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City of Conway, Arkansas  
Ordinance No. O-13-63

Doc#2013- 12573

Date 07/10/2013

08:17:53 AM

Filed & Recorded in  
Official Records of

Faulkner County

RHONDA WHARTON

FAULKNER COUNTY CIRCUIT CLERK

Fees \$25.00

by

*Rm*  
386404

D. C.

**AN ORDINANCE REQUIRING ANY PERSON TRANSPORTING LITTER, WASTE, TRASH, OR GARBAGE WITHIN THE CITY OF CONWAY TO TAKE REASONABLE STEPS TO PREVENT ITS CONTENTS FROM BLOWING, DROPPING, FALLING OFF, OR OTHERWISE DEPARTING FROM THE VEHICLE OR ATTACHED UTILITY TRAILER; AND FOR OTHER PURPOSES:**

**WHEREAS**, it is beneficial to the health and well-being of the citizens of Conway that the City of Conway continue being pro-active in litter abatement; and

**WHEREAS**, Ark. Code Ann. § 14-55-501 authorizes the city council in all cities to prohibit and punish any act, matter, or thing which the laws of this state make a misdemeanor, including matters prohibited by the Litter Control Act of 1977.

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

**Section 1.** Any person operating any truck or other vehicle to transport litter, waste, trash, or garbage within the City of Conway shall take reasonable steps to prevent its contents from blowing, dropping, falling off, or otherwise departing from the vehicle or attached utility trailer. Such reasonable steps may include a secure cover or tarp if reasonably necessary to prevent the contents from blowing, dropping, falling off, or otherwise departing from the vehicle or utility trailer. However, no vehicle hauling predominately metallic material shall be required to be covered if it is loaded in a manner which will prevent the material from falling or dropping from the vehicle or utility trailer.

**Section 2.** Any person operating a motor vehicle that presents a load for disposal at the City of Conway landfill arriving unsecured shall not be permitted to unload at the landfill. However, the landfill may accept the unsecured load upon payment of a fee of \$5.00.

**Section 3.** In addition to the penalty in Section 2, any person given a citation for and convicted of a violation of Section 1 shall be guilty of an unclassified misdemeanor and shall be fined in an amount of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00) for the first offense.

The penalty for subsequent offenses shall be:

- A. Not less than Fifty Dollars (\$50.00) and not more than two hundred fifty dollars (\$250.00) for the second offense that occurs within twelve (12) months of the prior offense.
- B. Not less than One Hundred Dollars (\$100.00) and not more than two hundred fifty dollars (\$250.00) for the third offense that occurs within twelve (12) months.
- C. Not less than two hundred fifty dollars (\$250.00) and not more than Five Hundred Dollars (\$500.00) for the fourth and all subsequent offenses that occur within twelve (12) months.

**Section 4.** That this ordinance is intended to be supplemental to and not in conflict with the Litter Control Act of 1977 (Ark. Code Ann. § 8-6-401, *et seq.*)

**Section 5.** Any ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**Section 6.** This ordinance shall go into effect from and after its passage and publication, with an effective date of August 1, 2013.

Passed this 25<sup>th</sup> day of June, 2013.

**Approved:**

  
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**Mayor Tab Townsell**

**Attest:**

  
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**Michael O. Garrett**  
**City Clerk/Treasurer**

