

**AN ORDINANCE AMENDING CHAPTER 8 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR THE PROPER STORAGE AND DISPOSAL OF USED AND SCRAP TIRES; AND FOR OTHER PURPOSES.**

WHEREAS, improper storage and disposal of used and scrap vehicle tires create a 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 scrap tires creates a public nuisance through spreading potentially hazardous waste, slowing down waste services and causing a financial burden on the City of North Little Rock (“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 while used tire dealers are not required to do so, allowing used tire dealers to operate without similar oversight; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Sections 2.2.1 (Definitions) and 8.1.3 (Illustrative enumeration of a nuisance) are hereby amended and Section 8.3.5 (Used and scrap tires) is added to Article 8 (Nuisances) of North Little Rock Municipal Code (“NLRMC”) Chapter 8 (Nuisance Abatement and Property Maintenance) to establish regulations for the proper storage and disposal of used and scrap tires as follows:

**2.2.1 Definitions.**

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**SCRAP OR WASTE TIRE.** A tire or any portion thereof that can no longer be used for its original intended purpose or is being held, transported, or processed for disposal or recycling.

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USED TIRE. A tire, including a recapped or retreaded tire, suitable for continued use for its original intended purpose.

### **8.1.3 Illustrative enumeration of a nuisance.**

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(U) Unauthorized, excessive or improper accumulation or storage of used or scrap tires.

### **8.3.5 Used and scrap tires.**

(A) A person who owns or operates a business within the City that (a) offers used vehicle tires for sale, trade, or barter or (b) provides installation services for used tires shall:

- (1) Dispose of scrap or waste tires at an official public waste tire collection center authorized by the Inter-District Waste Tire Management Program pursuant to the guidelines set forth in Arkansas Pollution Control and Ecology Commission Regulation No. 14;
- (2) Store all tires in a dry, secure structure or closed trailer that complies with the North Little Rock Zoning Ordinance. All tires shall be 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*, up to twenty-five (25) tires may be displayed outdoors in an orderly fashion no closer than ten (10) feet from the primary structure of the 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) Separately store useable used tires, scrap tires, and tire pieces;
- (5) Schedule regular pick-up of tires by a licensed carrier to avoid excessive amounts of tires and tire pieces to be stored on the property;
- (6) Ensure that all stored tires remain free of water and other liquids, trash, and debris; and

(7) Make and maintain complete and accurate inventory records as well as complete and accurate manifest records reflecting proper disposal of all scrap or waste tires as prescribed by the City's Code Enforcement Department and as issued by an authorized public waste tire collection center at the time of disposal.

(B) Violation of Section A above is a fine not less than \$100 nor more than \$1000.

(C) Except as otherwise allowed herein, any person storing used or scrap tires stored within the City must be kept in a dry and secure structure, free from collection of liquids, dirt or debris and stored tires shall be 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. The tires must be isolated 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. Any person who maintains or allows tires to be maintained on premises owned or under their control in violation of this section shall be fined not less than \$250.00, nor more than \$1000.00.

(D) This article shall not apply to:

(1) Any department, branch, or agency of the federal, state or municipal government;

(2) Scrap tires located within a properly permitted landfill; or

(3) Tires that are not intended for use on vehicles that are motorized or towed by motorized vehicles.

**Editor's note:** Additions are denoted by underline; deletions by ~~strikethrough~~.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: This ordinance will become effective on August 1, 2015.

PASSED:

APPROVED:

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Mayor Joe A. Smith

