

City of Fayetteville Item Review Form

2014-0221

Legistar File Number

June 3rd, 2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Brian Pugh

Submitted By

Recycling and Trash

Department

Action Required:

Approve an ordinance to change the name of Chapter 50 Garbage and Trash to Recycling and Trash Collection, to change all references to Solid Waste and Recycling Division with Chapter 50 to Recycling and Trash Collection Division, to change "Operations Director" to "Recycling and Trash Collection Manager" through out Chapter 50, and to amend 50.05 Depositing on Streets Alleys or sidewalks of the Fayetteville Code.

Does this item have a cost? No

\$0.00

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? No

Budget Adjustment Attached? No

V20130812

Previous Ordinance or Resolution # _____

ENTERED
5/11/14 [Signature]

Original Contract Number: _____

Comments: [Signature]

ENTERED
5/19/14 [Signature]

Don Meyer 5-16-14
[Signature]



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



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Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
Don Marr, Chief of Staff
Brian Pugh, Waste Reduction Coordinator

FROM: Kit Williams, City Attorney

DATE: March 25, 2014

RE: Necessary Update for Chapter 50

Since the Administration has decided to change the name of the Solid Waste and Recycling Division to Recycling and Trash Collection Division, Chapter 50 of the Fayetteville Code needs to be amended to conform to this new name.

In addition, Chapter 50's references to the "Operations Director" running the division and making certain decisions need to be changed as this position was eliminated many years ago. I suggest changing it to "Recycling and Trash Collector Division Manager." However, if the Mayor determines "Director", "Supervisor", or some other title is preferable, please let me know and I will happily change the proposed ordinance. I do think the references for decision making should actually be the head of the Recycling and Trash Collection Division rather than a Director within the Mayor's office. All managers and directors eventually work for and must be responsive to the Chief of Staff and finally the Mayor.

I looked at Chapter 50 because of a question relayed to me by Chief of Staff Marr from Alderman Marsh. I noticed that § 50.05's language was comically confused when read literally. The section stated: "It shall be unlawful for any person to throw...any garbage...upon any...sidewalk...,

except in receptacles placed upon such...sidewalk **without** the approval of the city....” Thus citizens could not legally place litter in a city approved trash receptacle, but only trash receptacles that had not been approved by the City.

It looks like this section has existed in this confused state for decades, but I believe we need to change it to what the Fayetteville Board of Directors must have meant: that a person could legally put trash on a public sidewalk only in a city approved trash receptacle.

Attached is my proposed ordinance to accomplish these changes. I suggest Brian Pugh start this mainly housekeeping ordinance through the Legistar system so the Fayetteville Code will properly reflect Mayor Jordan’s intended divisional name change.

ORDINANCE NO. _____

AN ORDINANCE TO CHANGE THE NAME OF CHAPTER 50 GARBAGE AND TRASH TO RECYCLING AND TRASH COLLECTION, TO CHANGE ALL REFERENCES TO SOLID WASTE AND RECYCLING DIVISION WITHIN CHAPTER 50 TO RECYCLING AND TRASH COLLECTION DIVISION, TO CHANGE "OPERATIONS DIRECTOR" TO "RECYCLING AND TRASH COLLECTION MANAGER" THROUGHOUT CHAPTER 50, AND TO AMEND § 50.05 DEPOSITING ON STREETS, ALLEYS, OR SIDEWALKS OF THE FAYETTEVILLE CODE

WHEREAS, the Solid Waste and Recycling Division has been renamed the "Recycling and Trash Collection" Division and the Operations Director no longer heads this division; and

WHEREAS, a grammatical error exists in § 50.05 which uses "without approval" when the clear intent of the law should be "with approval."

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the name of Chapter 50 Garbage and Trash to Recycling and Trash Collection.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends Chapter 50 of the Fayetteville Code by changing all references to Solid Waste and Recycling Division therein to "Recycling and Trash Collection."

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends Chapter 50 by changing all references to "Operations Director" to "Recycling and Trash Collection Manager."

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends § 50.05 to change "without" to "with" and enacts § 50.05 as shown below:

“50.05 Depositing On Streets, Alleys, Or Sidewalks

It shall be unlawful for any person to throw, place, dump, litter, or otherwise deposit any garbage, trash, or refuse upon any public street, alley, or sidewalk of this city, except in receptacles placed upon such streets, alleys or sidewalks with approval of the city Recycling and Trash Collection Division.”

PASSED and **APPROVED** this 3rd day of June, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



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DEPARTMENTAL CORRESPONDENCE



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Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Brian Pugh**, Waste Reduction Coordinator

CC: **Don Marr**, Chief of Staff

FROM: **Kit Williams**, City Attorney


DATE: **May 1, 2014**

RE: **Ordinance to amend Chapter 50 Garbage and Trash to Recycling and Trash Collection and to amend § 50.05**

Attached please find a memo from Chief of Staff Don Marr requesting that you begin the staff agenda item for the attached ordinance. Also attached is my memo of March 25, 2014, which you may use (if you so desire) with the Agenda item to explain why the ordinance is needed. Please feel free to add or substitute your own memo to the City Council.



STAFF MEMO

TO: Kit Williams, City Attorney
FROM: Don Marr, Chief of Staff 
DATE: May 1, 2014
SUBJECT: Proposed clarification and name change for Chapter 50

The Mayor and I are in agreement with a noncontroversial clarification and name changing ordinance for Chapter 50.

If you can please draft the ordinance and make the recommended changes we will be glad to get with you and assist in the changes.

Thank you very much for bringing this matter to our attention.

