

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

"AN ORDINANCE TO AMEND THE GARLAND COUNTY SOLID WASTE MANAGEMENT SYSTEM HOUSEHOLD AND COMMERCIAL COLLECTION RULES AND REGULATIONS ESTABLISHED BY ORDINANCE O-96-36, AS AMENDED BY O-97-10, O-97-11, O-98-54, O-99-27, O-01-14, AND O-02-48, TO DECLARE AN EMERGENCY, AND FOR OTHER PURPOSES."

WHEREAS, Ordinance No. 0-96-36, as amended by Ordinance No. 0-97-10, 0-97-11, 0-98-54, O-99-27, O-01-14, and 0-02-48 have previously established a solid waste collection system for residents of Garland County, Arkansas, and,

WHEREAS, these ordinances require the Garland County Quorum Court to establish the services to be provided therein; and,

WHEREAS, the Environmental Services Committee has previously met and recommended the services consistent with these ordinances.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS:

ARTICLE I. The Garland County Solid Waste Management System Household and Commercial Collection Rules and Regulations as established by Ordinance 0-97-11 is hereby amended to read as follows:

SECTION 8. PARAGRAPH L. When plastic residential cart or metal commercial containers are used in a rental, or lease unit, or other commercial investment establishments, the owner of the commercial investment establishment shall be billed for collection service, shall be considered the resident assigned the residential cart or commercial container, and shall be responsible to the GCSW Department for the payment of collection service charges, unless before the first day of the first or next month of service to a tenant the owner registers with the Department the name and address of lawful tenants occupying the subject premises and the type of written contract, when applicable, and the date the written contract expires. Where occupants have been registered as tenants in accordance with county ordinance then the tenants become responsible for payment of fees and service charges during their time of occupancy. Unless the owner has registered a tenant as an occupant in accordance with county ordinance, the owner is responsible for payment of the fees and service charges and the collection may be with the personal property taxes.

ARTICLE II. The Garland County Solid Waste Management System Household and Commercial Collection Rules and Regulations as established by Ordinance 0-97-11 is hereby amended to add the following to be read as follows:

SECTION 8. PARAGRAPH M. Owners of single and/or multi-unit commercial investment establishments that are operating solely as a business may base the number and size of collection containers or carts required for service on the volume of waste generated, and allow for seasonal and normal vacancies of individual single lease or rental units within a single property as long as all individual units within the commercial and/or multi-unit establishment can properly share containers or carts in the judgment of the Director. The Director will make the final decision and will consider distance of waste transport and level of occupancy in determining the number of carts or size of containers required for each property and/or location(s) of service.

ARTICLE III. The Garland County Solid Waste Management System Household and Commercial Collection Rules and Regulations as established by Ordinance 0-97-11 is hereby amended to add the following to be read as follows:

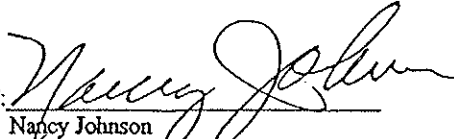
SECTION 8. PARAGRAPH N. Commercial customers having less than three (3) years of 48-yard and/or 22-yard roll-off container service provided by the Department, will not be allowed to accumulate a total bill exceeding \$5,000. Continued commercial service will be dependent on maintaining a payment balance of less than \$5,000.

ARTICLE IV. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

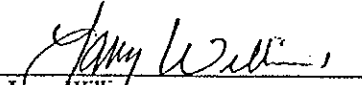
ARTICLE V. This ordinance shall be codified in the Garland County Code of Ordinances and the sections may be renumbered and re-lettered to accomplish such intention.

ARTICLE VI. This ordinance being necessary to insure a timely billing and collection of solid waste fees for the next billing cycle, an emergency is hereby declared to exist and this ordinance shall be in force and take effect upon passage and publication.

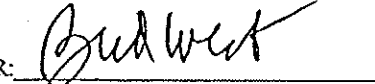
ATTEST:


Nancy Johnson
Garland County Clerk

APPROVED:


Larry Williams
Garland County Judge

SPONSOR:


Bud West
Justice of the Peace

DATE:

2/15/05