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D.V.C.

City of Conway, Arkansas
Ordinance No. O-16-31

AN ORDINANCE AMENDING THE TIRE STORAGE REGULATIONS OF THE CITY OF CONWAY, ARKANSAS, AS ADOPTED BY ORDINANCE #O-04-44 AND AMENDED BY ORDINANCES #O-04-68 AND #O-05-47 AND AMENDING TITLES 4 AND 5 OF THE CONWAY MUNICIPAL CODE TO CLARIFY REGULATIONS GOVERNING STORAGE OF TIRES AND TO ESTABLISH REGULATIONS GOVERNING THE PROPER STORAGE AND DISPOSAL OF USED AND SCRAP TIRES BY USED TIRE DEALERS; AND FOR OTHER PURPOSES:

Whereas, improper storage and disposal of tires, including used and scrap vehicle tires creates threat to public health and safety by harboring mosquitos, snakes, insects, rodents and other vermin, creating fire hazards, and causing the discharge of polluting constituents into the air and waterways; and

Whereas, unlawful dumping of tires, including used and scrap tires, creates a public nuisance through spreading potentially hazardous waste, slowing down waste services and causing a financial burden on the City of Conway ("the City") for collection and disposal thereof, and creating a blight on the City's communities and negatively impacting property values; and

Whereas, current state law requires dealers of new tires to register with the Arkansas Department of Finance and Administration, and be subject to certain regulations, while dealers and installers of used tires are not required to do so, allowing such persons or businesses to operate without similar oversight; and

Whereas, it is in the best interests of the City and its residents that regulations be established for businesses in the City that collect, store, offer for sale, install or dispose of used vehicle tires.

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

Section 1. Chapter 4.14 is hereby added to Title 4 (Business Licenses and Regulations) of the Conway Municipal Code to establish regulations for the proper storage and disposal of used and scrap tires by used tire dealers, and shall include Sections 4.14.01 through 4.14.02, which shall read in their entirety as follows:

Chapter 4.14 Used Tire Dealers

Section 4.14.01 Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

Tire includes any tire intended for use on a motorized vehicle, or a vehicle towed by a motorized vehicle.

Scrap or waste tire means a tire or any portion thereof that can no longer be used, or is no longer intended, for its original purpose, or which is being held, transported, or processed for disposal or recycling.

Used tire means any tire, including a recapped or retreaded tire suitable or intended for continued use for its original purpose.

Automobile tire means any tire with a load rating of "F" or lower.

Truck tire means any tire with a rim size greater than nineteen inches (19") and a load rating of "F" or higher including without limitation a wide-base or extra-wide single tire.

Used tire dealer means any person or business who, within the corporate limits of the City of Conway, Arkansas, (a) offers used tires for sale, trade or barter, (b) provides installation services for used tires, (c) provides scrap or waste tire disposal or recycling services to any person or business who sells, trades, barter or installs tires, or (d) provides used tire or scrap or waste tire transportation or hauling services to any person or business who sells, trades, barter or installs tires.

Enclosed means surrounded and closed off from the elements on all sides by solid, impermeable walls and a solid, impermeable roof, none of which are made from plastic sheeting, tarpaulins, cloth, canvas or any similar flexible or membrane-like material.

Section 4.14.02 Used and Scrap Tires

A. Used tire dealers shall:

1. Dispose of all scrap or waste tires:
 - a. At an official public waste tire collection center authorized by the Pulaski Inter-District Waste Tire Management Program pursuant to the guidelines set forth in Arkansas Pollution Control and Ecology Commission Regulation No. 14; or
 - b. At a solid waste facility permitted by the Arkansas Department of Environmental Quality (ADEQ) and authorized to accept waste tires, in a manner complying with applicable state or federal regulations;
2. Store all tires on the used tire dealer's property or premises in a dry, secure, enclosed structure or enclosed trailer which complies with all applicable Conway ordinances and provisions of the Arkansas Fire Prevention Code, and maintained in an orderly and organized manner, being stacked in columns no more than six (6) feet in height or standing vertically in rows of single tire height, or on racks; except that:
 - a. Scrap or waste tires being kept on a used tire dealer's property awaiting disposal may be stored in an unenclosed, caged trailer which is owned or possessed by the Pulaski Inter-District Waste Tire Management Program; and
 - b. Up to twenty five (25) used tires may be displayed outdoors in an orderly fashion no closer than ten (10) feet from the primary structure of the used tire dealer's business during business hours;
3. Isolate all tires from other stored materials that may create hazardous conditions or emissions in the event of a fire, including, but not limited to, lead acid batteries, fuel tanks, solvent barrels, and pesticide containers;
4. Store used tires, scrap or waste tires, and tire pieces separately from one another;
5. Schedule regular pick-up of scrap or waste tires by a licensed carrier;
6. Not allow the number of scrap or waste tires being stored on the used tire dealer's property to exceed three hundred fifty (350) scrap or waste automobile tires or one hundred (100) scrap or waste truck tires at any one time;
7. Ensure that all stored tires remain free of water and other liquids, trash, debris and any condition which could allow stagnant water to accumulate and thereby potentially contribute to the breeding of mosquitoes; and

8. Make and maintain, for three (3) years following their creation, complete and accurate written records including:
 - a. Records of any and all used tires sold and the date of sale; and
 - b. Records of any and all tires received, no matter the source, to include the date of receipt and whether each tire received is a used tire or a scrap or waste tire; and
 - c. Records of all used tires and scrap or waste tires currently in the used tire dealer's inventory or possession; and
 - d. Records proving proper disposal of all scrap or waste tires, which records shall consist of either:
 - i. Official manifests of the Pulaski Inter-District Waste Tire Management Program reflecting the name of the used tire dealer and showing proper disposal of scrap or waste tires at a collection center authorized by the Pulaski Inter-District Waste Tire Management Program pursuant to the guidelines set forth in Arkansas Pollution Control and Ecology Commission Regulation No. 14, including the date(s) of disposal and the number of tires disposed on each date; or
 - ii. Official records of a solid waste facility permitted by the Arkansas Department of Environmental Quality (ADEQ) and authorized to accept waste tires reflecting the name of the used tire dealer and showing proper disposal of scrap or waste tires at such facility, including the date(s) of disposal and the total weight of scrap or waste tires disposed on each date.
 9. Remit quarterly, to the Conway Code Enforcement Department, a written report reflecting the following:
 - a. The total number of used tires sold during the previous quarter; and
 - b. The total number of used tires received, no matter the source, during the previous quarter; and
 - c. The total number of scrap or waste tires received, no matter the source, during the previous quarter; and
 - d. The total number of used tires and scrap or waste tires in the used tire dealer's inventory or possession as of the date of the report; and
 - e. The total number of scrap or waste tires disposed of during the previous quarter and the manner, location and dates(s) of their disposal.
 10. Make available for inspection, upon demand by any representative of the Conway Code Enforcement Department, the original copies of any or all records required to be kept under this Section.
- B. Any person who violates any provision Subsection A, above, shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$100, nor more than \$1,000.
- C. This Section shall not apply to:
1. Any department, branch or agency of the federal, state or municipal government; or

2. The Pulaski Inter-District Waste Tire Management Program, its agents or employees when acting in their official capacity; or
3. Scrap or waste tires located within a properly permitted landfill.

Section 2. Both Section 2 of the Tire Storage Regulations of the City of Conway, Arkansas, as adopted by Ordinance #O-04-44 and amended by Ordinances #O-04-68 and #O-05-47, and Section 5.28.01 of Chapter 5.28 of Title 5 of the Conway Municipal Code, entitled "Storing of tires", are hereby amended to read, in their entirety, as follows:

- A. All owners of real property within the corporate limits of the City of Conway, Arkansas, and all residents, occupants, or tenants of such property, shall keep such property free from tires and any other receptacle or condition that could allow stagnant water to accumulate and thereby potentially contribute to the breeding of mosquitoes.
- B. All owners of real property within the corporate limits of the City of Conway, Arkansas, and all residents, occupants, or tenants of such property, shall store any tires on such property:
 1. On a wheel or rim which prevents water from accumulating within the tire; or
 2. Securely covered in a manner which does not allow for the possibility of accumulation of water within the tire, or on or under the covering; or
 3. In an enclosure, in a manner permitted under all applicable ordinances and the Arkansas Fire Prevention Code; or
 4. In any other manner which prevents water from collecting on, within and around the tire.
- C. The provisions of Subsection B, above, shall not apply to:
 1. Used tire dealers as defined in Section 4.14.01 of the Conway Municipal Code, who are instead required to store all tires in a manner consistent with the provisions of Section 4.14.02 of the Conway Municipal Code; or
 2. Tires awaiting disposal and stored in a trailer which is owned or possessed by the Pulaski Inter-District Waste Tire Management Program.

Section 3. All ordinances and/or provisions of the Conway Municipal Code in conflict herewith are hereby repealed to the extent of that conflict.

Passed this 12th day of April, 2016.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer