

**ORDINANCE NO. 2026-\_\_\_\_\_**

**CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS**

**AN ORDINANCE IMPOSING A COST RECOVERY USER FEE FOR ROAD ACCESS TO ECO VISTA LANDFILL LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF TONTITOWN**

**WHEREAS**, the City of Tontitown is host to a regional solid waste landfill within the corporate limits of the City; and

**WHEREAS**, the City maintains and repairs public roads that provide primary access to said landfill; and

**WHEREAS**, heavy truck traffic associated with landfill use causes extraordinary wear and deterioration to public roadways beyond ordinary passenger vehicle use; and

**WHEREAS**, the City Council finds it necessary and appropriate to recover the proportionate costs of roadway maintenance, repair, rehabilitation, future access, and administration attributable to landfill-related traffic;

**WHEREAS**, pursuant to Ark. Code Ann. §14-54-103 and §14-54-601 municipalities possess authority to regulate the use of public streets and to impose reasonable fees necessary to maintain and protect municipal infrastructure; and

**WHEREAS**, the City Council further finds that a user fee imposed upon landfill users is a fair and equitable method of allocating such costs.

**NOW, THEREFORE, BE IT ENACTED**, by the City Council of the City of Tontitown, Arkansas:

**Section 1. Title.** This Ordinance shall be known as the “Landfill Road Access Recovery User Fee Ordinance.”

**Section 2. Purpose and Intent.** The purpose of this Ordinance is to:

- (A) Recover costs incurred by the City for maintenance, repair, rehabilitation, and future road access to the regional landfill.
- (B) Ensure that landfill-related heavy vehicle traffic that causes measurable and disproportionate wear to designated municipal access roads bears a proportionate share of the City’s documented roadway maintenance, repair, and rehabilitation costs.
- (C) Establish a fair, reasonable, and lawful user fee structure.
- (D) Create a dedicated fund for the exclusive purpose of roadway cost recovery.

It is the specific intent of the City of Tontitown to create this fee is a user fee and not a tax.

**Section 3. Definitions.** (A) **Landfill** means the regional solid waste facility owned by Waste Management located within the corporate limits of the City.

(B) **Landfill User** means any individual, business, contractor, or hauler delivering waste, construction debris, or other permitted materials to the landfill.

(C) **Heavy Vehicle** means any vehicle or combination of vehicles exceeding ten thousand (10,000) pounds gross vehicle weight rating (GVWR).

(D) **Access Roads** means public streets and rights-of-way designated by the City as primary routes used for ingress to and egress from the landfill.

#### **Section 4. Road Access User Fee.**

(A) A **Road Access Cost Recovery User Fee (“Road Access Fee”)** is hereby imposed upon each load of solid waste, construction debris, or other permitted materials delivered to the landfill by any vehicle utilizing designated access roads within the City.

(B) The fee shall apply to:

1. Each inbound load delivered to the landfill; or
2. Each ton of material disposed of, as determined by the City’s adopted fee schedule.

(C) The City Council shall establish the fee amount by resolution, based upon:

1. Engineering assessments of roadway deterioration attributable to landfill-related traffic.
2. Projected maintenance, repair, capital rehabilitation, and future road access improvements.
3. Administrative costs associated with program implementation; and
4. Proportional allocation of costs among users.

(D) The fee may vary by vehicle weight classification or tonnage.

#### **Section 5. Exemptions.**

The following shall be exempt from the Road Access Fee:

- (A) City-owned vehicles
- (B) Emergency vehicles
- (C) Loads consisting solely of residential household waste delivered directly by residents of the City in passenger vehicles.
- (D) Vehicles engaged exclusively in City-contracted public works projects
- (E) Any other exceptions approved by resolution of the City Council.

#### **Section 6. Collection and Administration.**

(A) The Road Access Fee shall be collected at the point of disposal in conjunction with landfill tipping fees.

(B) The landfill owner or operator shall collect the fee and remit payment to the City on a monthly basis, clearly identified as the **Road Access Fee**.

(C) Failure of the landfill operator to collect or remit the Road Access Fee shall constitute a violation of this ordinance and may be enforced through municipal citation, civil recovery, or contractual agreement with the landfill operator.

**Section 7. Landfill Access Road Maintenance Fund. The monies collected pursuant to these fees shall be used exclusively for the maintenance and repair of landfill access roads, roadway reconstruction and rehabilitation, engineering and traffic impact analysis, and the administration of the fee program.**

**Section 8. Severability. If any provision of this ordinance is declared invalid, such invalidity shall not affect the remaining provisions which shall remain in full force and effect.**

**Section 9. City Council Findings. The City Council finds that:**

1. Landfill operations generate substantial heavy-truck traffic on municipal streets.
2. Engineering studies demonstrate that heavy vehicles cause roadway deterioration at substantially higher rates than passenger vehicles.
3. The City incurs significant maintenance and rehabilitation costs attributable to such traffic.
4. Imposing a proportionate cost-recovery fee upon landfill users is a reasonable and lawful exercise of municipal authority.

**PASSED AND APPROVED** on this \_\_\_\_\_ day of April 2026.

**APPROVED:**

\_\_\_\_\_  
Angela Russell, Mayor

**ATTEST:**

\_\_\_\_\_  
Rhonda Ardemagni, City Clerk -Treasurer  
(SEAL)

**SPONSORSHIP AND LEGISLATIVE HISTORY**

Sponsor (Initiated By): \_\_\_\_\_

Motion to Introduce Made By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

Adopted / Passed: \_\_\_\_\_

Vote: Ayes \_\_\_\_ Nays \_\_\_\_ Abstain \_\_\_\_ Absent \_\_\_\_

This requirement is in addition to, and does not supersede, any authentication, attestations, or signature requirements imposed by state law or other provisions of the Tontitown Municipal Code.