

ORDINANCE NO. 300

AN ORDINANCE AMENDING ORDINANCE NO. 261, SOLID WASTE CONTRACT, THE MAYOR AND CITY RECORDER AS REPRESENTATIVES OF THE CITY OF BETHEL HEIGHTS, ARKANSAS, TO ENTER INTO A CONTRACT FOR SOLID WASTE COLLECTION SERVICES; THE ADOPTION OF SAID SOLID WASTE COLLECTION AGREEMENT; DECLARING A MISDEMEANOR FOR FAILURE TO ABIDE BY THIS ORDINANCE; AND DECLARING AN EMERGENCY

WHEREAS, the City Council of the City of Bethel Heights, Arkansas, desires to provide solid waste collection services to its citizens but does not desire to become involved in the operation of said services and by authority granted to the City through Arkansas law, the City desires to contract for the collection of solid waste and grant an exclusive franchise; and

WHEREAS, a contract for said franchise has been negotiated based on the best bid with Roll Off Services Inc., a copy of which has been presented to the City Council; and

WHEREAS, The City, through authority granted by Arkansas law has the right to establish policies for and enact laws concerning all phases of the operation of a solid waste management system; and

WHEREAS, the City deems it necessary that participation in the solid waste management system; and

WHEREAS, the City deems it necessary that participation in the solid waste collection service be mandatory for residential units within the City.

NOW, THEREFORE, be it ordained by the City Council of the City of Bethel Heights, Arkansas:

Section 1: The Mayor and City Recorder be and hereby are authorized to execute a contract on behalf of the City with Roll Off Services Inc., granting an exclusive franchise for the collection of solid waste from residential living units within the corporate limits of the City, said contract to be in substantially the form and content as the one submitted to the City Council.

Section 2: The cost for said services shall be paid individually by the property owner and billed directly by Roll Off Services, Inc/Deffenbaugh Industries.

Section 3: The City Council hereby finds that the requirements of competitive bidding have been compiled with and based on bids submitted, Roll Off Services, Inc., is hereby awarded the franchise.

Section 4: The City Council has determined that participation by all residential living units within the City in this solid waste collection service is necessary for the success of the service and for the continued health, welfare, and safety of the citizens of the City of Bethel

Heights and, therefore participation by all residential living units within the City is hereby made mandatory.

Section 5: Unlawful Acts: It shall be unlawful for any citizen of the City of Bethel Heights to willfully fail to enroll in or to remain enrolled in the mandatory residential solid waste collection service within the corporate limits of Bethel Heights, Arkansas.

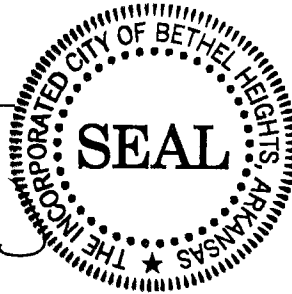
Section 6: Penalties: Any person or persons violating any of the provisions or sections of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and fined in any sum not less than fifty dollars (\$50.00), not more than two hundred and fifty dollars (\$250.00) per offense. Each day that the violation continues shall be considered a separate offense.

Section 7: The City Council has determined that the passage and approval of this Ordinance is necessary for the continued health, welfare and safety of the citizens of the City of Bethel Heights, Arkansas, and an emergency is hereby found to exist and, therefore, this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED this 15<sup>th</sup> day of January 2011.

APPROVED: Jeff Hitchcock  
Mayor

ATTEST: Janet Nelson  
Recorder / Treasurer



I Janet Nelson do hereby certify that this is a true and correct copy of Ordinance No. 300.

Janet Nelson  
Recorder/Treasurer

Date: January 15, 2011

Time: 7:45