

ORDINANCE NO. 69-20

AN ORDINANCE ESTABLISHING REGULATIONS AND CHARGES FOR THE CITY'S SANITARY LANDFILL, RESIDENTIAL SANITATION SERVICES, COMMERCIAL SANITATION SERVICES, INDUSTRIAL SANITATION SERVICES AND RELATED SERVICES PROVIDED BY THE CITY OF FORT SMITH DEPARTMENT OF SOLID WASTE SERVICES

WHEREAS, regulations and charges for the city's sanitary landfill, residential sanitation services, commercial sanitation services, industrial sanitation services and related services provided by the City of Fort Smith Department of Solid Waste Services are set forth in Ordinance No. 39-07, adopted June 5, 2007 and amended by Ordinance No. 51-07, adopted July 17, 2007, Ordinance No. 21-13 adopted May 7, 2013, and Ordinance No. 24-15 adopted April 7, 2015, and Ordinance No. 69-17 adopted December 5, 2017; and

WHEREAS, recent determinations regarding the cost of providing solid waste services and financial planning obligations for the Sanitation Fund indicate that adjustments to residential collection fees and commercial service collection fees are justified and warranted.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas, that:

SECTION 1. The charges for the Fort Smith Landfill, residential sanitation services, commercial sanitation services, industrial sanitation services and related services provided by the City of Fort Smith Department of Solid Waste Services as set forth in the following sections are hereby adopted effective October 1, 2020.

SECTION 2. Landfill and Disposal Services. Subject to all applicable fees, sales taxes and the provisions of subsection (b), the following charges are established for the Fort Smith Landfill as of the date indicated:

(a) All waste, except asbestos and separated yard waste (defined as grass, leaves, and tree and shrubbery trimmings suitable for composting):

- a. Tonnage rate: \$36.00 per ton, subject to a \$20 minimum
- b. Pickup Trucks: \$20 per truck
- c. All incoming vehicles except pickup trucks and small trucks (up to and including 1-ton rated vehicles) will be charged the tonnage rate.

- (b) On the first Saturday of each month the charge for up to the equivalent amount of trash that would occupy a level full-sized pickup truck (approximately 2 cubic yards) shall be accepted at the flat rate of \$10 provided that the origin of the waste and at least one occupant of the vehicle is from a location within the City of Fort Smith with a residential solid waste service account in good standing with the City of Fort Smith.
- (c) The City Administrator or his designated representatives may negotiate landfill tonnage rates in order to obtain an efficient flow of waste to the City of Fort Smith Landfill.
- (d) All separated yard waste regardless of source shall be charged by the ton at a rate equivalent to the then-current tonnage rate for the disposal of trash.
- (e) All asbestos regardless of source - \$100 per cubic yard.
- (f) All finished compost product produced at the Fort Smith Landfill shall be sold at a cost of \$10.00 per cubic yard to Fort Smith residents upon verification of a residential solid waste service account with the City of Fort Smith. A recent bill, or copy/image of same, matching a valid personal identification shall suffice as verification. Compost sold to non-residents or commercial entities shall be sold at \$15 per cubic yard.

SECTION 3. Residential Collection Services. The City will collect, haul, and dispose of residential garbage one time per week. Recyclables and yard waste will be collected, hauled, and disposed of every other week, according to a schedule determined by the City Administrator or his/her designee. The following rates are established for residential solid waste services:

- (a) Residential charges, per month for each single-family dwelling unit:
 - a. Residential charges effective October 1, 2020: \$14.59 plus sales tax
 - b. Residential charges effective January 1, 2022: \$15.89 plus sales tax
- (b) Dial-A-Truck Service. Residential customers are entitled to pickup of up to five (5) bulky items free of charge no more than one time every three months. Bulky items are defined as large household items including, but not limited to, appliances, couches, tables, chairs, carpet, mattresses, lawn mowers and outdoor grills. If a customer has more than five items to be collected, or if more than one collection per quarter is requested, additional collection may be provided for an additional fee. Fees for such additional collection will be based on the number of items to be collected, as follows:
 - a. 1-5 items \$60.00 flat fee, plus applicable sales tax
 - b. 6-10 items \$120.00 flat fee, plus sales tax
 - c. More than 10 items \$180.00 flat fee, plus sales tax
(limited to the capacity of a single truck)
- (c) Brush Collection Service. Customers may request Brush Collection Services for bulk brush collection where bagging, boxing, or tagging for regular yard waste collection is not feasible. Such service will be provided at an additional fee. If such service is requested,

all material must be collected from the curbside or public right-of-way. All tree trunks or branches must be in sections of less than eight (8) feet long and less than one (1) foot in diameter. The City will not collect yard waste debris that results from a commercial tree trimmer or landscaper with this program. Upon request to use this program, a department supervisor will visit the customer and estimate the volume of the material to be collected. Fees for service will be based on the volume to be collected, as follows:

- a. 0-10 Cubic Yards \$60.00 flat fee, plus applicable sales tax
- b. 11-20 Cubic Yards \$120.00 flat fee, plus sales tax
- c. Greater than 20 Cubic Yards \$180.00 flat fee, plus sales tax
(limited to the capacity of a single truck)

(d) Residential customers eligible for and participating in the Utility Assistance Program shall be charged eighty-one percent (81%) of the residential solid waste rates which would otherwise be paid by such customer as approved in the City of Fort Smith Municipal Code Section 25-99. The program rates shall be:

- a. Monthly solid waste fee \$11.82 (effective October 1, 2020), plus sales tax
- b. Monthly solid waste fee \$12.87 (effective January 1, 2022), plus sales tax

per month for each single-family dwelling unit that qualifies for participation.

(e) Residential customers shall be provided one city-owned 95-gallon refuse cart without additional charge. Additional refuse carts may be provided at the customer's request, but an additional cart shall result in a charge of \$10 per month. The third and up to fifth cart shall result in an additional charge of \$15 per cart, per month.

(f) All residential customers are eligible to receive one city-owned recycle cart without additional charge, upon request to the Department of Solid Waste Services. Recycle carts may be available in 65-gallon or 95-gallon sizes, depending on availability, and will be delivered to the customer upon request. All household cardboard, paper, plastics, aluminum, and tin can be comingled in the cart for recycling, which will be collected every other week.

(g) If a refuse or recycle cart(s) is damaged as a result of customer neglect or misuse (e.g. dumping hot ashes, punctures, etc.), the customer shall be charged cart replacement costs of \$70.00 for a 65-gallon cart and \$90.00 for a 95-gallon cart.

SECTION 4. Commercial Collection Services. The City provides commercial front load and rear load service to businesses both inside and outside city limits. The city offers waste containers ranging from two cubic yards (2CY) to eight cubic yards (8CY). The City provides such services Monday through Saturday, with the exception of City-observed holidays. The following rates are established for home occupation, home accessory and commercial services, subject to the authority delegated by subsection (i):

(e) Industrial Roll-off Container System Charges. The charge to customers who utilize the City's roll-off containers are established as follows:

a. If originating from within Sebastian County, customers shall be charged both a haul fee and a landfill fee based on the following:

- i. Haul fee: \$160.00 plus applicable sales tax
- ii. A landfill fee as determined by the tonnage rate then in effect as determined by Section 2 of this ordinance, plus any applicable fees and taxes, multiplied by the number of tons of the load.

b. Customers within Sebastian County serviced on a one-time or infrequent basis shall be charged based on the following rates, plus any fees noted in Section 5 that apply based on the department's estimated tonnage for that size of box. Said payment is due upon setting the box, according to the following schedule:

- i. 20 Cubic Yards \$325.00 plus applicable fees & sales tax
- ii. 30 Cubic Yards \$400.00 plus applicable fees & sales tax
- iii. 40 Cubic Yards \$450.00 plus applicable fees & sales tax

c. If originating from outside of Sebastian County, customers shall be charged both a haul fee and a landfill fee based on the following:

- i. Haul fee: \$200.00 plus applicable sales tax
- ii. A landfill fee as determined by the tonnage rate then in effect as determined by Section 2 of this ordinance, plus any applicable fees and taxes, multiplied by the number of tons of the load.

d. Customers outside of Sebastian County serviced on a one-time or infrequent basis shall be charged based on the following rates, plus any fees noted in Section 5 that apply based on the department's estimated tonnage for that size of box. Said payment is due upon setting the box, according to the following schedule:

- i. 20 Cubic Yards \$350.00 plus applicable fees & sales tax
- ii. 30 Cubic Yards \$410.00 plus applicable fees & sales tax
- iii. 40 Cubic Yards \$470.00 plus applicable fees & sales tax

- (f) Haul Rate. Roll-off customers where the waste is not disposed of at the Fort Smith Landfill but at an approved location, shall be charged \$160.00 per haul plus the disposal fee, if any, charged at the place of disposal for loads originating in Sebastian County and \$190.00 per haul plus the disposal fee, if any, charged at the place of disposal for loads originating outside of Sebastian County.
- (g) Swap Out. Industrial roll-off customers that have multiple roll-off containers and request moving of a roll-off container from one location to another on its property shall be charged \$70.00 per move.
- (h) Lease of Compactors. Compactors may be leased from the City of Fort Smith based on the following rates:

Two (2) yard dock mount	\$250.00 per month
Two (2) yard through the wall	\$275.00 per month
Four (4) yard dock mount	\$350.00 per month
Four (4) yard through the wall	\$350.00 per month
30-Yard (or larger) self-contained dock mount	\$400.00 per month
30-Yard (or larger) self-contained through the wall	\$400.00 per month

- (i) The City Administrator or his/her designated representative may negotiate rates for commercial container and roll-off system charges. The rates authorized to be set administratively by this section shall be set by the Administrator or his/her designated agent in order to preserve the customer base of the City of Fort Smith Commercial or Industrial Collection division and the flow of waste to the City of Fort Smith Landfill. Provided, in no event shall such rates be set at an amount in excess of the commercial container and roll-off system charges provided in this section.

SECTION 5. Any fees imposed by the Arkansas Department of Energy & Environment's Division of Environmental Quality or any Solid Waste Management District and paid by the City shall be added to the charges of the City set forth in this Ordinance.

SECTION 6. All rates and charges to be paid to the City by every person for the collection, hauling and disposing of solid waste may be used to fund any city service related to the health and sanitation of the community, including maintaining a sanitary environment through neighborhood services, animal control services, or any other related service as determined by the board of directors.

SECTION 7. It shall be unlawful for any person, either directly or through others, to deliver solid waste for disposal at the Fort Smith Landfill without paying the charges established by this Ordinance. Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties set forth in Section 1-8 of the Fort Smith Municipal Code.

SECTION 8. In addition to the criminal sanctions provided in Section 7 above, any person committing any act made unlawful by Section 7 may be prohibited from disposing of solid waste at the Fort Smith Landfill for a period of time determined by the City Administrator following a due process hearing, conducted by the City Administrator or his/her designated agent.


SECTION 9. Effective October 1, 2020, Ordinance No. 39-07, Ordinance No. 51-07, Ordinance No. 21-13, Ordinance No. 24-15, and Ordinance No. 69-17 are specifically repealed in their entirety. Further, all other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent required to resolve such conflict. The codifier of the City's ordinances shall codify the provisions of this Ordinance at the discretion of the codifier, but if codified they should be included in Section 25-278 of the Fort Smith Municipal Code.

THIS ORDINANCE ADOPTED this 18th day of August, 2020.

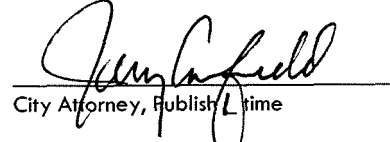
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney, Publish time