

## ORDINANCE 225

An Ordinance Controlling the Dumping of Dirt and Construction Debris Within the City Limits of Garfield Arkansas and Declaring an Emergency.

### Section 1. Purpose

The purpose of this ordinance is to protect public health, safety, and the environment by regulating the dumping and disposal of dirt, soil, earth, and construction debris within the Garfield city limits. This ordinance aims to prevent illegal dumping, maintain the cleanliness of public and private property, and ensure that construction waste is managed in an environmentally responsible manner.

### Section 2. Definitions

- **Dirt:** Includes soil, earth, sand, clay, gravel, or similar materials.
- **Construction Debris:** Includes waste resulting from construction, remodeling, repair, or demolition of structures, such as concrete, bricks, wood, drywall, roofing materials, insulation, and similar substances. Including but not limited to single and multifamily dwellings, commercial buildings, road and highway construction and repair, remodeling and additions to existing structures and roofing. Materials may include (but are not limited to) dimensional lumber, roofing materials, bricks, concrete blocks, siding, gypsum (drywall), masonry, metal, cardboard, concrete with and without rebar, fill materials (including earth, gravel and stone), glass, and any other material that may be used in any construction project or may be salvaged from any demolition project.
- **Dumping:** The act of depositing, discarding, or disposing of dirt or construction debris on any land, street, alley, waterway, or other property, whether public or private, without proper authorization.
- **Permit:** Official authorization granted by the city of Garfield for the disposal or placement of dirt or construction debris at a designated site.

## Section 3. Prohibited Acts

1. No person, company, or entity shall dump or cause any dirt or construction debris to be dumped on any public or private property within the city limits without a valid permit issued by the city of Garfield.
2. It is prohibited to dispose of dirt or construction debris in storm drains, waterways, parks, vacant lots, roadways, or any location not expressly designated or permitted by the city of Garfield for such use.
3. No person shall transport dirt or construction debris in a manner that allows the material to spill, scatter, or be deposited onto public streets or property.

## Section 4. Permit and Disposal Requirements

1. Any person or entity seeking to dispose of dirt or construction debris must apply for a permit from the Garfield Recorder - Treasurer or other designated authority.
2. The permit application shall specify the quantity, type of material, location of disposal, method of transportation, and measures for site restoration and environmental protection.
3. Permits may be granted only for designated disposal sites approved by the Garfield Code Enforcement Official.
4. All permit holders must comply with city of Garfield regulations regarding transportation, handling, and disposal to minimize environmental impact and nuisance to residents.
5. Application Permit Fee is \$150.00.

## Section 5. Exemptions

1. Routine landscaping or gardening activities by homeowners on their own property that do not involve more than (4) four yards of dirt or construction debris are exempt from permit requirements.
2. Municipal or utility work performed by or on behalf of the city, county, state, or federal governments are exempt, when conducted in accordance with applicable regulations and best practices.

## Section 6. Penalties

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1. Any person who violates any of the provisions of Section 3, Prohibited Acts, of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and be punished by a fine of not more than Seven Hundred Fifty Dollars (\$750.00) and not less than One Hundred Dollars (\$100.00). Each day that a violation continues, after notice, issuance of a citation, or conviction, shall constitute a separate offense.

a. Warning ticket. Upon violation of any provision of Section 3 of this ordinance, an individual may be issued a warning ticket by the mayor, city code enforcement officer, or any law enforcement officer having jurisdiction. Such warning ticket shall identify the violation of the code and shall state the time, date, and place of the violation. Such warning ticket shall further state that if the individual commits further violations following the date of the warning ticket, the city may seek a criminal sanction for such violations.

b. Arrest or citation. Upon violation of any provision of Section 3 of this ordinance, a law enforcement officer having jurisdiction may charge the offender with a misdemeanor committed in the officer's presence, by arrest or citation.

c. Warrant. Upon the violation of any provision of Section 3 of this ordinance, the city, by and through the mayor or an enforcement agent or officer, may request from a court of competent jurisdiction that a warrant be issued for the arrest of the individual.

2. Equitable remedies. This City of Garfield ordinance may be enforced by equitable remedies, and any unlawful condition existing in violation of this ordinance may be enforced by injunction and order of abatement.

a. Injunction. Where necessary to effectuate compliance with this ordinance, the city may institute an action in a court of competent jurisdiction seeking an injunction against the further violation of this ordinance.

b. Order of Abatement. Where necessary to abate a condition existing upon land in violation of this ordinance, the city may institute an action in a court of competent

jurisdiction seeking an order of abatement of the use or condition of land in violation of this ordinance.

c. Other equitable remedies. This ordinance may be enforced by any other equitable remedy which a court of competent jurisdiction deems just and proper."

## Section 7. Enforcement

The Garfield Code Enforcement Official, is authorized to enforce the provisions of this ordinance, investigate complaints, and issue citations for violations.

## Section 8. Severability

If any provision of this ordinance is found to be invalid or unenforceable, the remaining provisions shall continue in full force and effect.

## Section 9. Effective Date

Emergency Clause: Illegal dumping of construction debris which has been transported to the Garfield city limits from outside the city's jurisdiction is an ongoing problem. This problem devalues property values and causes serious safety and health conditions. Therefore, this ordinance shall take effect immediately upon its passage and publication as required by law.

Gary Blackburn Cary Blackburn Date 1-13-2026

Mayor

Attested: Christal Allen Christal Allen Date 1-13-2026

Recorder - Treasurer

