

AN ORDINANCE TO ADMINISTER AND REGULATE TIRE COLLECTION AND  
TIRE PROCESSING CENTERS IN THE COUNTY OF CRAIGHEAD, STATE OF  
ARKANSAS AND FOR OTHER PURPOSES

FILED

#2470

MAY 29 2024

WHEREAS, the Quorum Court has reviewed the economic impact and environmental safeguards for all tire collection and tire processing centers, and

COUNTY & PROBATE COURT CLERK

WHEREAS, the Quorum Court has reviewed a balanced enforcement action through license and public education of facilities and centers, and

WHEREAS, the Quorum Court has reviewed reasonable requirements regarding storage time and fire prevention at permitted tire storage sites, and

WHEREAS, the Quorum Court seeks to instill financial assurances for facilities and disposal waste, and

WHEREAS, the Quorum Court concurs in the importance of promoting public health, safety, and welfare insofar as they are affected by conditions and maintenance in proximity to residential structures and premises.

NOW THEREFORE be it Ordained by the Quorum Court of Craighead County, State of Arkansas as follows:

SECTION I. Definitions:

- a. Environmental Compliance Officer: Deputy designated by the Craighead County Sheriff Office utilized for inspections and enforcement of this ordinance.
- b. Dwelling: means any building, structure or portion thereof which is occupied as or designated or intended for occupancy, as a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- c. Permittee: means the person licensed by the County who:
  - i. Is the owner, owners' agent, operator, operator's agent or other personal legally responsible for the operation of the Waste Tire Processing Facility and/or Waste Tire Collection Facility, and
  - ii. Possesses a valid permit to operate a Waste Tire Processing Facility and/or Waste Tire Collection Facility.

8/6217-426

- d. **Public Health Hazard:** includes releases and contamination from the storage, transportation, abandonment or handling of tires and their waste.
- e. **Site:** means any real property located within the boundary of Craighead County contemplated or later acquired for the purpose of this ordinance.
- f. **Facility:** buildings or appurtenances that are operating in connection with the permit of this ordinance.

SECTION II. Standards for Health, Safety, and Environmental Preservation.

- a. **Application and Permitting Process:**

A permit will be required for the operation of a Waste Tire Processing Facility and/or Waste Tire Collection Facility.

Only those facilities with such permits will be allowed to operate in Craighead County.

Initial Application Fee: (Five Year Period)	Five Hundred (\$500.00) dollars
Renewal Application Fee:	Two Hundred Fifty (\$250.00) dollars

- b. All permittees shall provide a copy to the office of the County Judge all applications, renewals, or responses to deficiencies that must be submitted and communicated to the Arkansas Department of Environmental Quality throughout the terms of their operation. All public hearing requirements necessitated by the Arkansas Department of Environmental Quality shall also be published in the local circulation of the locale of the site location.
- c. Any person who operates such facility must comply with Federal and State laws pertaining to Waste Tire Processing Facilities and or Waste Tire Collection Facilities.
- d. The facility shall only operate between Monday through Friday, 7:00 a.m. to 6:00 p.m.

- e. Any person who operates a Waste Tire Processing Facility and or Waste Tire Collection Facility must completely surround the active portion of the facility with perimeter fencing with a minimum height of twelve (12') feet. The fencing must be chain link privacy screens to be attached to fencing with a minimum of 80% blockage in good repair.
- f. Refiling of the same, amended, completely different application, or any portion of the same property after previous action or withdrawal, shall be considered a completely new application and fees shall be charged accordingly.
- g. The permit shall not be transferable without consent of the County and shall be for a period of not more than one year.
- h. Any person who operates a Waste Tire Processing Facility and or Waste Tire Collection Facility must provide a vicinity map and topographical map to the County clearly delineating the location of the facility, surrounding land uses, nearby residences and names of said owners, nearby business, and nearby waterways including but not limited to rivers, streams, lakes, ponds, drainage ditches and other waterways.
- i. Any on-site personnel employed at the facility shall be trained in hazardous waste operations and emergency responses. Names of said individuals shall be given to the local fire district and state fire marshal in which the site is located. A copy of any training of personnel must be submitted to the Craighead County Office of Emergency Management and local fire district, to be placed on file. Local fire district shall have the right to review the site plans to ensure proper ingress and egress for removal of materials. Their approval shall be required to be submitted with the permit.

### SECTION III. Bonding and Financial Assurance

Prior to the issuance of a permit, pursuant to provisions of this Ordinance, the Permittee shall furnish the County with Financial Assurance shall be provided in the form of the following.

- a. The amount of Financial Assurance is to be maintained and kept at all times during operation.
- b. An estimated cost, no less than \$1,500,000.00 submitted by the permittee, for a third-party contractor to dispose of the inventory at the site at any one time, plus

- i. The estimated cost to decontaminate the site and all equipment or dispose of all inventory or equipment, plus
  - ii. The cost to perform any other activities necessary to assure the site does not pose a threat to human health or the environment, plus
  - iii. The bond or letter of credit shall state that if the permittee fails to obey any of the requirements or do any of the acts required by this Ordinance, fails to follow an order or notice issued by the County, or fails to adhere to any conditions of permit for the operation of the site, and the county determines that remediation or expending of the monies are required to restore the site, to the conditions and requirements, the principal and sureties on its bonds or the situation holding the letter of credit shall pay the County upon demand for any and all expenses incurred.
- c. The permittee and its sureties will indemnify and hold the County harmless from all losses, costs, and charges that may occur to the County because of any default under the terms of the permit.

#### SECTION IV. Insurance.

Issuance of a permit shall be contingent upon the permittee furnishing to the County a certificate of insurance showing that the permittee maintains the following minimum coverage:

- a. A commercial general liability policy covering all premises and operation with limits of not less than \$1,000,000.00 for personal injuries arising from one occurrence, \$1,000,000.00 for damages arising from death and or total bodily injuries arising from one occurrence, and \$1,000,000.00 for property damage arising from one occurrence, or a combined single limit thereof, with a \$2,000,000.00 annual aggregate, and
- b. A Pollution/ Environmental impairment policy including remediation, cleanup, and legal liability for \$1,000,000.00 per occurrence; \$2,000,000.00 aggregate including premises and off-site pollution including sudden and accidental pollution, and
- c. Workers Compensation coverage at Arkansas Statutory limits or written confirmation that the applicant is a qualified self – insured or is otherwise exempt under Arkansas law, and
- d. A Commercial Auto Liability coverage of a minimum of \$1,000,000.00 per accident for death, bodily injury and or/damages to any one person,

\$1,000,000.00 for total bodily injuries and or damages arising from one accident and with limits of not less than \$1,000,000.00 per accident for property damages.

- e. Insurance information must be submitted at the time of the permit and or renewal. Absence of all necessary insurance information shall constitute an incomplete application.
- f. All insurance policies shall name Craighead County as an additional insured party and as certificate of holder. Upon request of the County, a copy of the requested insurance policies shall be submitted to the County Judge.
- g. The County shall be notified no less than sixty (60) days prior to the effective date of a cancellation or changes in insurance.

SECTION V. Waste Management, Abandonment, or Termination of Operation.

- a. Any person who owns property on which a facility has been abandoned must remove all contaminated materials. This removal from the site must be accomplished in compliance with this Ordinance.
- b. Any unlicensed storage of abandoned material shall be considered a public health hazard and subject to this Ordinance and all federal and state laws.

SECTION VI. Site approval and proximity to dwelling.

- a. Any facility or stockpile located on reference site shall have a minimum set back from the adjoining landowner property line by 250 feet.
- b. All premises and exterior property shall be kept free from conditions which might become a harborage for mosquitos.

SECTION VII. Administration.

- a. The authority and responsibility for administering this Ordinance shall be in the Chief Executive Office of the County of Craighead. The Chief Executive Officer may delegate any of these functions, duties, and powers to employees of the County or boards of such.

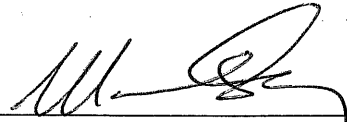
- b. In conducting an investigation, the chief executive officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the statements as are reasonably necessary for the furtherance of the investigation, provided they first comply with the provisions of the Fourth Amendment relating to unreasonable searches and seizures.
- c. Whenever necessary to perform or enforce any provisions of this Ordinance, the Chief Executive officer has authority to enter and require Compliance Officer to perform the same.
- d. Within 30 days of conclusion of an inspection, the permittee will be provided written notice of any deficiencies and order for their correction and the timeframe by which corrections shall be accomplished.
- e. If an application for a permit is not completed or otherwise does not conform with the requirements set forth in this Ordinance, the County shall advise the permittee within 60 days of receipt of the application. Such notification shall be in writing and will include the reasons for non-acceptance of the application. The permittee shall comply with the County's request for additional information, re-submittal or modification within the timeframe specified by the County.

SECTION VIII. Enforcement and Penalties.

- a. Anyone failing to meet the terms of this Ordinance, who operates such a facility in Craighead County, shall be guilty of a misdemeanor and shall be subject to a daily fine of \$1000 for each day of in violation of this Ordinance to be prosecuted in the District Court of Craighead County. The County may also seek restitution for any clean-up costs, including but not limited to disposal as necessitated within the terms of this Ordinance.
- b. The County shall have the right to pursue any and all civil and criminal penalties. Nothing within this Ordinance shall restrict or limit the County's ability to pursue Circuit Court of competent jurisdiction.
- c. The County bears no responsibility for the adequacy or proper functioning of the facility.

PASSED AND APPROVED on this 28<sup>th</sup> day of May, 2024.

APPROVED:



Marvin Day, County Judge

ATTEST:



Mary Dawn Marshall, County Clerk

Publication fee: \_\_\_\_\_