

Prepared by:
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OB#1



ORDINANCE NO. 2052

AN ORDINANCE ESTABLISHING A SOLID WASTE MANAGEMENT SYSTEM FOR THE CITY OF RUSSELLVILLE, ARKANSAS, REPEALING ORDINANCE NO. 1611 AND FOR OTHER PURPOSES

CLERKS CERTIFICATE OF RECORD
STATE OF ARKANSAS - COUNTY OF POPE
I, FERN TUCKER, Circuit Clerk and Recorder of the County attested do hereby certify that this instrument was filed for record the 06/02/2009 at 11:19:24 AM, and the same is now duly recorded in Miscellaneous Book 2009-31 Page 426 - 440
Witness my hand and the seal of said court this the 06/02/2009
By: Fern Tucker, Circuit Clerk and Recorder D.C.
[Signature]

WHEREAS, Ark. Code Ann. §8-6-211 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; and

WHEREAS, the City Council of the City of Russellville, Arkansas, has determined that the residents of the City will be best served by the City awarding a contract to a solid waste management system company for the management and removal of residence solid waste in the City after completing a bidding process for the services outlined by bid specification.

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

SECTION 1: Title. This Ordinance shall be known as "The City of Russellville Solid Waste Ordinance."

SECTION 2: Definitions.

- (a) *Solid waste generating units.* The following definitions indentify the various solid waste generating units in the City of Russellville, Arkansas, for the purpose of this Ordinance.
 - (1) *Commercial Building:* Any building, or part of a building, used for any business enterprise, commercial enterprise, industrial enterprise or institutional establishment, including a building containing two (2) or more rental dwelling units. All commercial businesses and establishments, including, but not limited to, stores, offices, restaurants, warehouses, and other non-manufacturing facilities, premises, locations or entities, public or private, within the corporate limits of the City. Also called a Commercial Unit.
 - (2) *Commercial, Industrial or Institutional Enterprise:* Includes any building, structure or premises not defined as a residential building in this section.
 - (3) *Dwelling Unit:* Any room or group of rooms located within a building and forming a single habitable residence with facilities which are used or intended to be used for living, sleeping, cooking.

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- (4) *Residential Building*: An occupied structure, within the city limits of the City of Russellville, Arkansas, composed of a room or group of rooms forming a single habitable residence which includes facilities which are intended to be used for living, sleeping and cooking. A Residential Building shall be deemed occupied when water services are being supplied thereto and, in the case of new construction, when a certificate of occupancy has been issued. However, a Residential Building shall not include the component units of any structure which houses more than one single habitable residence.
- (b) *Waste Component*. The following definitions indentify the various components of the waste stream in the City of Russellville, Arkansas, for the purpose of this Ordinance.
- (1) *Animal waste*: Includes waste from stables, kennels, pet pens, chicken coops, veterinary establishments and others of a similar nature.
- (2) *Ashes*: All tangible residue from the burning of wood, coal, coke and other combustible material in dwelling units including fireplaces, incinerators and barbecue pits for the purposes of heating, cooking and disposing of combustible material, but does not include ashes from medical waste, hazardous waste or special materials waste.
- (3) *Bulk waste*: White Goods, furniture, and other oversized wastes which are customary to ordinary housekeeping operations of a Residential Building and whose large size precludes or complicates its handling by normal solid waste collection, processing or disposal methods. Bulk waste includes, but is not limited to, like items with weight or volumes greater than allowed in approved containers. Also called Bulky waste.
- (4) *Combustible waste*: Consists of miscellaneous burnable materials and is the organic component of solid waste.
- (5) *Commercial Solid Waste*: All types of Solid Waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding Residential Waste and Industrial Waste. For the purposes of this Ordinance, commercial solid waste shall also include solid waste generated from a building containing two (2) or more rental dwelling units.
- (6) *Construction waste*: All Solid Waste building materials resulting from construction, remodeling, repair, or demolition operations

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that are directly or indirectly the by-products of construction work or that result from demolition of buildings or other structures, but specifically excluding inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar materials.

- (7) *Contained solid waste:* All garbage and yard waste generated by a household that is placed in the prescribed container for collection.
- (8) *Dead Animals:* Animals or portions thereof that have expired from any cause except those slaughtered or killed for human use.
- (9) *Demolition waste:* Solid waste material resulting from the demolition or razing of buildings, and other man-made structures, excluding friable asbestos materials or other materials excluded by federal or state environmental laws and regulations.
- (10) *Disposal Site:* A duly permitted, sanitary, and licensed class 1 landfill selected by Contractor.
- (11) *Friable asbestos material:* Any material containing more than one (1) percent asbestos by content that hand pressure can crumble, pulverize or reduce to powder when dry, or has the potential to become friable when broken, crushed, sanded, sawed or cut.
- (12) *Garbage:* Solid Waste consisting of putrescible or animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other food products, and all Dead Animals of less than ten pounds (10 lbs.) in weight, except those slaughtered for human consumption.
- (13) *Hazardous waste:* Any chemical, compound, mixture, substance, product or other material which is hazardous waste pursuant to the Arkansas Hazardous Waste Management Act of 1979, as amended and Arkansas Department of Pollution Control and Ecology ("ADEQ") Regulation 23, Sections 260.10 and 261.3, as may be amended or listed as a hazardous waste by the administrator of the Environmental Protection Agency under the Federal Solid Waste Disposal Act as amended by RCRA, 42 U.S.C. §6901, *et. seq.*, as amended.
- (14) *Hot load:* Any vehicle carrying solid waste observed to be smoldering, smoking, on fire, giving off toxic odor or leaking a caustic substance.

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- (15) *Household hazardous waste:* Household waste that is excluded as a hazardous waste pursuant to ADEQ Regulation 23, Section 261.4(b)(1), as may be amended.
- (16) *Household waste:* Any solid waste (garbage, trash and sanitary wastes in septic tanks) derived from households, including residential building, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas.
- (17) *Industrial solid waste:* Solid Waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.
- (18) *Infectious solid waste:* Laboratory wastes, including pathological specimens (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients and laboratory animals) and disposal fomites (any substance which may harbor or transmit pathogenic organisms) attendant thereto. Such term also means surgical operating room pathologic specimens and disposal fomites attendant thereto and similar disposal materials from outpatient areas and emergency rooms, including equipment, instruments, utensils and fomites of a disposal nature from the rooms of patients who are suspected to have, or have been diagnosed as having, a communicable disease and must, therefore, be isolated, as required by public health agencies.
- (19) *Institutional solid waste:* Any solid waste as defined in this chapter produced by schools, churches, prisons and other entities not categorized as commercial or industrial.
- (20) *Medical solid waste:* Waste generated by health care related facilities and associated with health care activities which if improperly treated, handled or disposed of may serve to transmit an infectious disease(s) as defined in Ark. Code Ann. § 20-32-101, as may be amended, not including Garbage or Rubbish generated from offices, kitchens, or other non-health-care activities. The term includes Special Waste from health care-related facilities which is comprised of animal waste, bulk blood and blood products, microbiological waste, pathological waste, and sharps as those terms are defined under applicable Arkansas statutes or rules relating to definitions.
- (21) *Obnoxious materials:* Any solid waste that, when exposed to open air, is unpleasant or offensive to the senses due to its odor or condition.

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- (22) *Putrescible solid waste*: Solid waste which contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for birds and other potential disease vectors.
- (23) *Recovered materials*: Includes, but is not limited to, metal, paper, glass, plastic, textile, yard trimmings or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste for purposes of this chapter.
- (24) *Recyclables*: A material that has been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable Material is not solid waste. However, Recyclable Material may become Solid Waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste, with respect to the party actually abandoning or disposing of such material.
- (25) *Recycling*: The systematic collection, sorting, decontaminating and returning of waste materials to commerce as commodities for use or exchange by separating or diverting an item or items from the solid waste stream for the purpose of processing it or causing it to be processed into a material product, including compost, in order to provide for the final disposition of the material product in a manner other than landfilling or incineration.
- (26) *Refuse*: Same as Rubbish.
- (27) *Residential Solid Waste*: All household solid waste originating from a dwelling unit within the City and generated by the occupant. For the purposes of this Ordinance, residential solid waste shall exclude solid waste generated from a building containing two (2) or more rental dwelling units.
- (28) *Rubbish*: Non-putrescible Solid Waste (excluding ashes), consisting of both combustible and noncombustible waste materials. Combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, or similar materials; noncombustible rubbish includes glass,

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crockery, tin cans, aluminum cans, metal furniture, and similar materials that will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).

(29) *Solid waste:* Garbage, Rubbish, Refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. The term does **not** include:

1. Solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Arkansas Department of Environmental Quality ;
2. Solid, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvement;
3. Waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or re-pressurizing plants and is hazardous waste as defined by the administrator of the EPA under the federal Solid Waste Disposal Act, as amended by RCRA, as amended (42 USC, §§6901 *et seq.*), or
4. Unacceptable Waste.
5. Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).
6. Solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under U.S.C. § 1342.

(30) *Special Waste:* Waste that requires special handling and management due to the nature of the waste, including, but not

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limited to, the following: (A) containerized waste (e.g. a drum, barrel, or portable tank), (B) waste transported in bulk tanker, (C) liquid waste, (D) sludge waste, (E) waste from an industrial process, (F) waste from a pollution control process, (G) Residue and debris from the cleanup of a spill or release of chemical, or (H) any other waste defined by Arkansas law, rule or regulation as "Special Waste".

- (31) *Sludge*: Any solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.
- (32) *Stable Matter*: All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry, or livestock.
- (33) *Tires*: An item that in its primary form is, or was, a continuous solid or pneumatic rubber covering which is used for encircling the wheel of any vehicle.
- (34) *Unacceptable Waste*: Any waste, the acceptance and handling of which by Contractor would cause a violation of any permit, condition, legal or regulatory requirement, substantial damage to Contractor's equipment or facilities, or present a danger to the health or safety of the public or Contractor's employees, including, but not limited to, Hazardous Waste, Special Waste (except as otherwise provided herein), untreated Medical Waste, Dead Animals weighing ten pounds (10 lbs.) or greater, solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit, soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements.
- (35) *Uncontained solid waste*: Yard waste and bulk waste too large for placement in prescribed containers for collection.
- (36) *Vehicle parts*: Includes automobile body panels, chassis, engines, transmissions or any other large components of vehicles.
- (37) *Waste*: All Residential Waste to be collected by Contractor pursuant to this Ordinance. The term "Waste" specifically excludes Unacceptable Waste.

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- (38) *White Goods*: Refrigerators which have CFCs/Freon removed by a certified technician, stoves and ranges, water heaters, freezers, swing sets, bicycles (without tires) scrap metal, copper, and other similar domestic and commercial large appliances. Items that contain freon are excluded from the definition of White Goods.
 - (39) *Wood waste*: Includes sawdust, wood chips, boards, posts and other materials generated by or a waste by-product of wood construction, demolition and wood-using manufacturing operations.
 - (40) *Yard waste*: Any cuttings or trimmings from trees, shrubs, or lawns, and similar materials from a Residential Building. The term "Brush" specifically excludes limbs that are greater than four (4) feet in length and eight (8) inches in diameter, and specifically excludes debris resulting from services of a Commercial Service Provider and/or leaves collected by a Commercial Service Provider. Limbs shall be bundled, and cuttings or trimmings shall be bagged in biodegradable bags or containerized and placed at the curb for collection. Bundles shall weigh no more than sixty (60) pounds per bundle.
- (c) *Solid waste containers*. The following definitions identify the various solid waste containers:
- (1) *Polycart*: A rubber-wheeled receptacle, all green with a minimum capacity of 96 gallons constructed of plastic, metal and/or fiberglass, designed for automated or semi-automated solid waste collection systems, and having a tight fitting lid capable of preventing entrance into the container by small animals. The weight of a Polycart and its contents shall not exceed 175 lbs.
 - (2) *Recycling container*: A plastic receptacle, green with a yellow lid, designed for the purpose of curbside collection of Recyclable Materials, with minimum capacity of 96 gallons.
 - (3) *Solid waste container*: A city-owned or designee-owned supercart made available to each household for its usage as part of the city's mechanical contained solid waste collection system.
- (d) *Miscellaneous definitions*. The following are miscellaneous terms that are used within this solid waste ordinance:

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- (1) *Alley*: A public or private right-of-way primarily designed to serve as a secondary access to the side of or rear of properties whose principal frontage is on some other street.
- (2) *City*: City of Russellville, Arkansas.
- (3) *City disposal facility*: A landfill, disposal site, disposal facility or material recovery site or facility owned by the city or owned and operated by another person under contract with the city at which solid waste is dumped, abandoned, accepted or disposed of for final disposition by incineration, landfilling, composting or any other method.
- (4) *Class I landfill*: A solid waste facility that accepts non-hazardous household, commercial and industrial solid waste as defined herein; and small quantities of conditionally exempt hazardous wastes.
- (5) *Class IV landfill*: A solid waste facility that accepts non-hazardous bulky, inert, non-putrescible solid wastes that do not degrade, or degrade very slowly. Class IV wastes include, but are not limited to, construction and demolition waste, appliances, furniture, stumps, limbs and other bulky wastes that are not normally collected with other household or commercial waste.
- (6) *Commercial Service Provider*: A commercial business enterprise.
- (7) *Compactor*: Any container, regardless of size, which has a compaction mechanism, whether stationary or mobile.
- (8) *Composting*: The deliberate aerobic, biological decomposition of yard waste or other solid waste, resulting in a stable humus-like product.
- (9) *Composting facility*: A facility that accepts yard waste or other solid waste for an aerobic, biological decomposition of such waste.
- (10) *Contractor*: Any solid waste hauler contracted with the City and given an exclusive franchise to provide for residential solid waste management services within the city limits of the City.
- (11) *Customer*: The owner or tenant of a Residential Building located within the City's corporate limits, and identified by the City as being eligible for and in need of the services provided by the Contractor under this Ordinance and any subsequent Agreement reached between the City and a Contractor.

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- (12) *Degradable bag:* means a bag specially constructed of paper with a special chemical additive used for containing solid waste and which can be composted.

- (13) *Disposal:* Abandoning, depositing, releasing, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water. Disposal does not including composting.

- (14) *Disposal facility:* Any place to which solid waste is dumped, abandoned, or accepted or disposed of for final disposition by incineration, landfilling, composting or any other method.

- (15) *Hauler:* A person engaged in the collection or transportation of solid waste for disposal or storage. "Hauler" does not include a person transporting his or her recyclables or yard waste to a permitted disposal facility.

- (16) *Illegal dumpsite:* Any place at which wastes defined in this chapter are placed, deposited, abandoned, dumped or otherwise disposed of in a manner that is prohibited by this chapter or other statues, rules or regulations, and which constitute one (1) or more of the following:
 - (a) Attractive nuisance;
 - (b) Public or private nuisance;
 - (c) Fire, health or safety hazard;
 - (d) Potential sources of surface or groundwater contamination;
or
 - (e) Other contamination that is hazardous to the public health or endangers the environment.

- (17) *Imminent health or safety hazard:* A condition of real property, uncontained solid waste, solid waste container or recycling container that places a persons' life, health, safety or property in high risk of peril when such condition is immediate, impending on the point of happening and menacing.

- (18) *Incineration:* A controlled process by which solid waste is burned and changed into gases and residue produced which is relatively free of combustible materials.

- (19) *Incinerator:* All enclosed devices intended or used for the reduction or destruction of solid waste.

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- (20) *Landfill*: A discrete area of land or an excavation that is permitted by ADEQ that receives solid waste for disposal, and that is not a land application unit, surface impoundment, injection well or waste pile, as those terms are defined under 40 C.F.R. § 257.2, as amended.
- (21) *Material recovery facility*: A solid waste handling facility that provides for the extraction from mixed solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment or any combination of such materials.
- (22) *Material processing facility*: A composting facility, transfer station, solid waste material recovery facility or other facility that handles or processes solid waste, but does not otherwise provide for the ultimate disposal of the solid waste by landfilling, composting or incineration.
- (23) *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.
- (24) *Residential Solid Waste Management Service*: The service of removing residential solid waste, recyclables, yard waste and bulk waste from residential buildings within the city limits of the City of Russellville, Arkansas, by a hauler of solid waste that is contracted by the City of Russellville, Arkansas, to provide such services to responsible parties of residential buildings.
- (25) *Responsible party*: An owner, operator, occupant, resident, lessor, manager, licensee or other person having control over a structure or parcel of land.
- (26) *Right-of-way*: An area of land deeded, reserved by plat or otherwise accepted and maintained by the city, the county or the state for public use, including, but not limited to, a street, sidewalk, alley, crosswalk, railroad or utility service.
- (27) *Transport*: The movement of wastes from the point of generation to any intermediate points, and finally to the point of ultimate storage or disposal.
- (28) *Vehicle*: Every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting

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devices moved by human or animal power or used exclusively upon stationary rails or tracks.

- (29) *West River Valley Regional Solid Waste Management District*: A regional solid waste management district formed pursuant to Ark. Code Ann. § 8-6-701, as may be amended, comprised of representatives from each separate governmental entity within the District as well as Pope County and charged with regulating all solid waste operations within the District's boundaries.

SECTION 3: Authorized Collectors.

- (a) All responsible parties of residential buildings in the City of Russellville generating residential solid waste shall use the residential solid waste management contract service that has been awarded by the City through an exclusive franchise to a solid waste contractor or contractors ("Contractor"). Responsible parties of residential buildings shall not negotiate residential solid waste management services other than with the Contractor arranged by the City. Responsible parties of residential buildings shall be prohibited from disposing of their residential solid waste other than through the City contracted residential solid waste management service.
- (b) The terms of the exclusive franchise shall be accordance with the provisions of such residential solid waste management services contract between the Contractor and the City of Russellville. No other person or entity except the exclusive Contractor shall be permitted to convey or transport solid waste for residents within the City.

SECTION 4: Collection Frequency. The Contractor shall furnish solid waste management services in the City to all responsible parties of residential buildings on a weekly basis. The Contractor shall provide the City and its residents with schedules of residential collection routes and keep such information current at all times. In the event of changes in routes or schedules that will alter the day of pickup, the Contractor shall notify each customer affected by mail or news media not less than one week prior to the change.

SECTION 5: Equipment. The Contractor shall provide each a responsible party with one solid waste container and one recycling container for each residential building owned, occupied or operated which will remain the property of the Contractor.

SECTION 6: Recycling. The Contractor shall provide bi-weekly recycling service to the residents of the City of Russellville. All recyclable material must be placed in the provided recycling container for collection by the Contractor. The Contractor shall use the West River Valley Regional Solid Waste Management District's recycling processing facility.

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SECTION 7: Yard Waste. The Contractor shall provide monthly yard waste service to the residents of the City of Russellville. All yard waste must be placed in degradable bags or reusable plastic container owned by the responsible party at the residential building and placed curbside by the residence for pickup. The Contractor shall be required to dispose of yard waste at the City of Russellville's compost facility. Residents may compost their yard waste on their own property.

SECTION 8: Bi-annual Bulk Waste Clean-up. The Contractor shall provide two times per year a bulk waste clean-up service for the residents of the City of Russellville. Such dates and times shall be provided by the Contractor to the residents of the City of Russellville in a newspaper of citywide circulation at least two (2) weeks in advance of the proposed date of large item clean-up.

SECTION 9: Construction Waste. This Ordinance shall not in any way require nor obligate the Contractor to collect or remove refuse or debris resulting from construction on property where buildings are being repaired, remodeled, razed or are under construction, nor to collect and remove wood and limbs resulting from the removal of trees on private property. Responsible parties creating construction waste shall be required to dispose of such waste in compliance with all applicable state and federal laws and may use a solid waste hauler when needed.

SECTION 10: Commercial Waste. Owners of commercial buildings generating commercial, industrial or institutional solid waste in the City of Russellville shall be required to contract with a solid waste hauler for solid waste service in compliance with all applicable state and federal laws. Failure to enter into and maintain an agreement with a solid waste hauler by a commercial building owner shall constitute a violation of this Ordinance and said violation shall be punished under Section 13 of this Ordinance.

SECTION 11: Business License. All solid waste haulers, private or contracted with the City, shall be required to obtain an annual business license from the City. Each solid waste hauler shall provide proof with their application for a business license of general liability insurance in the amount of \$1,000,000.00 and motor vehicle liability insurance in the amount of \$1,000,000.00 on each solid waste hauling vehicle to be used by the solid waste hauler in the collection of solid waste within the city limits of the City of Russellville, Arkansas. Each solid waste hauler shall provide proof when applying for a business license that each solid waste hauling vehicle has been inspected and approved by the State of Arkansas and the West River Valley Regional Solid Waste Management District.

SECTION 12: Billing. All residents shall be billed through City Corporation. All billing shall be on a monthly cycle. Any residents in the City of Russellville not connected with water or sewer provided by City Corporation, shall be required to submit their mailing contact information with City Corporation within thirty (30) days in order to be billed for solid waste management services received. Failure to register with City

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Corporation shall constitute a violation of this Ordinance and said violation shall be punished under Section 13 of this Ordinance.

SECTION 13: Penalties. Violation of any section of this Ordinance shall constitute a misdemeanor offense and shall be punishable, upon conviction in Russellville District Court or Pope County Circuit Court, by payment of a fine of not more than five hundred dollars (\$500.00) plus court costs. Each day a violation continues shall constitute a separate offense.

SECTION 14: Enforcement. The sections of this Ordinance shall be enforced by officers of the Russellville Police Department and the Code Enforcement Officer. They are hereby conferred the power to issue citations for any violation of any section of this Ordinance observed. Criminal complaints may be filed in the proper court of competent jurisdiction by the City Attorney upon receiving complaints by the public, City officials or city employees. The City may also file any civil action and request any civil or equitable remedy in order to enforce compliance of any section of this Ordinance.

SECTION 15: Repealer. Ordinance No. 1611 is hereby repealed. Any other ordinance in conflict with this Ordinance is hereby repealed. Any part of an ordinance in conflict with this Ordinance is hereby repealed to the extent of the conflict.

SECTION 16: Severability. Any portion of this Ordinance found to be invalid by a court of competent jurisdiction shall not affect the validity of the remaining portions of this Ordinance.

ORDAINED, this 21st day of May, 2009.

TYRONE WILLIAMSON
TYRONE WILLIAMSON, MAYOR

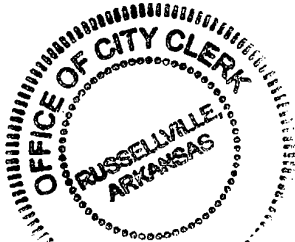
ATTEST:

Kathy Collins
KATHY COLLINS, CITY CLERK

I, Kathy Collins, City Clerk of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2052 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 21 day of May, 2009.

APPROVED AS TO FORM:

William F. Smith III
WILLIAM F. SMITH III, CITY ATTORNEY



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SECTION 17: Emergency. The City Council of the City of Russellville, Arkansas, finds that Arkansas state law requires that municipalities have a solid waste management system; that plan outlined in this Ordinance is an improvement from the ordinance currently in place; and that this Ordinance is necessary to protect the public health, safety and welfare and will better do so that the current ordinance now in place, an emergency is declared to exist and this Ordinance shall be in full force and effect from and after its passage.

ORDAINED, this 21st day of May, 2009.

TYRONE WILLIAMSON
TYRONE WILLIAMSON, MAYOR

ATTEST:

Kathy Collins
KATHY COLLINS, CITY CLERK

I, Kathy Collins, City Clerk of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 205~~2~~ passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 21st day of May, 2009.

APPROVED AS TO FORM:

William F. Smith III
WILLIAM F. SMITH III, CITY ATTORNEY



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