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# Solid Waste Removal Service/Temporary Waste Projects: Carroll County, Arkansas, Circuit Court Complaint Filed Alleging City of Holiday Island Unconstitutional Monopoly

08/31/2023

Steven Hedrick and X-Dumpsters (collectively "Plaintiffs") filed an August 22nd Complaint in Carroll County, Arkansas, Circuit Court against the City of Holiday Island, Arkansas, alleging a violation of civil rights under the Arkansas Constitution. See Case CV No. 2023-85.

The Complaint alleges that an Ordinance adopted by the Holiday Island City Council violates the Arkansas Constitution's prohibition on monopolies and guarantees Plaintiffs due process.

The Plaintiffs' business is described as delivering portable dumpsters to job sites so individuals can dispose of construction or other wastes. The business is stated to be licensed under the Solid Waste Hauler Licensing Program of the Carroll County Solid Waste District to collect and dispose of solid waste in Carroll County. Individuals are stated to rent the dumpsters to be filled and subsequently picked up by Plaintiffs within 10 days unless otherwise agreed upon.

The Complaint alleges that Ordinance 2022-004 adopted in April 2022 by the Holiday Island City Council requires all residents and businesses within the City to contract with the selected entity for the collection of solid waste in Holiday Island. Further, the Ordinance is stated to authorize the City Council to award an exclusive franchise for the collection of solid waste.

Definitions are provided for a number of terms such as:

- Solid waste
- Yard waste
- Extraordinary materials
- Hazardous material
- Excluded solid waste

The selected contractor is stated to be Carroll County Solid Waste District.

Plaintiffs state that their initial understanding of the Ordinance was it only applied to regularly-scheduled trash collection services (as opposed to ad-hoc or temporary trash collection services that the Plaintiffs claims to provide).

The Plaintiffs are stated to have received a letter from the Holiday Island Mayor indicating that Plaintiffs could no longer provide the services to people in Holiday Island.

The Complaint alleges harm to:

- Plaintiffs Steven Hedrick and X-Dumpsters
- Citizens of Holiday Island

The Complaint argues that:

- There is no legitimate basis for the exclusive monopoly granted to Carroll County Waste Management District
- Violation of the Arkansas Constitution's Prohibition Against Monopolies
- Violation of the Arkansas Constitution's Guarantee of Due Process
- Violation of the Arkansas Constitution's Guarantee of the Fundamental of Life, Liberty, and Property

The Complaint can be downloaded [here](#).