for the violation of these guidelines.
- b. Goals. The goals of this Ordinance are to:
  - i. Provide a range of locations for the siting, erection and placement of the WCF within Faulkner County consistent with public health, safety and welfare and reasonable aesthetic considerations.
  - ii. Encourage the location of WCF on existing structures, including utility poles, signs, water towers, buildings and other WCF where feasible.
  - iii. Encourage Collocation and Site Sharing of new and existing WCF; and
  - iv. Protect the residents of Faulkner County from the uncontrolled development of WCF by requiring reasonable siting conditions.

2) DEFINITIONS.

- a. ***Antenna Array*** means one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (dish). The Antenna Array does not include the support structure defined below.
- b. ***Attached Wireless Communications Facility (Attached WCF)*** means Antenna Array attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water towers, with any accompanying pole or device that attached the Antenna Array to the existing building or structure and associated connection cables.
- c. ***Collocation or Site Sharing*** means use of common WCF or common site by two or more wireless license holders or by one wireless license holder for more than

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one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.

- d. ***County Judge*** means the duly elected Judge of the County Court of Faulkner County, Arkansas.
- e. ***Equipment Facility*** means any structure used to contain ancillary equipment for a WCF that includes cabinets, shelters, a build-out of an existing structure pedestals, and other similar structures.
- f. ***Height*** when referring to a WCF, means the distance measured from ground level to highest point on the WCF, including the Antenna Array.
- g. ***Setback*** means the required distance from the foundation of the WCF land-based elements to the property lines of the parcel on which the WCF is located.
- h. ***Stealth Technology*** means systems, components and materials used in the construction of WCF which are designed to mask or conceal the WCF to make it less intrusive with respect to the surrounding property.
- i. ***Support Structure*** means a structure designed and constructed specifically to support an Antenna Array, and may include a monopole tower, a self-supporting (lattice), a guy-wire supported tower or similar structures. Any device used to fasten an Attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to Support Structures.
- j. ***Wireless Communications*** means any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC licenses Commercial Wireless Telecommunications services including: cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.
- k. ***Wireless Communications Facilities (WCF)***, transmission tower/station, means any unstaffed facility for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

3) **APPLICABILITY.**

- a. **New Construction.** No person, firm or corporation shall install or construct any WCF from and after the passage of the Ordinance unless in the installation and construction and the WCF comply with the requirement of this Ordinance.

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- b. Pre-Existing WCF. WCF installed and constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance. WCF that replace an established, legal WCF will be subject to this Ordinance, except that setback non-conformities will be grandfathered in without the need for variance.

4) DEVELOPMENT STANDARDS.

- a. Height Standards. The following height standards shall apply to all WCF installations:
  - i. *Attached WCF.* Attached WCF shall not add more than twenty (20) feet in height to the existing building or structure to which it is attached. (Attachment Structure).
  - ii. *WCF with Support Structures.* WCF with Support Structures shall be limited to three hundred and twenty-five (325) feet maximum, as measured from the average undisturbed soil area to the highest tower projection unless otherwise approved by the County Judge of Faulkner County.
- b. Setback Standards. The following setback standards shall apply to all WCF installations.
  - i. *Attached WCF.* Antenna Arrays for Attached WCF are exempt from the setback provisions. An attached WCF Antenna Array may extend up to thirty (30) inches horizontally beyond the edge of the Attachment Structure so long as the Antenna Array does not encroach upon the adjoining parcel.
  - ii. *WCF with Support Structures.* WCF with support structures shall be setback a distance at least equal to the tower's height from the property line or any occupiable structure. If the applicant provides a letter or design drawings stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure, the setbacks may be reduced by a variance granted under Section 5 of this Ordinance.
- c. Land Form Preservation. Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed or removed.

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- d. Aesthetics, Placement, Materials and Colors. WCF shall be designed so as to be compatible with the existing structures and surroundings to a feasible extent, including placement in a location which is consistent with proper functioning of the WCF, the use of compatible or neutral colors, or stealth technology.
- e. Lighting and Signage. The following lighting and signage requirements shall apply to all WCF facility installations:
  - i. *Artificial Illumination.* WCF shall not be artificially illuminated, directly or indirectly, except for:
    - 1. Security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site, and
    - 2. Such illumination of the WCF as may be required by the Federal Aviation Administration (FAA) or other applicable authority installed in a manner to minimize impacts on adjacent residences.
  - ii. *Signage.* WCF shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state or federal regulations governing WCF.
- f. Security Fencing. WCF with Support Structure shall be enclosed by an opaque security fence not less than six (6) feet in height. Nothing herein shall prevent security fencing which is necessary to meet requirements of State or Federal agencies.
- g. Structural Integrity. WCF with Support Structures shall be constructed to the Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures” (or equivalent), as it may be updated or amended. Each Support Structure shall be capable of supporting at least three antenna arrays.

5) VARIANCES.

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- a. Plans for construction of cell towers that do not meet the requirements of this Ordinance will be submitted to the County Judge along with documentation and/or plans that justify the request for variance.
- b. If the County Judge is satisfied with any one of the following, then the County Judge may grant the applicant's request for a variance:
  - i. A letter or design drawing stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure.
  - ii. Waivers from all the proposed structure's surrounding neighbors stating their support for the variance.
  - iii. Documentation showing that the proposed structure is a replacement and exact copy of an older structure found at the same location.
- c. If none of the additional documents mentioned above, in part B, are provided, then the County Judge will convene the Cell Tower Committee who will then evaluate the variance request to determine if an amendment to this Ordinance is needed.

**6) SHARED FACILITIES AND COLLOCATION POLICY.**

- a. Collocation. All WCF shall be constructed to be capable of sharing the facility with other providers, to collocate with other existing WCF and to accommodate the future collocation of other WCF. Persons proposing to erect or construct new WCF shall demonstrate that he or she has made a reasonably good faith attempt to find a collocation site. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.

**7) REMOVAL OF ABANDONED WCF.**

- a. Any WCF that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the WCF owner shall remove the WCF within ninety (90) days after notice from the County Judge to remove the WCF. If the abandoned WCF is not removed within ninety (90) days, the County Judge may remove it and recover the costs from the WCF owner. If there are two or more users of a single WCF, this provision shall not become effective until all providers cease to use the WCF. If the owner of an abandoned WCF cannot be located or is

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no longer in business, the requirements of this Section shall be the responsibility of the landowner on whose property the WCF is located.

8) NONCONFORMING WCF.

- a. WCF in existence on the date of the adoption of this Ordinance which do not comply with the requirements of this Ordinance (nonconforming WCF) are subject to the following provisions:
  - i. *Expansion.* Nonconforming WCF may continue in use for the purpose now used but may not be expanded without complying with this Ordinance.
  - ii. *Additions.* Nonconforming WCF may add additional antennas (belonging to the same provider or other providers) subject to the provisions of this Ordinance.
  - iii. *Repairs.* Nonconforming WCF which become damaged or destroyed due to any reason or cause, may be repaired and restored to their former use, location, and physical dimensions subject to the provisions of this Ordinance.

9) NOTIFICATION. No person, firm, or corporation shall install or construct any WCF unless the person, firm, or corporation has first given the County Judge at least (30) days written notice of his, her or its intention to install or construct the WCF.

10) ENFORCEMENT. The enforcement of the provisions of this Ordinance is hereby delegated to the County Judge. In addition to the right to seek the imposition of the penalty set forth in Section 11 hereof, the County Judge is hereby expressly authorized to seek the immediate removal of all new ECF erected or constructed in violation of the provisions of this Ordinance.

11) PENALTY.

- a. The fine or penalty for violating any provisions of this Ordinance shall, upon conviction in the municipal court, not exceed Five Hundred Dollars (\$500.00) for any one specified offense or violation, or double that sum for each repetition of such offense or violation; provided, further, that if a thing prohibited or rendered unlawful is, in its nature, continuous, in respect to time, the fine or penalty for allowing the continuance thereof in violation of this Ordinance shall not exceed Two Hundred Fifty Dollars (\$250.00) for each day that it may be unlawfully continued.

12) SEVERABILITY CLAUSE.

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- a. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**13) EMERGENCY CLAUSE.**

- a. Whereas the construction of WCF, placement of attached WCF and related facilities are of concern to the citizens who are affected by such, and whereas there is increasing constructions and proliferation of WCF, attached WCF and related facilities not subject to the reasonable regulations provided herein; now, therefore, an emergency is declared to exist and this Ordinance shall be and is effective from the date of its passage.

**14) SUPERSESSION.**

- a. This Ordinance supersedes and repeals all prior ordinances of Faulkner County regulating WCF.

([Ord. 2000-013](#), passed 09-20-2000; Am. [Ord. 2000-016](#), passed 10-18-2000; Am. [Ord. 2013-026](#), passed 01-21-2014)

**§ 1120.02 PUBLIC SEWER SYSTEM; PROPERTY WITHIN 300 FEET.**

- 1) The owner, whether in fee simple or some lesser estate, of all houses, buildings, or properties situated within Faulkner County and used for human occupancy, employment, recreation, or other purposes, the property line of which is now, or may be within the future, within 300 feet of a public sanitary or combined sewer system of the County or the County's Public Facilities Board is hereby required to; at the owner(s) own expense, install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance within 30 days after the date of official notice to perform such act.
- 2) Any person found to be in violation of any provision of this Ordinance shall be served with written notice identifying specifically the nature of the violation and affording the person in violation 30 days within which to satisfactorily remedy the violation. Any person who willfully fails to satisfactorily remedy the violations shall be guilty of a misdemeanor and<sup>1</sup>.

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<sup>1</sup> The ordinance cuts off here and picks up with Section 3.



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- 3) No provider of water services shall provide water to a person in violation of this Ordinance if said agency is notified by Faulkner County.
- 4) SEVERABILITY CLAUSE. In the event any portion of this Ordinance is declared or adjudged invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect as if the portion so declared or adjudging invalid or unconstitutional was not originally a part of this Ordinance and the remaining portions of the Ordinance shall be executed fully and faithfully.
- 5) REPEALER. All ordinances in conflict herewith are repealed to the extent of the conflict.
- 6) EMERGENCY CLAUSE. An emergency is hereby declared to exist as this Ordinance is necessary for the proper and timely conduct of county operations and this Ordinance shall be in force and take effect upon passage and publication.  
([Ord. 2009-003](#), passed 02-17-2009)

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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.