

APR 11 2013

ORDINANCE 2013- 9

Lee Carleton
Marion County Clerk
Lee Carleton D.C.

BE IT ENACTED BY THE QUORUM COURT OF MARION COUNTY, ARKANSAS,
AN ORDINANCE TO BE ENTITLED:

“AN ORDINANCE TO GOVERN THE USE OF THE MARION COUNTY TRANSFER
STATION; SET A FEE SCHEDULE, SET PENALTIES FOR VIOLATIONS AND
ESTABLISH POLICIES CONCERNING MARION COUNTY SOLID WASTE
MANAGEMENT SYSTEM.”

Article 1. Definitions:

- A. **Garbage** – shall mean and include all waste and accumulations of animal, fruit or vegetable matter that attends results from the preparation, use, handling, cooling, serving or storage of meats, fish, fowl, fruit, vegetable matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious and offensive gasses or odors, or which may serve as breeding or feeding material for flies and/or other germ-carrying insects. Garbage as defined above shall be considered Solid Waste material.
- B. **Trash** – shall mean accumulation of rubbish, such as, but not necessarily limited to sweepings, dust, rags, bottles, jars or other waste materials of any kind which are usually attendant to domestic households or housekeeping and the premises upon which said households are located. Trash as defined above shall be considered Solid Waste material.
- C. **Hazardous Material** – shall mean wastes that are hazardous by reason of their pathological, explosive, radiological or toxic characteristics.
- D. **White Goods** – shall mean, but are not limited to non-commercial household type appliances such as refrigerators, freezers, washers, dryers, cook stoves and hot water heaters.
- E. **Yard Waste** – shall mean, but are not limited to leaves, grass clippings, twigs and tree or brush limbs.
- F. **Household Furniture** – shall mean, but are not limited to couches, chairs, tables, mattresses and box springs.
- G. **Class 4 Construction Material** – shall mean, but are not limited to roof shingles, siding, dry wall, plywood, cabinets, counter tops, carpet and tile.
- H. **Electronics** – shall mean, but are not limited to televisions, computer monitors and towers, microwaves and stereos.
- I. **Recycled Goods** – shall mean, but are not limited to cardboard, paper, plastic bottles/jugs, aluminum cans and scrap metal.
- J. **Bagged Solid Waste Materials** – shall mean trash and garbage shall be contained in a standard garbage bag securely closed.
- K. **Marion County Transfer Station** – shall mean the County-owned property located at 1825 Hwy 62 W., Yellville, AR 72687

Article 2. Fee Schedule:

1. \$1.00 per bag up to and including 33 gallon-size bags of household garbage/trash.
2. \$2.00 per bag over 33 gallon-size bags of household garbage/trash.
3. \$10.00 per item of Household furniture.
4. \$20.00 per cubic yard of Class 4 Construction material.
5. No charge for bagged recycled goods, white goods or electronics.

Article 3. Unlawful Actions --- It shall be in violation of this Ordinance:

1. For anyone to place garbage/trash at the Marion County Transfer Station which has not been properly Bagged.
2. For anyone to dispose of Yard Waste at the Marion County Transfer Station.
3. To dispose of hazardous material and/or junked motor vehicles or any part thereof, at the Marion County Transfer Station.
4. To use the Marion County Transfer Station for commercial or industrial purposes.
5. To destroy any property belonging to, in the custody of or maintained by Marion County, Arkansas.
6. To pilfer through County trash, alter or remove any items without explicit authorization by the County Judge or his designee.
7. For anyone to leave, dispose or abandon Solid Waste, White Goods, junked motor vehicles and tires, or any part thereof, or any substance construed as litter on Marion County roadways or on private property belonging to another without property owner's written consent.
8. To dispose of solid waste unlawfully as provided in this Ordinance, which contains two (2) or more items bearing a common address in a form which tends to identify the latest owner of the item(s) shall create a rebuttable presumption that all competent persons residing at such address committed the unlawful act of disposal.

Article 4. Penalties, Powers

Every person convicted of a violation of this Ordinance shall be guilty of a misdemeanor. Upon conviction, that person shall be subject to imprisonment for not more than thirty (30) days or a fine of not more than \$500.00 plus the cost of clean-up of illegally disposed items. Each day or part of a day during which such violation was continued or repeated shall constitute a separate offense.

In addition to these penalties, any violator may also be required to remove litter from alongside Marion County roadways and at other appropriate locations for any prescribed period.

Any time any person supplies information to law enforcement officials which leads to the conviction of a person that violates this Ordinance, the person giving such

information is entitled to a reward of one-half (½) the amount imposed by the fine, if any, to the violator.

Any person who violates any provision of this Ordinance, who commits any unlawful act under it and leaves the State or removes his person from the jurisdiction of this State shall be guilty of a felony, and subject to penalties prescribed by Arkansas State Statute applicable which may include imprisonment for not more than five (5) years and a fine of not more than ten thousand dollars (\$10,000.00).

Marion County Solid Waste Management System shall have all powers prescribed by Arkansas State Statutes as applicable concerning disposal of solid wastes and other refuse.

In addition to the powers enumerated in this Ordinance, the Marion County Solid Waste Management system shall have and may implement in the administration and enforcement of this Ordinance all of the powers which it has under other laws administered by it, including the Arkansas Water and Air Pollution Control Act, (8-4-101--106, 8-4-201---229, 8-4-301---313), and the Arkansas Solid Waste Management Act, 8-6-201 et seq. and the Arkansas Department of Pollution and Ecology Code.

Article 5. Legislative Intent

It is the intent of Marion County Government to provide for the health and well-being of its citizens and to protect the dignity of Marion County.

Article 6. Severability Clause

The various Articles and parts of this Ordinance are to be considered severable and therefore, if any Article or part is found to be invalid for any reason, it shall not invalidate the remaining Provisions hereof.

THIS ORDINANCE SHALL, UPON PASSAGE, REPEAL ORDINANCE 2003-23 AND ALL AMENDMENTS TO SAID ORDINANCE.

PASSED AND APPROVED BY THE QUORUM COURT OF Marion County, AR on this
9 day of APRIL, 2013.

Approved: Terry C. Ott _____ Date: 4/15/13
Terry C. Ott, Marion County Judge

Attest: Dee Carleton
Dee Carleton, Marion County and Circuit Clerk