

ORDINANCE #1400

AN ORDINANCE TO ADOPT BY REFERENCE, THE ARKANSAS SOLID WASTE MANAGEMENT ACTS NUMBERED 237 AND 238 AS LEGISLATED FOR THE PURPOSE OF GRANTING AUTHORITY FOR THE ADOPTION OF A SOLID WASTE MANAGEMENT SYSTEM; PROVIDING REMEDIES; PRESCRIBING PENALTIES FOR VIOLATIONS AND FOR OTHER REASONS THAT ENABLE THE CITY OF EUREKA SPRINGS TO COMPLY WITH FEDERAL AND STATE MANDATES, STANDARDS AND GOALS FOR ENVIRONMENTAL ACCOUNTABILITY AND DECLARING AN EMERGENCY

WHEREAS, the Arkansas Solid Waste Management Act (Ark. Stat. Ann ss 82-2701 et seq.) as amended, provides for the regulation of solid waste disposal and management by the Arkansas Department of Pollution Control and Ecology; and

WHEREAS, the apparent solid waste crisis will have a negative impact on the welfare of the residents, general economy of this community and our environment; and

WHEREAS, being able to successfully execute interlocal governmental agreements will have a positive influence on the capability of our community to achieve cost effective environmental accountability with our solid waste management planning; and

WHEREAS, the community of Eureka Springs' immediate and future solid waste planning needs may best be realized through the adoption of Act #237 and the companion Act #238;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EUREKA SPRINGS:

SECTION 1: The Arkansas Solid Waste Management Acts #237 and #238 (Ark. Stat. Ann ss 82-2704 et seq.) as amended, and the Arkansas Solid Waste Disposal Code adopted by the Arkansas Department of Pollution Control and Ecology on the 28th day of June, 1973, are hereby adopted by the City Council of the City of Eureka Springs and incorporated herein by reference. Copies of the Acts and Code shall be filed in the office of the City Clerk of Eureka Springs, and shall be available for public use, inspection and examination.

SECTION 2: Authorize the development and the adoption by council of a comprehensive solid waste management plan that meets the requirements set out by the Arkansas Department of Pollution Control and Ecology with a provision for annual review.

SECTION 3: Authorize the creation of the element of City government that is to implement the comprehensive solid waste management plan that will be adopted by City Council.

SECTION 4. Require that an organizational chart, job description(s), a method of monthly, quarterly and annual reporting and audit procedures, and a requirement of bonding for money handlers be adopted by City Council.

ORDINANCE #1400 - Page Two

Section 4:1 Require that in the advent that an Agent is designated to act on behalf of the City in the execution of these matters, or that if a Franchisee is awarded the responsibility to execute these or portions defined there of, that a copy of all contracts, agreements, arrangements or otherwise binding agreements entered into to achieve the intent of the City's responsibility to comply with the requirements of a solid waste management plan be filed with the ADCP&E and with the Clerk of Record for this City.

SECTION 5: Require the City Attorney to institute proceedings against violators of the Acts or Codes and capacity to institute liens.

SECTION 6: Provisions of this Ordinance provide the capacity to levy fines and amounts for violations, with each offense being separate and each day of violation considered a separate offense.

SECTION 7: The provisions of this Ordinance are severable; and if a section, phrase or provision shall be declared invalid, such declaration shall not effect the validity of the remainder of the Ordinance.

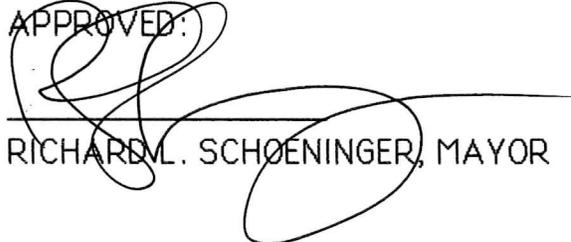
SECTION 8: It is found by the City Council of the City of Eureka Springs, Arkansas, that an emergency is declared to exist, and is necessary for the preservation of the public peace, health and safety; and that this Ordinance shall take effect and be in full force from the date of its passage, approval and publication according to law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS ON THIS 28th DAY OF August, 1990.

ATTEST:

Joanta S. Baer
City Clerk/Treasurer

APPROVED:


RICHARD M. SCHOENINGER, MAYOR