

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1272 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/16/05

A Bill

HOUSE BILL 2523

5 By: Representative Reep
6 By: Senator J. Jeffress
7
8

For An Act To Be Entitled

10 AN ACT CONCERNING PAYMENT OF FEES IN COUNTY SOLID
11 WASTE MANAGEMENT SYSTEMS; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT CONCERNING PAYMENT OF FEES IN
15 COUNTY SOLID WASTE MANAGEMENT SYSTEMS.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 8-6-212 is amended to read as follows:

21 8-6-212. County solid waste management systems.

22 (a)(1) Each county of the state is authorized to provide and shall
23 provide a solid waste management system adequate to collect and dispose of
24 all solid wastes generated or existing within the boundaries of the county
25 and outside the corporate limits of any municipality in the county.

26 (2) By agreement or contractual arrangement, the county may
27 assume responsibility for solid wastes generated within municipalities
28 whether within its county or other counties.

29 (3) A county may enter into agreements with other counties, one
30 (1) or more municipalities, a regional solid waste management district,
31 governmental agencies, private persons, trusts, or with any combination
32 thereof, to provide a solid waste management system for the county or any
33 portion thereof, but the agreement shall not relieve the parties to the
34 agreement of their responsibilities under this subchapter.

35 (b)(1)(A) A county government shall have the authority to levy and



1 collect such fees and charges and require such licenses as may be appropriate
2 to discharge the county's responsibility for a solid waste management system
3 or any portion thereof. The fees, charges, and licenses shall be based on a
4 fee schedule contained in a duly adopted ordinance.

5 (B)(i) A county may provide by ordinance that
6 responsibility for payment of the fees and charges rests on the occupant of
7 the property.

8 (ii) The ordinance shall provide that the owner of
9 the property is considered the occupant, unless prior to the first day of the
10 month of service the owner registers with the county the name and address of
11 the tenant occupying the property and the date the lease is to expire.

12 (2)(A)(i) A county government may collect its fees and service
13 charges through either its own system of periodic billing or by entering the
14 fees and service charges on the tax records of the county and then collecting
15 the fees and service charges with the personal property taxes on an annual
16 basis.

17 (ii) If a tenant has been registered as an occupant
18 pursuant to subdivision (b)(1)(B)(ii) of this section, then the tenant is
19 responsible for the payment of the fees and charges, and the county may
20 collect on an annual basis the fees and charges from the tenant's personal
21 property taxes.

22 (iii) If a tenant has not been registered as an
23 occupant pursuant to subdivision (b)(1)(B)(ii) of this section, then the
24 owner is responsible for the payment of the fees and charges, and the county
25 may collect on an annual basis the fees and charges from the owner's personal
26 property taxes or real property taxes.

27 (B) Further, any fees and service charges billed
28 periodically by the county which are more than ninety (90) days delinquent on
29 November 1 of each year may be entered on the tax records of the county as a
30 delinquent periodic fee or service charge and may be collected by the county
31 with personal property taxes or with real property taxes from the owner of
32 the property in accordance with a county ordinance, except as provided in
33 subdivision (b)(1)(B)(ii) of this section.

34 (C)(i) No county collector of taxes shall accept payment
35 of any property taxes where annual fees and service charges or delinquent
36 periodic fees and service charges appear on the county tax records of a

1 taxpayer unless the fees and service charges due are also received.

2 (ii) These funds shall be received and deposited
3 into an official account of the county collector who shall settle the account
4 at least quarterly.

5 (iii) The amount of any fees and service charges
6 collected shall then be paid to the county treasurer by the collector, less
7 four percent (4%) to be retained by the collector. In addition, where the
8 collector maintains a separate tax book for those fees and charges, the
9 collector may charge an additional two dollars and fifty cents (\$2.50) for
10 collection.

11 (3)(A) In counties where the fees are entered on the tax records
12 for yearly collection or if the periodic fees and service charges are more
13 than ninety (90) days delinquent as of November 1, the fees and service
14 charges shall be entered on the tax records of the county by the county clerk
15 and shall be collected by the county collector with the personal property
16 taxes or with real property taxes from the owner of the property in
17 accordance with a county ordinance, except as provided in subdivision
18 (b)(1)(B)(ii) of this section.

19 (B) The fees and service charges to be collected shall be
20 certified to the county clerk by December 1 each year by an appropriate
21 municipal official or the mayor.

22 (4) Annual fees and service charges or the delinquent periodic
23 fees and service charges which remain unpaid after the time other property
24 taxes are due shall constitute a lien on the real and personal property of
25 the taxpayer which may be enforced against such property by an action in
26 chancery court.

27 (c) A county may accept and disburse funds derived from federal or
28 state grants, from private sources, or from moneys that may be appropriated
29 from any available funds for the installation and operation of a solid waste
30 management system or any part thereof.

31 (d) A county is authorized to contract for the lease or purchase of
32 land, facilities, and vehicles for the operation of a solid waste management
33 system either for the county or as a party to a regional solid waste
34 authority.

35 (e) A county shall have the right to issue orders, to establish
36 policies for, and to enact ordinances concerning all phases of the operation

1 of a solid waste management system, including hours of operation, the
2 character and kinds of wastes accepted at the disposal site, the separation
3 of wastes according to type by those generating them prior to collection, the
4 type of container for storage of wastes, the prohibition of the diverting of
5 recyclable materials by persons other than the generator or collector of the
6 recyclable materials, the prohibition of burning of wastes, the pretreatment
7 of wastes, and such other rules as may be necessary or appropriate, so long
8 as such orders, policies, and ordinances are consistent with, in accordance
9 with, and not more restrictive than, those adopted by, under, or pursuant to
10 this subchapter or any other laws, rules, regulations, or orders adopted by
11 state law or incorporated by reference from federal law, the Arkansas
12 Pollution Control and Ecology Commission, or the regional solid waste
13 management boards or districts, unless:

14 (1) There exists a fully implemented comprehensive area-wide
15 zoning plan and corresponding laws or ordinances covering the entire county;
16 or

17 (2) The county has made a request to the regional solid waste
18 management board or district to adopt a more restrictive rule, regulation,
19 order, or standard and no public hearing has been held within sixty (60) days
20 or the request has not been acted upon within ninety (90) days.

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/ Reep

APPROVED: 3/29/2005

1