

③ R-H332

ORDINANCE NO. 0-03-18

AN ORDINANCE AMENDING ORDINANCE 0-00-165 BY INCREASING CAPITAL IMPROVEMENT SANITATION SURCHARGES; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City of Conway is the operator of a Class I Landfill, pursuant to Permit No. 0252-S, and landfill services are a vital component of solid waste sanitation services for the citizens of Conway; and

WHEREAS, the City of Conway must comply with certain state and federal regulations in order to continue to provide landfill services for the disposal of solid wastes and other sanitation services; and

WHEREAS, Act 758 of 1999 requires that the City of Conway provide evidence of financial assurance for the cost of closing the landfill at the end of its useful life and also for the costs of post-closure care; and

WHEREAS, the City of Conway needs to increase its fees for sanitation services in order to ensure compliance with Act 758 by providing financial assurances for landfill closing costs and post-closure care; and

WHEREAS, the Arkansas Department of Environmental Quality has communicated to the City of Conway that the city will need approximately \$2,349,750.00 for closure and post-closure costs at the end of the landfill's useful life and a suitable financial assurance mechanism for that amount must be provided to the State of Arkansas no later than July 1, 2002.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT

SECTION 1. The Capital Improvements Surcharge assessed to each residential home in the City of Conway in addition to the regular monthly sanitation fee shall be increased from \$2.00 to \$2.65 per service.

SECTION 2. Residential service shall be defined as one city-approved container for regular waste, as well as other sanitation services; any additional container(s) shall be defined as additional service and shall be charged a second regular monthly sanitation fee and a second surcharge.

SECTION 3. The Capital Improvement Surcharge charged all non-residential customers on a tiered basis shall be increased by 31.25 percent and shall be charged in addition to the regular monthly sanitation fee based on the following chart:

Yards/Range	Fee
60 and above	\$525.00 Flat
48 to 60	2.30/Yard
36 to 47	2.23/Yard
24 to 35	1.97/Yard
12 to 23	1.84/Yard
0 to 11	1.64/Yard

SECTION 4. All ordinances in conflict herewith in whole or in part are hereby repealed to the extent of that conflict.

SECTION 5. That proceeds generated from implementation of this ordinance shall be maintained in a separate account and shall be dedicated to providing financial assurance to the State of Arkansas for the closure costs and post-closure costs of the landfill.

SECTION 6. This ordinance is necessary for the protection of the public peace, health, and safety of the citizens of Conway, specifically, in order to remain in compliance with state and federal laws and regulations in order to continue to provide landfill and solid waste disposal services to its citizenry, and, therefore, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

Passed this 11th day of February 2003

APPROVED:


Mayor Tab Townsell

ATTEST:


Michael O. Garrett, City Clerk