



WASTE MANAGEMENT

**Eco Vista
1041 Arbor Acres Avenue
Tontitown, AR 72762
479-361-4200 or 361-HAUL (4285)**

WELCOME TO THE CITY OF TONTITOWN!

The City of Tontitown has contracted with Waste Management for the collection and disposal of residential trash and recycling. As your residential trash Collection Company and your neighbor in the community, Waste Management believes personal, one-to-one service is the key to successful relationships.

THAT IS WHY I AM HAPPY TO ANNOUNCE A NEW LOCAL NUMBER TO CALL FOR ANY SERVICE ISSUES! (479) 361-HAUL (4285) answered by local staff

We are dedicated to excellent customer service, active community involvement, and protection of our environment and preservation of valuable resources. We are happy to provide this service to the residents of Tontitown. You may find the following information helpful in your curbside service.

General Information:

Curbside Trash Collection

Place all trash at the curb no later than 7 a.m. on your collection day **WEDNESDAY**.

Each residence may have up to 4 bags or 4 cans of bagged trash each week.

If your trash is not picked up on your service day, please **call Waste Management at: (479) 361-4200 OR (479) 361-HAUL (4285)** as soon as possible.

Optional Programs:

Recycling

Curbside recycling is available for an extra fee.

Please contact Tontitown Water Dept. to activate this service.

Place the recycle container at the curb by 7 a.m. on your regular collection day and it will be picked up.

If your recycle container is not picked up on service day, please **contact Waste Management at: (479) 361-4200 OR (479) 361-HAUL (4285)** as soon as possible.

If you wish to recycle, but do not want to pay for curbside recycle service there are containers at Eco Vista, 1041 Arbor Acres Avenue for free drop off of recyclable items. The same items are accepted at Eco Vista that is accepted in the curbside recycle program. But remember; by participating in the curbside program you reduce your carbon footprint on the environment and additional use of fuel since Waste Management is already driving by your home every week.

Yellow Bag

This program is available to senior that use no more than one bag of trash each week. You may purchase yellow bags for \$1.25 each plus tax at Tontitown Water Dept. The bags are 38 gallons in size.

Bulky Item Program

This will be scheduled the last Wednesday of each month and must be scheduled 1 week in advance. Only one bulk item per month can be scheduled for removal. To schedule this service please call **(479) 361-4200 or (479) 361-HAUL (4285)**

*Refrigerant items will not be accepted even if Freon is removed. Customers can contact Boston Mountain Solid Waste for removal of these appliances for a fee. (888) 426-9278

Waste Management's employees sincerely thank you for your business!!



City of Tontitown
235 East Henri De Tonti
P.O. Box 305
PH# 479-361-2700 FAX# 501-421-0012

February 28, 2007

Dear Tontitown Resident,

We are writing you today to attempt to explain why the City was required to enter into the solid waste disposal contract with Northwest Arkansas Waste Management and why your participation in the solid waste pickup service is mandatory as opposed to voluntary. You are receiving this letter because our records indicate that you have advised the City that you do not wish to have the service and/or have stated that you will not pay for this service. While we understand this letter will likely not completely resolve your unhappiness with the service, it is our desire that you at least understand why it is required.

The State of Arkansas bills itself as "The Natural State," and the State, by and through the State Legislature and the Arkansas Pollution Control and Ecology Commission, has put into place various laws and regulations upon the citizens in order to create a cleaner, greener image and environment. These include fines for litter being thrown from our vehicles, prohibiting roadside dumps of old appliances and sofas, automobile battery recycling, and prohibiting burn barrels in the backyard and open dumps on our farms. The State Legislature has also passed a law (Arkansas Code Annotated Section 8-6-211) which provides, in part

"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 of the municipality or in the area to be served and in accordance with the rules, regulations, and orders of the Arkansas Pollution Control and Ecology Commission."

In other words, Tontitown is required by law to provide a solid waste management system for all the incorporated citizens, and the City must follow the rules, regulations and orders of the Commission. The City is unable to make an exception for you simply because you have another way to dispose of your trash. To do so would threaten the feasibility of the City's legally-required solid waste management plan. The only exception that we have available at this time is for citizens that are 65 or older and wish to sign up for the "yellow bag option" which allows our seniors to pay by the bag rather than by the month.

You should also know that this same this State Law (Arkansas Code Annotated Section 8-6-211) allows for the collection of the trash pickup fees even if you refuse to pay the

monthly bill by tacking the charges onto your personal property taxes. The statute states, in part,

"Without limitation on otherwise appropriate collection procedures, a municipality may collect its fees and service charges through either its own system of periodic billing or by entering the fees and service charges on the tax records of the county and then collecting the fees and service charges with the personal property taxes on an annual basis.

Further, any fees and service charges billed periodically by the cities which are more than ninety (90) days delinquent on November 1 of each year may be entered on the tax records of the county as a delinquent periodic fee or service charge and may be collected by the county with personal property taxes."

As you can see, the City has entered into this solid waste disposal contract in an effort to comply with State Law. Your participation, and the participation of all Tontitown citizens, is mandatory. Failure to make payment voluntarily will not prevent collection of the fee; instead, it will only result in the amount being collected through your personal property taxes.

We realize that this letter has probably not completely resolved your unhappiness with the trash pickup program, but hopefully you now have a better understanding of why it is required. Times change, and as the times change so does our City. You don't live in the country any more and you get to have solid waste disposal. It is just the price of progress and a fact of life in the year of 2007. We trust that it won't be too long before you will wonder how you ever got along without city trash service. Besides, it is the law.

Sincerely,
The Solid Waste Committee of the City Of Tontitown
A function of your Tontitown City Council



City of Tontitown
235 East Henri De Toni
P.O. Box 305
PH# 479-361-2700 FAX# 501-421-0012
E-Mail: clerk@tontitown.com

December 13, 2006

Dear Resident of Tontitown:

The City of Tontitown is excited to partner with Waste Management to provide the highest quality and competitively priced solid waste collection and disposal services to the residents of Tontitown.

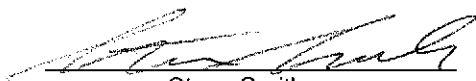
In the past two weeks, you should have received a letter from the Mayor of Tontitown explaining that the residential solid waste collection and disposal services went out to bid and the low bid from Waste Management was approved by the City Council on October 3, 2006. The following is an explanation of services to be provided by Waste Management to the residents of Tontitown under this contract.

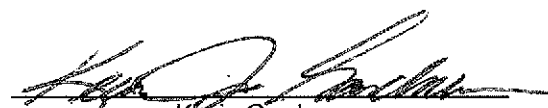
1. Residential Solid Waste Pickup:
 - A. Each Wednesday beginning January 3, 2007 (Please have trash set out within five (5) feet of the road or curb by 6:00 am).
 - B. Each residential unit is allowed the equivalent of four (4) 35 gallon plastic trash bags (all trash must be placed in securely tied plastic trash bags).
 - C. Bulky waste pickup will be provided once a month to each residence. Acceptable bulky waste is defined as appliances, except those containing freon, furniture, and brush tied in bundles less than fifty (50) pounds and less than four (4) feet in length. Does not include construction debris, dead animals, or hazardous waste. Collection of the bulky waste will be on the fourth Wednesday of each month. You will need to call 479-361-4200 by 4:00 pm the Friday before the fourth Wednesday to schedule the pickup.
 - D. If all residents of the residential unit are physically unable to place the trash at the road or curb arrangements may be made through the Water Department for trash to be picked up at the residence. This requires doctor's certification as to the inability of all residents to place the trash at the curb.
 - E. Residents 65 years and older may qualify for the yellow bag program. This program is intended for those senior citizens who do not generate a large volume of trash each week. (For information on this program please call 479-361-2700)

2. Optional Subscription Recyclable Materials Collection & Processing:

Recycling materials collection and processing is available for all Tontitown residents for an additional charge. Residents desiring this service will be furnished with an 18 gallon bin for the collection of recycling materials. Acceptable recycling material consists of newsprint, magazines, plastic (PET and HDPE) bottles, aluminum cans and metal (tin) cans. This list of acceptable items may change based on marketability.

You have the commitment of the City and Waste Management to provide each resident of Tontitown with the best possible sanitation collection service.


Steve Smith
Mayor
City of Tontitown


Kevin Gardner
Senior District Manager
Waste Management of Arkansas



City of Tontitown
235 East Henri De Tonti
P.O. Box 305
PH# 479-361-2700 FAX# 501-421-0012
E-Mail: clerk@tontitown.com

November 11, 2006

Dear Tontitown Citizen:

We are pleased to announce that the City of Tontitown will have trash service (solid waste disposal) starting on January 3, 2007. The City of Tontitown is required by state law (A.C.A 8-6-211 Municipal Solid Waste Management Systems) to 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 of the municipality". In order to meet this state requirement, the City of Tontitown passed ordinance number 2005-03-253 which established the City's sanitation services.

The City then issued a Request for Proposals, for a single contractor to provide residential solid waste collection and disposal beginning **January 3, 2007** and each Wednesday thereafter. Those bids were opened on October 3, 2006 and the City Council accepted the low bid from Waste Management of Arkansas. Next week you will be receiving a joint letter from the City of Tontitown and Waste Management which will explain the services to be offered, the cost to you, and what your responsibilities are to ensure the proper pickup and disposal of your residential solid waste.

Also, the City of Tontitown will host a public meeting on December 12, 2006 from 4:00 p.m. to 7:00 p.m. to answer any questions about how the residential solid waste service will be provided. Waste Management officials will also be present to answer any questions as to the mechanics of the residential solid waste collection for the City of Tontitown residents.

Sincerely,

Steve Smith
Mayor

City of Tontitown

Solid Waste Disposal Program

Frequently Asked Questions

- (1) Why is the City requiring residential solid waste pickup and disposal?

The State of Arkansas requires that each city develop a solid waste management plan. The City's plan involved bidding out residential solid waste collection and disposal. The low bid from Waste Management was accepted on October 3rd, with residential service to begin January 2, 2007.

- 2) What services are included in the residential solid waste collection and disposal?

Each residential location will be provided weekly solid waste collection and once a month bulky waste pickup.

- 3) What type of containers should be utilized to dispose of the residential trash?

Each residential account shall be allowed the equivalent of four (4) 35-gallon plastic trash bags. (All trash must be in securely tied plastic trash bags.)

- 4) Where should trash bags be placed for pickup?

Trash should be set out by 6:00am each Wednesday with the trash placed within five (5) feet of the curb or edge of the roadway.

- 5) What is bulky waste pickup?

Acceptable bulky waste is defined as appliances (except those containing Freon, i.e.: refrigerators, a/c units, freezers), furniture, and brush tied in bundles of less than fifty (50) pounds and four (4) feet in length. Does not include construction debris, dead animals, or hazardous waste.

- (6) What is the process of getting bulky waste picked up?

You will need to call Waste Management, at 479-361-4200 on the Friday, before the fourth Wednesday of the month, to schedule your pickup. Route sheets will then be prepared for pickup on the fourth (4) Wednesday.

- (7) Is there a program, for collection and disposal of trash, for senior citizens?

If you are 65 years or older you may qualify for the yellow bag program. Senior citizens on the yellow bag program can purchase yellow trash bags from the Tontitown Water Department for \$1.25 each. Persons on the yellow bag program do not have to pay the monthly rate only for the bags used.

- (8) What do I do if I am physically unable to place the trash at the curb or roadside?

Application may be made to the Tontitown Water Department showing doctors certification as to the inability of **ALL** residents of the household to place the trash at the curb or roadside. Upon receiving this designation Waste Management will pick the trash up at the residence. (They are not allowed to enter the residence.)

- (9) Do I have to have the residential collection and disposal service if I have both a residence and commercial business at my location?

If both activities are located in the same building and the building is primarily a residence then you would be considered residential for billing purposes. If the building is primarily a commercial establishment then you would need to contract with a commercial hauler. If there are two or more buildings involved then you would be considered both a residential and commercial customer. Call the City at 479-361-2700 for additional information.

- (10) What do I do if I would like to have recycle collection?

Recycling materials and collection is available for all Tontitown residents for \$3.00 per month added onto the sanitation bill. Each residence desiring this service will be furnished with an 18-gallon bin for the collection of recycling materials. Acceptable recycling material consists of newsprint, magazines, plastic (PET and HDPE) bottles, aluminum cans and metal (tin) cans. This list of acceptable items may change based on marketability. Contact the Tontitown Water Department, 479-361-2700, to set up this service.

ORDINANCE NO. 2006-12-277

AN ORDINANCE PROVIDING FOR THE CITY WIDE COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE IN THE CITY OF TONTITOWN, ARKANSAS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, state law requires that cities must provide for solid waste management; and

WHEREAS, the City Council has determined that it would be in the best interest of the City of Tontitown, Arkansas, to provide for city wide solid waste collection and disposal for residential customers; and

WHEREAS, the City Council has entered into a contract to provide for the city wide collection and disposal of residential solid waste with a single contractor;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS, AS FOLLOWS:

Sec. 102-1. Definitions.

"Beginning January 1, 2007," the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 2.01 Bags: Plastic sacks, designed to store refuse, not to exceed 33 gallons in size, with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed fifty (50) pounds.
- 2.02.1 Bin (Multi-Family Residential): Metal receptacle designed to be lifted and emptied mechanically.
- 2.03 Bin (Residential Recycling): See Recycling Container.
- 2.04 Brush: Plants or grass clippings, leaves or tree trimmings.
- 2.05 Bulky Wastes: Household items other than white goods and construction and demolition material.
- 2.06 Bundle: Tree, shrub and brush trimmings securely tied together forming an easily handled package not exceeding four (4) feet in length, six (6) inches in diameter, or 50 lbs. in weight.
- 2.07 City: The City of Tontitown

- 2.08 Commercial and Industrial Refuse: All Bulky Waste, Construction Debris, Garbage, Rubbish and Stable Matter generated by a Customer at a Commercial and Industrial Unit
- 2.09 Commercial and Industrial Unit: All premises, locations or entities, public or private, requiring Refuse collection within the corporate limits of the City, not a Residential Unit.
- 2.10 Commodity: Material that can be sold in a spot or future market for processing and use or reuse.
- 2.11 Commodity Buyer: A buyer or processor selected by Contractor pursuant to the Contract Documents, of Recyclable Materials delivered by Contractor.
- 2.12 Construction Debris: Waste building materials resulting from construction, remodeling, repair, or demolition operations.
- 2.13 Container: A receptacle with a capacity of at least 18 - 20 gallons but less than 35 gallons constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting. The mouth of a container shall have a diameter greater than or equal to that of the base. Waste material must be placed in properly tied plastic bags.
- 2.14 Contract Documents: The Request for Proposals, Instruction to Contractors, Contractors Proposal, General Specifications, the Contract Performance Bond, and any addenda or changes to the foregoing document agreed to by the City and Contractor, and Contract signed by Contractor and City.
- 2.15 Contractor: Such private firm designated by the City for the collection, transportation, and/or disposal of the solid waste and recyclable materials collection and processing.
- 2.16 Customer: An occupant of a Residential Unit who generates Refuse.
- 2.17 Dead animals: Animals or portions that have expired from any cause except those slaughtered or killed for human use. Dead animals are classified as unacceptable waste by the Arkansas Department of Pollution Control and Ecology and shall not be disposed of in a landfill.
- 2.18 Disposal site: See Landfill (Sanitary).
- 2.19 Garbage: All accumulation of waste (animal, vegetable and/or other matter/ that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter) (including, but not by way of limitation, used tin cans and other food containers; and all putrescible

or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); except (in all cases) any matter included in the definition of Bulky Waste, Construction Debris, Dead Animals, Hazardous Waste, Rubbish or Stable Matter.

- 2.20 Hazardous Waste: Solid wastes regulated as hazardous under the Resource Conservation and Recovery Act, 42 U.S.C. Section 1002, et seq., or regulated as toxic under the Toxic Substances Control Act, 15 U.S.C.A. Section 2601 et seq., regulations promulgated there under or applicable state law concerning the regulation of hazardous or toxic wastes.
- 2.21 Landfill (Sanitary): Tontitown Landfill an Arkansas Class I landfill, or any other alternate, duly permitted sanitary landfill approved for use by the Tontitown City Council.
- 2.22 Premises: All public and private establishments, including individual residences, all multi-family dwellings, residential care facilities, hospitals, schools, businesses, other buildings, and all vacant lots.
- 2.23 Recyclable Materials: Commodities collected by the Contractor pursuant to the Contract Documents, which can be sold in a spot or future market for processing and use or reuse including, but not limited to, newsprint, magazines, plastic (PET and HDPE) bottles, aluminum cans and metal (tin) cans. Acceptable recyclable materials may be added or deleted, based on market conditions, upon notice to the City.
- 2.24 Recycling Container: A plastic receptacle, designed for the purpose of curbside collection of recycling commodities, with minimum capacity of 18 gallons.
- 2.25 Refuse: Residential Refuse and Bulky Waste, Construction Debris and Stable Matter generated at a Residential Unit, unless the context otherwise requires, and Commercial and Industrial Refuse.
- 2.26 Residential Garbage: All Garbage and Rubbish generated by a Customer at a Residential Unit.
- 2.27 Residential Unit: A dwelling, or multi-family structure within the corporate limits of the City occupied by a person or group of persons. A Residential Unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. A condominium or apartment dwelling, whether of single or multi-level construction, shall be treated as a Residential Unit. Each single-family dwelling within any such Residential Unit shall be billed separately. Each complex consisting of 5 or more units shall utilize bins and be serviced once a week.

- 2.28 Rubbish: Nonputrescible 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, used or scrap tires, and similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and the like materials which will not burn at ordinary incinerator temperatures (1600 degrees Fahrenheit to 1800 degrees Fahrenheit).
- 2.31 Special Waste: Waste, from a non-residential source, meeting any of the following descriptions: (a) containerized waste (e.g. a drum, barrel, portable tank, box, pail, etc.), (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, and (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", including the Waste set forth on Exhibit "B" attached hereto and incorporated herein.
- 2.29 Solid Waste: All non-hazardous (as defined by CERCLA and other applicable laws) and non-special (See Special Waste definition) solid waste material, produced by Residential Units including unwanted or discarded waste material in a solid or semi solid waste, including but not limited to, garbage, ashes, refuse, rubbish, yard waste (including brush, tree trimmings and Christmas trees), discarded appliances, home furniture and furnishings, provided that such material must be of the type and consistency to be lawfully accepted at the Sanitary Landfill under the applicable federal, state and local laws, regulations and permits governing each.
- 2.30 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.
- 2.31 Unusual accumulated: (a) For residences, each regular collection more-than four (4) containers of garbage, or the equivalent; (b) large, heavy, or bulky objects such as furniture or appliances; and (c) materials judged to be hazardous such as oil, acid, or caustic materials.
- 2.32 Yard Waste: Leaves, grass clippings and tree and hedge trimmings generated by the homeowner. These items must be bagged or bundled. Bundles cannot exceed four (4) feet in length, or six (6) inches in diameter, or fifty (50) pounds in weight.
- 2.33.1 Yellow Bag Program: A program offered to senior citizens, age 65 or greater, where instead of a base rate a senior citizen would purchase yellow bags for trash disposal. These bags may be purchased in quantities of not less than five (5) at the Tontitown Water and Sewer Office.

Sec. 102-2. Authorized collectors.

All residents shall use the residential contract service that has been awarded by the city. Commercial and Industrial customers shall contract with a licensed private collector for industrial and commercial collection who meets all city requirements. Residents shall not negotiate solid waste services other than those arranged by the city and shall not opt to assume the responsibility of disposal for themselves.

- (1) Residential; franchise; fee. The city grants to the private solid waste contractor the exclusive right and obligation to provide solid waste collection services for residential and business establishments within the city boundaries, present and future. The terms of such exclusive franchise shall be in accordance with the provisions of such sanitation contract between the private solid waste contractor and the city. No other person or entity except such contractor shall be permitted to convey or transport residential within the city. The City shall bill each residential customer a franchise fee, as established by the City, on a monthly basis.
- (2) Commercial/industrial contracts requirements; license fee. Private collectors may execute agreements for the collection of solid waste from any commercial/industrial unit in the city. Any such private collector must meet city qualifications, execute a contract with the city, and pay the required license fee pursuant to contract prior to entering into any such agreements with commercial/industrial units for the collection of such solid waste.
- (3) Multiple residential units. The owner(s) of each condominium or apartment complex, consisting of 5 or more units shall be required to combine trash streams into a consolidated container or "dumpster" capable of handling the multiple residential unit's waste stream. These accounts are considered residential and shall be billed by the City.

Sec. 102-3. Collection--Frequency.

The contractor shall furnish solid waste collection services in the city to all residential. The contractor shall provide the city 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 the City and each customer affected not less than one week prior to the change.

Sec. 102-4. Same--Conditions.

Weekly collections are to be made under the following conditions:

- (1) Containers required. Each residential or business industrial unit shall provide approved containers as defined by this chapter.

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- (2) Yard and other trash. When the resident finds it necessary to dispose of yard or other trash, excluding garbage and empty containers, all such trash shall be placed in disposable containers or tied in bundles not longer than four feet in length and weighing not more than 50 pounds each and shall be placed at the street curb by the residents on the pickup date.
- (3) Location. All solid waste shall be placed in approved containers at a location, prior to scheduled collection, that is within five (5) feet of the curb or the edge of the road and is readily accessible to the contractor's personnel.
 - (a) Residential. Solid waste shall be placed at a single collection point within six feet of the curb.
 - (b) Business. Solid waste shall be kept on the premises in approved containers and placed at a single collection point in a place near the street or alley, readily accessible to the collection vehicles.

Sec. 102-5. Accumulation or placement of containers so as to create public nuisance.

- (a) It shall be unlawful for the owner, occupant, tenant or lessee of any dwelling or place of business to allow solid waste to accumulate on his premises, or to place or cause to be placed the containers therefore in such a manner as to cause unsanitary conditions in the city. If the owner of any dwelling or place of business, after having been given 24 hours' notice in writing by the ~~chief of police~~ ^{* CODE ENFORCER}, shall refuse or neglect to perform the duties in connection with his property as specified in this chapter, the ~~chief of police~~ ^{* CODE ENFORCER} is hereby authorized to enter upon the property and have the solid waste removed and the costs shall be charged against the premises. Any person cited shall be guilty of a violation of this chapter and punished as provided by section ~~102-9~~ ^{102-9 okjn}.
- (b) It shall be a violation of this section for such owner, occupant, tenant or lessee to place, more than 24 hours before or to allow to remain more than 24 hours after the scheduled collection date, trash or garbage containers at the curbside pickup point except for a showing of just cause. The collection date and curbside collection point shall be established by the authorized agent, or his authorized representative, who shall give adequate notice thereof to each owner, occupant, tenant or lessee.
- (c) The curbside collection point is established only for efficient and economical collection service, and it shall be the duty of each premises' occupant to keep the containers at all times other than as allowed by this section at a location on his premises which is suitable and consistent with the standard set forth in subsection (a) of this section.

Sec. 102-6. Removal of construction refuse and debris, old appliances, etc.

The authorized private solid waste contractor shall not in any way be required or obligated to collect or remove from private property refuse or debris resulting from the repair, razing or construction of buildings, nor to collect or remove appliance containing freon, etc., or wood or limbs resulting from the removal of trees, nor to render any other service unless specifically provided for in this chapter. The removal of such items is the responsibility of the owner, occupant, tenant or lessee of the property.

Sec. 102-7. Rates.

The rates to be charged for sanitation services shall be as follows:

- (1) For each residential unit, the base rate for collection by a private solid waste contractor shall be consistent with the private solid waste collection contract. In addition to the base rate provided in the private solid waste collection contract, each residential unit shall pay a monthly franchise fee of eight percent (8%) of the base rate in addition to a billing fee of sixty cents (\$.60).
- (2) For commercial/industrial contracts, the rates assessed by any approved private collector shall be negotiated and agreed upon by and between the customer and the private collector.

Sec. 102-8. Responsibility for payment of bill; delinquency.

- (1) The fact that legal title to property is in any person, business or other entity, constitutes prima facie proof that the person, business or other entity is responsible for the payment of charges provided for in this chapter. The fact that charges incurred were for services provided to a tenant, agent or other person using the title holder's property shall not be grounds for avoidance of section 102-9.
- (2) Any bill not paid in full by the due date shall be considered delinquent and a late fee of ten percent (10%) of the base rate shall be added to the bill. Any delinquency not corrected within sixty (60) days shall be considered refusal or failure to pay as provided in section 102-9

Sec. 102-9. Penalty.

Any person refusing or failing to pay any charge assessed pursuant to the provisions of this chapter, including both the failure to pay for private solid waste collection and the failure to pay commercial or industrial contracts, shall be guilty of a violation of this chapter and punished as provided by Ordinance 2006-09-269.

Sec. 102-10. Containment of construction refuse and debris.

The general contractor of any construction site shall provide adequate trash containment facilities for the construction site. All such trash containment facilities must be able to hold a minimum of five cubic yards of refuse, and must contain no openings of greater than three inches. The trash containment facility must be in place no later than at the time of the first required inspection of the site by the Chief Building Official or his authorized representative. The trash containment facility shall be emptied, by a hauler licensed to do business by the Boston Mountain Solid Waste District or its successor, on a regular basis. If the City received a complaint regarding a trash containment facility at a construction site, the Chief Building Official or his authorized representative shall notify the general contractor in writing regarding the complaint, and shall request that efforts be undertaken by the general contractor to remedy the situation. If subsequent complaints are received by the city pertaining to the same construction site, the chief building official or his authorized representative shall provide the general contractor with written notice that the general contractor has three (3) working days in which to remedy the situation. If the general contractor does not remedy the situation within that time, it shall be considered a violation of this Code, and shall be punishable pursuant to Ordinance 2006-09-269. In addition, the Chief Building Official or his authorized representative shall cease all inspections until the construction site complies with this section.

Sec. 103-1. Emergency Clause

The City Council of the City of Tonitown, Arkansas has determined it necessary for the public peace, health, and safety that this Ordinance be effective immediately. Therefore, an emergency is declared to exist, and this Ordinance shall become effective immediately upon its passage. Said determination of an emergency is based upon the following facts found to exist by the City Council:

- (1) The city wide collection and disposal of residential solid waste is a matter of public health and safety.
- (2) The city has entered into a contract with a solid waste collection and disposal contractor for the collection and disposal of all residential solid waste in the city beginning January 1, 2007.
- (3) It is necessary for this Ordinance to become effective immediately upon its passage in order to be effective as of January 1, 2007; and
- (4) If this Ordinance is not in place and effective immediately, the city wide collection and disposal of solid waste will not be possible as of January 1, 2007, causing great harm to the public peace, health and safety.

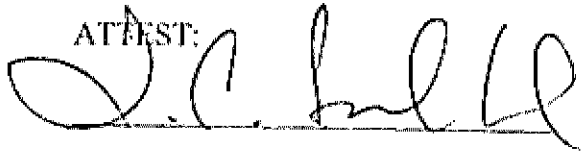
Passed this 5th day of December, 2006.

APPROVED:



STEVE SMITH, MAYOR

ATTEST:



TRACY GODDARD, CITY CLERK

ROLL CALL

SHALL THE ORDINANCE PASS:

	Yea	Nay
Ward 1, Position 1 - Alderman Bradley Marveggio	_____	_____
Ward 1, Position 2 - Alderman Henry Piazza	<u>✓</u>	_____
Ward 2, Position 1 - Alderman Arthur Penzo	<u>✓</u>	_____
Ward 2, Position 2 - Alderman David Sbanotto	_____	_____
Ward 3, Position 1 - Alderman Beck Alston	<u>✓</u>	_____
Ward 3, Position 2 - Alderman Ken Robertson	<u>✓</u>	_____
Mayor - Steve Smith	_____	_____
TOTALS:	<u>4</u>	<u>0</u>

ROLL CALL

SHALL THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY:

Ward 1, Position 1 - Alderman Bradley Marveggio	_____	_____
Ward 1, Position 2 - Alderman Henry Piazza	<u>✓</u>	_____
Ward 2, Position 1 - Alderman Arthur Penzo	<u>✓</u>	_____
Ward 2, Position 2 - Alderman David Sbanotto	_____	_____
Ward 3, Position 1 - Alderman Becky Alston	<u>✓</u>	_____
Ward 3, Position 2 - Alderman Ken Robertson	<u>✓</u>	_____
Mayor - Steve Smith	_____	_____
TOTALS:	<u>4</u>	<u>0</u>

ORDINANCE NO. 2026-09-269
AN ORDINANCE ADOPTING A FEE SCHEDULE TO REGULATE ALL
MISCELLANEOUS VIOLATIONS OF CITY ORDINANCES AND CODES ;
DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City of Tontitown deems it necessary to establish fines and penalties to uphold its ordinances and building codes, which is used for the purposes of promoting the health, safety, and general welfare of the citizens of Tontitown; and

WHEREAS, the City of Tontitown has determined that it is necessary to maintain general fines and penalties for those violations that are not specifically addressed in certain ordinances or codes;

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

Section 1. If a ordinance or code does not specifically provide for the penalty for violating that ordinance or code, then this ordinance along with the below-mentioned fines will encompass those violations. This ordinance is not designated to supersede any ordinance or code in which penalties have already been established. Any conflict between the penalties stated below and any other ordinance or code violations will be resolved by deference to the more specific ordinance or code violation.

Section 2. Maximum penalties permitted.

(1) The city shall not inflict any fine or penalty, by ordinance or otherwise, to a greater sum than \$500.00 for any one specified offense or violation of a bylaw or ordinance, or double that sum for each repetition of such offense or violation.

(2) 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 the bylaw or ordinance, shall not exceed \$250.00 for each day that it may be unlawfully continued.

(3) If any bylaw or ordinance provides for any greater fine, penalty or forfeiture than is provided in this section, it shall and may be lawful, in any suit or prosecution for the recovery thereof, to reduce it to such amount as shall be deemed reasonable and proper and to permit a recovery or render a judgment for such amount as authorized.

Section 3. Imprisonment to enforce fine.

(1) When a fine has been imposed for the violation of any of the ordinances of the city and is not paid, the party convicted shall, by order of the Washington County District Judge who has jurisdiction to hear the matter, including the Springdale District Court or other proper authority or on process issued for the purpose, be committed until the fine and costs of prosecution shall be paid, or the party discharged by due course of law.

(2) Any person convicted of a repeated and willful violation of any ordinance, who shall refuse or neglect to pay the fine imposed and the cost of prosecution, by like order or process, shall be imprisoned and kept in confinement for any term not exceeding 30 days.

(3) All persons imprisoned in the County Jail shall be under the charge of the County Sheriff. The County Sheriff shall receive and discharge the person in such manner as shall be prescribed by the ordinances of the city and state statutes by due course of law.

Section 4. Working out of fines.

Fines imposed for violation of ordinances may be discharged by the offender voluntarily working out the fine upon the streets or facilities of the city. The County Sheriff shall give credit to such offenders at rates no less than those in A.C.A. §16-90-108.

Section 5. Suit for recovery of fines, etc.

(1) Fines, penalties, and forfeitures, in all cases and in addition to any other mode provided, may be recovered by suit or action before any court of competent jurisdiction, in the name of this city and for its use.

(2) In all cases of violation of any of its ordinances, this city, in addition to any other provided by law, shall have the right to recover in a civil action the amount of the lowest penalty or fines provided in the ordinance for each violation or, where the offense is in its nature continuous in respect to time, for each day's violation thereof, and also the amount of any license which the person guilty of the violations was required by any such ordinance to take out.

Section 6. (E) Disposition of fines.

All fines and penalties imposed by the city, sheriff's office, or district court regarding the above-mentioned violations in this city shall be paid into the city treasury.

Section 7. Emergency Clause. The City Council of the City of Tontitown, Arkansas has determined it necessary for the public peace, health, and safety that this Ordinance be effective immediately. Therefore, an emergency is declared to exist, and this Ordinance shall become effective immediately upon its passage. Said determination of an emergency is based upon the following facts found to exist by the City Council:


(1) This ordinance is necessary to correct any ambiguity as to the any penalties already established by ordinance or code;

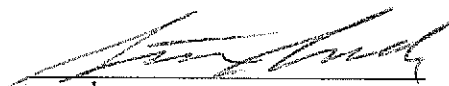
(2) An ordinance clearly defining the parameters of the City's penalties for violations of ordinances or codes would better express the intent of the City;

(3) Without this Ordinance becoming effective immediately the public peace, health and safety

will be endangered by those who may violate certain ordinances or codes already established by the City Council for public peace, health and safety of its citizens without any recourse by the City.

PASSED AND APPROVED this 5th day of September, 2006

Attest. 
City Recorder/Treasurer


Mayor

ROLL CALL

SHALL THE ORDINANCE PASS:

	Yea	Nay	
Alderman Andrew Penzo	<u>✓</u>	___	(Ward 2, Position 2)
Alderman Arthur Penzo	<u>✓</u>	___	(Ward 2, Position 1)
Alderman Henry Piazza	<u>✓</u>	___	(Ward 1, Position 2)
Alderman Bradley Marveggio	___	___	(Ward 1, Position 1)
Ken Robertson	<u>✓</u>	___	(Ward 3, Position 2)
_____	___	___	(Ward 3, Position 1)
Mayor	___	___	

TOTALS: YEAHS 4 NAYS 0

ROLL CALL

SHALL THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY:

	Yea	Nay	
Alderman Andrew Penzo	<u>✓</u>	___	(Ward 2, Position 2)
Alderman Arthur Penzo	<u>✓</u>	___	(Ward 2, Position 1)
Alderman Henry Piazza	<u>✓</u>	___	(Ward 1, Position 2)
Alderman Bradley Marveggio	___	___	(Ward 1, Position 1)
Ken Robertson	<u>✓</u>	___	(Ward 3, Position 2)
_____	___	___	(Ward 3, Position 1)
Mayor	___	___	

TOTALS: YEAHS 4 NAYS 0

8-6-211. Municipal solid waste management systems.

(a) 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 of the municipality or in the area to be served and in accordance with the rules, regulations, and orders of the Arkansas Pollution Control and Ecology Commission. The governing body of the municipality may enter into agreements with one (1) or more other municipalities, counties, a regional solid waste management district, private persons or trusts, or with any combination thereof, to provide a solid waste management system, or any part of a system, for the municipality, but the agreement shall not relieve the parties of their responsibilities under this subchapter.

(b)(1) The governing body of the municipality shall have the authority to levy and collect such fees and charges and require such licenses as may be appropriate to discharge its responsibility under this subchapter, and the fees, charges, and licenses shall be based on a fee schedule as set forth in an ordinance.

(2)(A) Without limitation on otherwise appropriate collection procedures, a municipality may collect its fees and service charges through either its own system of periodic billing or by entering the fees and service charges on the tax records of the county and then collecting the fees and service charges with the personal property taxes on an annual basis.

(B) Further, any fees and service charges billed periodically by the cities which are more than ninety (90) days delinquent on November 1 of each year may be entered on the tax records of the county as a delinquent periodic fee or service charge and may be collected by the county with personal property taxes.

(3)(A)(i) In counties where the fees are entered on the tax records for yearly collection or if the periodic fees and service charges are more than ninety (90) days delinquent as of November 1, the fees and service charges shall be entered on the tax records of the county by the county clerk and shall be collected by the county collector with the personal property taxes.

(ii) The fees and service charges to be collected shall be certified to the county clerk by December 1 each year by an appropriate municipal official or the mayor.

(iii) No county collector of taxes shall accept payment of any property taxes where annual fees and service charges or delinquent periodic fees and service charges appear on the county tax records of a taxpayer unless the fees and service charges due are also receipted.

(iv) These funds shall be receipted and deposited into an official account of the county collector, who shall settle the account at least quarterly.

(B) Annual fees and service charges or the delinquent periodic fees and service charges which remain unpaid after the time other property taxes are due shall constitute a lien on the real and personal property of the taxpayer which may be enforced against such property by an action in circuit court.

(C) The amount of any fees and service charges collected shall then be paid to the municipality by the collector, less four percent (4%) to be retained by the collector.

(D) In addition, where the collector maintains a separate tax book for these fees and charges, the collector may charge an additional two dollars and fifty cents (\$2.50) for collection.

(c) Municipalities may accept and disburse funds derived from grants from the federal or state governments, from private sources, or from moneys that may be appropriated from any available funds for the installation and operation of a solid waste management system or any part of a system.

(d) Municipalities are authorized to contract for the purchase of land, facilities, vehicles, and machinery necessary to the installation and operation of a solid waste management system either individually or as a party to a regional or county solid waste authority.

(e) The governing body of a municipality shall have the right to establish policies for and enact laws 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 material, the prohibition of burning of wastes, the pretreatment of wastes, and such other rules as may be necessary or appropriate, so long as the laws, policies, and rules are consistent with, in accordance with, and not more restrictive than those adopted by, under, or pursuant to this subchapter or any laws, rules, regulations, or orders adopted by state law or incorporated by reference from federal law, the 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 municipality; or

(2) The municipality 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.

History. Acts 1971, No. 237, § 5; A.S.A. 1947, § 82-2705; Acts 1991, No. 1007, § 1; 1993, No. 1280, § 3; 1995, No. 547, § 4; 2001, No. 1720, § 2.