
MUNICIPAL GOVERNANCE - ARKANSAS

Hedrick v. City of Holiday Island

Supreme Court of Arkansas - December 4, 2025 - 2025 Ark. 194 - 723 S.W.3d 635

Provider of supplemental waste-disposal services and its owner brought action against city, challenging ordinance barring all providers other than city's chosen contractor from offering solid-waste-removal services.

The Circuit Court granted city's motion to dismiss for failure to state a claim. Provider and owner appealed.

The Supreme Court held that city lacked authority to bar all providers of solid-waste-removal services other than its chosen contractor.

Arkansas Solid Waste Management Act did not confer on city the authority to bar all providers of solid-waste-removal services other than its chosen contractor from offering such services in city, notwithstanding that the Act required city to provide a solid waste management system that provided for "the collection and disposal of all solid wastes generated or existing" within city limits, and authorized city to "enter into agreements with one" or more entities "to provide a solid waste management system"; the ability to contract with a single entity was significantly different from the power to bar all others from offering a service, and the reference to "all solid wastes" merely required the city to ensure a trash collection, which the existence of supplemental providers did not prevent.

Even though the "solid waste management system" that city was required to provide was defined by statute to encompass "the entire process" of disposing of trash, the comprehensiveness of such definition did not authorize city to bar all providers of solid-waste-removal services other than its chosen contractor from offering such services in city; it was undisputed that the Arkansas Solid Waste Management Act authorized city to contract with an entity or entities capable of providing an entire disposal system, but such authorization did not include the power to bar other entities from providing supplemental waste disposal services.

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