

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE VII, SECTION 25-321 OF THE FORT SMITH MUNICIPAL CODE REGARDING FRANCHISE PERMITS AND FEES FOR THIRD PARTY SOLID WASTE HAULERS;

WHEREAS, the City is a municipal corporation of the first class of the State of Arkansas and, in its government capacity, owns and operates the City of Fort Smith Solid Waste Disposal Facility (the "Facility"), which is currently operated as a Class I landfill; and

WHEREAS, the City currently provides solid waste collection and disposal service to residential and non-residential customers within the City; and

WHEREAS, the City permits Third Party Haulers to collect and dispose of solid waste for non-residential customers within the corporate limits of the City upon obtaining the permit and paying the fee(s) provided herein.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: Chapter 25, Article VII, Section 25-321 of the Fort Smith Municipal Code is hereby amended to read as follows:

Sec. 25-321. – Required.

a. Franchise Permit Required. It shall be unlawful for any person to engage in the business of collecting and hauling residential or nonresidential solid waste except from those areas where the City has expressly issued a permit or franchise to some private person or legal entity for the collection of such wastes.

b. Franchise Fee. A permit may be issued upon application and payment of a franchise fee. The franchise fee shall be an annual fee in an amount equivalent to five (5) percent of gross revenues for service provided by the franchisee within the City of Fort Smith for servicing dumpsters, roll-off containers, compactor containers, collection in refuse vehicles or collecting and hauling refuse in open top trucks, owned or not owned by the franchisee, that is serviced by the franchisee and used in the City of Fort Smith.

i. The calculation of gross revenues generated from operation within the city shall include all revenue, as determined in accordance with generally accepted accounting principles, which is derived, directly or indirectly, by the franchisee from or in connection with its operation within the city. Gross revenues shall include, but are not limited to revenues received from the collection and disposal

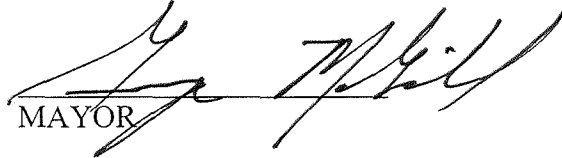
of all solid waste, whether by a company bearing franchisee's name or a company owned or controlled by franchisee but operating under a different name.

- ii. The annual fee must be paid in a manner and on a schedule approved by the Solid Waste Services Director.
- iii. The annual fee shall be paid quarterly, no later than thirty (30) days after the end of each calendar quarter. The payment shall be made to the City of Fort Smith Finance Department. No refund of a fee will be made.
- iv. Fee payments received after the due date shall be subject to interest at the rate of 10% until the fees are paid in full.

SECTION 2: Any ordinances found to be in conflict with the provisions of this ordinance are hereby repealed to the extent necessary to resolve such conflict.

THIS ORDINANCE ADOPTED this 15th day of December, 2020.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:


Publish one time