

ORDINANCE NO. 306

AN ORDINANCE AUTHORIZING 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 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 Deffenbaugh of Arkansas, LLC, 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 to participate 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 and commercial establishments 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 are hereby authorized to execute a contract on behalf of the City with Deffenbaugh of Arkansas, LLC, granting an exclusive franchise for the collection of solid waste from residential living units and commercial establishments within the corporate limits of the City, said contract to be in 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 service customers and be billed directly by Deffenbaugh of Arkansas, LLC.

Section 3: The City Council hereby finds that the requirements of competitive bidding have been complied with and based on the bids submitted, and contracts previously let and succeeded, Deffenbaugh of Arkansas, LLC is hereby awarded the franchise.

Section 4: The City Council has determined that participation by all residential living units and commercial establishments 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 Bethel Heights, Arkansas and therefore participation by all residential living units and commercial establishments within the City is hereby made mandatory by utilization of curbside, polycart or dumpster as applicable..

Section 5: Exceptions/Exclusions and Special Needs: Any exceptions, exclusions and/or adjustments, including special case by case needs, to any of the criteria and/or required participation in any of the terms and conditions of this Ordinance must meet qualifications or criteria of Deffenbaugh of Arkansas, LLC. The City of Bethel Heights will only act in an advisory capacity to any exception, exclusion or special needs case and will act only upon the request of the citizen or commercial establishment or Deffenbaugh of Arkansas, LLC.

Section 6: Unlawful Acts: It shall be unlawful for any citizen of the City of Bethel Heights or any owner/operator of any business establishment within the City of Bethel Heights to willfully fail to enroll in or remain enrolled in the mandatory residential and commercial solid waste collection service within the corporate limits of the City of Bethel Heights, Arkansas.

Section 7: Penalties: Any person or persons or commercial establishment 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) and not more than two hundred fifty dollars (\$250.00) per offense. Each day that the violation continues shall be considered a separate offense.

Section 8: Any and all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby deemed to be ineffective and repealed.

Section 9: 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 20th day of December, 2011.

APPROVED: *J. Hutchison*
MAYOR

ATTEST: *Janet Nelson*
RECORDER/TREASURER



I, Janet Nelson, do hereby certify that this is a true and correct copy of Ordinance No. 306.

Janet Nelson
Janet Nelson, Recorder/Treasurer

12-20-11- 7:25 p.m.
Date/Time