

TITLE V

HEALTH AND SANITATION

CHAPTERS:

- 5.04 Maintenance of Real Property
- 5.06 Solid Waste Management Plan
- 5.08 Septic Tanks
- 5.12 Littering
- 5.16 Board of Health

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

SECTIONS:

- 5.04.01 General Provisions
- 5.04.02 Definitions
- 5.04.03 General Requirements of Property Maintenance
- 5.04.04 Exterior Property Areas Maintenance
- 5.04.05 Exterior Structure Maintenance
- 5.04.06 Rubbish and Garbage
- 5.04.07 Administration of Property Maintenance Regulations
- 5.04.08 Inspections
- 5.04.09 Enforcement Procedures for Criminal Remedies
- 5.04.10 Enforcement Procedures for Civil Remedies

Section 5.04.01 **General Provisions**

- A) **Scope.** The provisions of this chapter shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for maintenance of real property; the responsibility of owners and occupants; and for administration, enforcement and penalties.
- B) **Intent.** The intent of this chapter is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

- C) **Authority.** These property maintenance regulations are adopted pursuant to the authority granted by Arkansas Code Annotated Section 14-54-901, et seq. and 14-56-203, et seq.

Section 5.04.02 Definitions

- A) **Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this section.
- B) **Terms defined in other codes.** Where terms are not defined in this code and are defined in other City codes, such terms shall have the meanings ascribed to them as in those codes.
- C) **Terms not defined.** Where terms are not defined by this section or by any other City codes, such terms shall have ordinarily accepted meanings such as the context imply.
- D) **Definition of terms.**
- 1) **UNSIGHTLY/UNSANITARY ARTICLE.** Any article or thing which poses a threat to the public health, safety or welfare; or any article or thing which creates a blighting problem, adversely affects the appearance of the surrounding area, or is detrimental to nearby property or property values.

Section 5.04.03 General Requirements of Property Maintenance

- A) **Responsibility.** The owner of real property shall maintain the premises, structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. All owners of real property shall maintain their property free from such unsightly/unsanitary articles as defined within this chapter.

Section 5.04.04 Exterior Property Areas Maintenance

- A) **Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

- B) **Stagnant Water.** All premises shall be maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. **Exception:** Approved retention areas and reservoirs.
- C) **Grass.** All premises and exterior property shall be maintained free from grass and other plant growth in excess of 10 inches. This term shall not include cultivated flowers and gardens.
- D) **Infestation.** All structures and exterior property shall be kept free from insect and rodent infestation. Where infestations occur, the structure and/or premises shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
- E) **Trees and shrubs.** All premises and exterior property shall be maintained free from trees, shrubs or other plant growth obstructing the view of vehicular or pedestrian traffic. Furthermore, all premises and exterior property shall be maintained free from dead trees capable of threatening the public safety and welfare.

Section 5.04.05 Exterior Structure Maintenance

- A) **General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. The exterior of a structure shall also be maintained in such condition so as not to create a public nuisance or become detrimental to nearby property or property values.
- B) **Overhang extensions.** All overhang extensions; including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts, shall be maintained in good repair and be properly anchored so as not to pose a threat to the public health, safety or welfare.
- C) **Stairways, decks, porches and balconies.** Every stairway, deck, porch and balcony, and all handrails and other appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads, so as not to pose a threat to the public health, safety or welfare.
- D) **Windows and doorways.** Every exterior doorway, window or other exterior opening into a structure shall be kept in good repair or properly enclosed, so as not to create a hazardous condition or invite criminal mischief.

Section 5.04.06 Rubbish and Garbage

- A) **Accumulation of rubbish or garbage.** All exterior property and premises shall be free from any accumulation of rubbish, garbage, debris, lumber, inoperable appliances and other unsightly or unsanitary articles.
- B) **Disposal of rubbish and garbage.** Every occupant of a structure shall dispose of all rubbish/garbage in a clean and sanitary manner.

Section 5.04.07 Administration of Property Maintenance Regulations

- A) It shall be the duty of the person designated by the Mayor as Code Enforcement Official to administer and enforce the regulations contained herein.
- B) When requested, the Berryville Police Department shall assist the Code Enforcement Official with service of written notices upon any party suspected of being in violation of this code.

Section 5.04.08 Inspections

Authority. Upon receiving a complaint, the Code Enforcement Official shall make such inspection trips as may be necessary throughout the corporate limits of the City of Berryville, Arkansas, and for any violation of this chapter that he may find, he will write to the owner(s) of any lot or other real property, stating the date of his inspection and the condition(s) that must be corrected.

Section 5.04.09 Enforcement Procedures for Criminal Remedies

A) Notification.

- a. **Notice to owner or to person(s) responsible.** Whenever the Code Enforcement Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person(s) responsible therefore in the manner prescribed herein.
- b. **Form.** Such notice prescribed in Section 5.04.09 A (a) shall be in accordance with all of the following:
 - 1) Be in writing
 - 2) Include a description of the real estate sufficient for identification.
 - 3) Include a statement of the violation(s) and why the notice is being issued.

- 4) Include a correction order allowing 10 days time from the receipt of such notice to either remove, correct, repair or eliminate any condition required to bring the premises, dwelling unit or structure into compliance with the provisions of this code, or submit a plan and reasonable time table to achieve compliance. **Exception:** If any property owner shall suffer the loss, either total or partial, of a house by fire or natural disaster, the owner shall be given 60 days from the receipt of such notice to remove all debris or refuse on said lot. Adjoining property owners on which debris or refuse may be situated due to the destruction of houses by fire or natural disaster shall also be given 60 days from the receipt of such notice to remove such debris or refuse.

B) Authorization to Issue a Citation

If the owner of any real property within the city shall fail to correct, repair or eliminate any violation of this code, then a citation may be issued to the property owner, as prescribed by law, to appear before the Berryville District Court regarding violations of this code. Upon conviction, violators may be subject to criminal penalties as prescribed in Section 5.04.09 D.

C) Authorization to Correct Unsightly/Unsanitary Conditions

If the owner of any lot or other real property within the city shall neglect or refuse to correct, repair or eliminate any condition as may be provided for in this code, after having been given due notice as prescribed in Section 5.04.09 A, then the City is authorized to do whatever is necessary to correct, repair or eliminate the condition and to charge the cost thereof to the owner of the real property.

D) Criminal Penalty for Violations

Any property owner who shall violate any provision of this code, or fail to comply therewith, after receiving a citation from the City, shall be guilty of a misdemeanor, and upon conviction in the Berryville District Court, shall be fined up to \$100 for each offense plus court costs and, if applicable, those costs incurred by the City to correct the condition.

Section 5.04.10 Enforcement Procedures for Civil Remedies

A) Enforcement of Lien & Collection of Costs.

If the costs incurred by the City as provided for in Section 5.04.09 C are not reimbursed by the property owner, then a lien herein provided for may be enforced and collected in either of the following manners:

- a. The lien may be enforced at any time within eighteen (18) months after work has been done by an action in the Circuit Court of Carroll County, Arkansas; or

- b. The amount of the lien herein provided for may be determined at a hearing before the City Council held after thirty (30) days written notice by certified mail to the owner(s) of the property, if the name and whereabouts of the owner(s) be known; and if the name of the owner(s) cannot be determined, then after publication of notice of such hearing in a newspaper having a bona fide circulation in Carroll County for one (1) insertion per week for four (4) consecutive weeks and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be certified by the City Council to the Carroll County Tax Collector, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount less three percent (3%) thereof when so collected shall be paid to the City of Berryville. The determination of the City Council is subject to appeal by the property owner in the Carroll County Circuit Court. In all suits brought to enforce the liens described in this section, the reimbursement of costs, including title search fees and reasonable attorney's fees, shall be awarded to the municipality.

B) Notice to unknown or nonresident owners.

In case the owner of any lot or other real property is unknown or his whereabouts is not known or he is a nonresident of this state, then a copy of the written notice referred to herein shall be posted upon the premises. Before any action to enforce the lien shall be had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts of non-residents. After the affidavit is drawn, service against non-resident defendants may be had as provided by law. An attorney ad litem shall be appointed to notify the defendant by certified mail addressed to the last known place of residence, if it can be found. The City Attorney is hereby directed to oversee the notice requirements to unknown or nonresident owners.

CROSS REFERENCE: Ordinance 829; Section 1; April 6, 2004

CHAPTER 5.06

SOLID WASTE MANAGEMENT PLAN

SECTIONS:

- 5.06.01 Short Title**
- 5.06.02 Declaration of Policy**
- 5.06.03 Administration**
- 5.06.04 Definitions**
- 5.06.05 Time and Frequency of Collection**
- 5.06.06 Storage**
- 5.06.07 Required Disposal Through Licensed Contractor**
- 5.06.08 Operating Rules for Licensed Contractor(s)**
- 5.06.09 Contracts**
- 5.06.10 Contractor Requirements**
- 5.06.11 Types of Service**
- 5.06.12 Enforcement**
- 5.06.13 Penalty for Violation**

Section 5.06.01 **Short Title**

This ordinance shall be known and may be cited as the Solid Waste Management Ordinance of Berryville, Arkansas.

CROSS REFERENCE: Ordinance 575; Section 1; November 15, 1994

Section 5.06.02 **Declaration of Policy**

Whereas A.C.A. 8-6-211(a) states: "All municipalities shall develop a plan to provide a solid waste management system that shall adequately provide for the disposal of solid wastes generated or existing within the incorporated limits of the municipality or in the area to be served and in accordance with the rules, regulations, and orders of the Arkansas Pollution Control and Ecology Commission;" and whereas A.C.A. 8-6-211(e) states: "The governing body of a municipality shall have the right to establish policies for and enact laws concerning all phases of the operation of a solid waste management system;" it is hereby declared to be the purpose of this ordinance to regulate the storage, collection, transportation, processing, recovery, and disposal of solid waste in order to protect the public safety, health, and welfare and to enhance the environment of the people of Berryville and the surrounding area.

CROSS REFERENCE: Ordinance 575; Section 2; November 15, 1994

Section 5.06.03 Administration

- A) The City Council shall be responsible for the management and administration of this ordinance and of the rules and regulations established hereunder.
- B) The Mayor and the City Clerk are hereby authorized to enter into a contract or contracts for the collection of solid waste within the corporate limits of the City.
- C) All contracts entered into for the collection of solid waste in the City must be approved by a majority vote of the City Council.
- D) The City Council shall issue a city license to all individuals or corporations who have a contract with the City to collect or transport solid waste in the City.
- E) The license fee for a solid waste license in the City shall be Fifty Dollars (\$50.00) and shall be good for a period of one (1) year from the date of issuance.
- F) The City Council shall be responsible for enforcing this ordinance and for ruling on all disputes regarding the type of service classification, availability of service, and any other dispute that may arise between customers and the contractor providing the service.

CROSS REFERENCE: Ordinance 575; Section 3; November 15, 1994

Section 5.06.04 Definitions

- A) **Solid Waste**: Any trash, food, refuse, container, or other rubbish produced by a residential or non-residential establishment that may be transported and collected by a contractor and accepted by the Carroll County Solid Waste Transfer Station or a landfill that is duly licensed and approved by the State and that meets all local, state, and federal laws.
- B) **City**: The City of Berryville, Arkansas.
- C) **Contractor**: A duly licensed solid waste hauler who has a contract with the City to collect, transport, and dispose of solid waste.
- D) **Residential Customer**: Any solid waste producer that lives in a structure that is used primarily as living quarters, where a family or individual uses at least 75% of the floor space for residential purposes and where the structure is not attached to another residence separated by a wall or doors that lock. A duplex, or building with two separate residences and two separate water meters, may be classified as residential for purposes of solid waste pick-up if the solid waste collection areas for the two residences are at least 25 feet apart.

- E) Non-Residential Customer: Any solid waste producer that is not classified as a residential customer.
- F) Solid Waste Collection Area: The area or space in which a residential or non-residential customer places their solid waste for collection.
- G) Contractor-Provided Solid Waste Container: Any container provided by the contractor to a non-residential customer for the storage of solid waste.
- H) Reuseable Container: Any solid waste storage container that does not exceed 35 gallon capacity and that is used and owned by a residential or non-residential customer.
- I) Bulky Goods: Items to be disposed of through a contractor that cannot be contained in a bag, reuseable container or contractor-provided solid waste container.
- J) Bag: Any bag made of plastic, paper or other material that is used to dispose of solid waste, that does not exceed 35 gallon capacity, and that can be tied shut to contain the solid waste.
- K) City Bag: A plastic bag that is identified by color or logo as a city bag.
- L) Bulky Item Permit: A permit sold by the City which identifies bulky goods to be collected by the contractor.
- M) Overage Permit: A permit sold by the City which allows the customer to dispose of up to twelve (12) bags of solid waste when leaving or moving into a residential or non-residential account location.
- N) Recyclable Material: Material that can be recycled and is being stored or transported for that purpose.
- O) Heavy Industrial Customer: Any solid waste producer that compacts and stores their solid waste in a roll-off or other type of container that is designed to be taken directly to a landfill or other permanent disposal site.

CROSS REFERENCE: Ordinance 575; Section 13; November 15, 1994

Section 5.06.05 Time and Frequency of Collection

All residential and non-residential solid waste shall be collected at sufficient intervals to protect the public health and the environment, with such intervals to be determined by the City Council provided that the solid waste shall be collected no less often than once a week.

CROSS REFERENCE: Ordinance 575; Section 4; November 15, 1994

Section 5.06.06 **Storage**

- A) All residential solid waste (excluding bulky goods) shall be placed in either a reuseable type container not to exceed 35 gallon capacity or placed in a plastic bag not to exceed 35 gallon capacity that is tied shut to control the solid waste collected.
- B) All non-residential solid waste shall be stored in containers provided by the contractor unless it is of minimal volume and can be contained in either a reuseable container or plastic bag of 35 gallon capacity or less.
- C) All residential solid waste shall be placed within five (5) feet of the street, alley or driveway used by the contractor to serve that residence.
- D) All non-residential customers will provide a solid waste collection area that is accessible to the contractor and that will not cause the contractor delays or undue hardship in collecting the solid waste.

CROSS REFERENCE: Ordinance 575; Section 5; November 15, 1994

Section 5.06.07 **Required Disposal Through Licensed Contractor**

- A) Every residence, business, or corporation in the City of Berryville is hereby required to dispose of their solid waste through a contractor licensed by the City.
- B) The Berryville Water and Sewer Department is hereby authorized to collect from each residential solid waste customer a monthly fee for the collection of solid waste.
- C) Residential solid waste collection billed through the Berryville Water and Sewer Department will be subject to the existing policies of the Berryville Water and Sewer Department regarding non-payment and late payment of bills.
- D) The billing and collection of fees for the collection of non-residential and heavy industrial solid waste will be the responsibility of the contractor(s) licensed by the City.
- E) Non-residential customers who so choose may share a contractor-provided container if the number of non-residential customers using the same container never exceeds three (3) and provided that those customers sharing a container are in adjoining buildings or are located within a radius of fifty (50) yards. Non-residential customers who choose to share a contractor-provided container must first fill out and submit a form provided by the City, indicating the businesses that will be sharing a container. These forms will be kept on file at City Hall with copies given to the solid waste hauler.

- F) Any customer who has both a residential and a commercial account within the city limits may choose to pay only one (1) of the accounts and have all of their solid waste picked up at that account location. The customer must first send written notice to the City, identifying both locations and indicating the location to be billed.

CROSS REFERENCE: Ordinance 575; Section 6; November 15, 1994

Section 5.06.08 Operating Rules for Licensed Contractor(s)

- A) All contractor(s) doing business in the City shall offer the following services:
- 1) residential pick-up at least once each week;
 - 2) non-residential pick-up at sufficient intervals to maintain customer solid waste collection areas in a nuisance-free and odor-free manner; and
 - 3) pick-up of bulky items on regular collection days, if the items have been properly tagged by the customer with a city-issued permit.
- B) All pick-up of residential solid waste will be done with single axle trucks not to exceed 30,000 pounds in total gross weight unless the contractor has been given permission by a majority vote of the City Council to use larger equipment on specified streets or parts of streets within the City.
- C) All solid waste collected within the City shall be taken to the Carroll County Solid Waste Transfer Station unless a majority vote of the City Council gives the contractor permission to take it elsewhere.
- D) Any contractor(s) licensed to operate in the City shall allow the City to keep a fee on each residential account that is collected each month by the City and will pay to the City on a quarterly basis a percentage of the contractor's gross revenue from non-residential and heavy industrial accounts in exchange for the right to do business within the City.
- E) Within two (2) business days of receiving a request from the City Council or its duly recognized representative, contractors will make available all records of their business operation which may be necessary to determine revenues received from doing business in the City.
- F) All vehicles used in the collection and removal of solid waste shall be equipped to sufficiently retain all solid waste, including wet garbage, and shall be covered in such a way that solid waste will not fall onto public or private property.

- G) Every contractor doing business within the City will be responsible for cleaning up spills from any vehicle or equipment used in the collection and transfer of solid waste and shall begin the clean-up within two (2) hours after receiving notice from a city employee or elected official.
- H) Any contractor doing business within the City shall make reasonable accommodation to facilitate the pick-up of solid waste for customers who, because of disability or handicap, are unable to place their solid waste in the normal collection areas.
- I) Unless additional solid waste is placed in bags marked with a city logo, contractors will only pick up one plastic bag or reuseable container of 35 gallon capacity or less each week at each residential account location or at non-residential account locations that have minimal solid waste volume and opt to use 35 gallon containers.

CROSS REFERENCE: Ordinance 575; Section 7; November 15, 1994

Section 5.06.09 **Contracts**

- A) No individuals, partnership, corporation, or business shall engage in the business of transporting, storing or transferring solid waste within the City unless such activity is authorized by valid contract with the City.
- B) All contracts entered into for the collection of solid waste within the City shall be conditioned upon compliance with the laws of the State of Arkansas, the ordinances of the City of Berryville and all rules and regulations set forth herein. All contracts entered into by the Mayor and City Clerk under this ordinance shall meet the following minimum requirements:
 - 1) The contract must indicate full details of ownership of the contractor, including the names and addresses of all principals, officers, and majority stockholders if the contractor is a corporation;
 - 2) The contract must assure that all insurance requirements under this ordinance are met and that the contractor is in compliance with other city, state, and federal laws related to solid waste management.
 - 3) The contractor must agree to indemnify and save harmless the City, its officers, agents, servants, and employees from and against any and all lawsuits, actions, legal proceedings, claims, demands, damages, costs, expenses, and/or attorney fees resulting from a willful or negligent act or omission by the contractor, its officers, agents, servants, or employees.
 - 4) The contractor must provide security for the performance of the contract in the form of a corporate surety bond or other securities deemed acceptable by the City Council.

- 5) The contract must be submitted to the City Attorney for review prior to consideration by the City Council.
- 6) Contracts will be awarded only with the City Council's consent.
- C) Contract awards will be based on the responsibility of the contractor, the lowest price for the services offered, and the contractor's ability to provide sufficient revenue for operation and for meeting the needs of the Berryville Recycling Department.
- D) During the term of a contract, a contractor may petition the City Council for an adjustment of rates on the basis of unusual changes in operating costs, changes in local, state or federal law, changes in disposal sites or charges, or other pertinent factors that affect the contractor's operating costs. The City Council or its duly appointed representative shall have the right to examine any records of the contractor that pertain to these costs.

CROSS REFERENCE: Ordinance 575; Section 8; November 15, 1994

Section 5.06.10 Contractor Requirements

- A) All individuals, partnerships, or corporations desiring to contract with the City for the right to provide solid waste collection and transfer services shall be required to provide evidence of:
 - 1) An ability to comply with all city, county, district, state, and federal regulations and laws pertaining to the collection, transfer, and disposal of solid waste;
 - 2) Financial solvency and operational stability;
 - 3) Sufficient equipment and staff to provide and maintain a high standard of customer service to the satisfaction of the City Council;
 - 4) An ability and willingness to comply with all laws regarding equal employment opportunity;
 - 5) An ability to provide worker's compensation insurance for all employees in accordance with applicable state law;
 - 6) An ability to provide for unemployment compensation in accordance with applicable state law;
 - 7) An ability and willingness to indemnify and save harmless the City, its officers, agents, servants, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, and/or attorney fees resulting from a willful or negligent act or omission of the contractor, its officers, agents, or employees;

- 8) An ability to maintain liability and property damage insurance in force and effect during the term of the contract for general liability, automobile liability, and excess umbrella coverage;
 - 9) An ability to furnish a corporate surety bond, or other securities acceptable to the City Council, as security for performance of the contract.
- B) All individuals, partnerships, or corporations desiring to contract with the City for the right to provide solid waste collection and transfer services shall be required to maintain a business office for customer inquiries during normal business hours and shall provide toll-free telephone access.
 - C) All individuals, partnerships, or corporations desiring to contract with the City for the right to provide solid waste collection and transfer services shall also be required to provide a complete list of any fines, citations, warning orders, or other violation notices received by that individual, partnership, or corporation for the past seven (7) years from any government agency that regulates the applicant's business or protects the health, safety or welfare of the general public.
 - D) The City shall not enter into a contract for the transporting, storing or transferring of solid waste with any individual, partnership, or corporation that fails to meet any requirement set forth in this ordinance.
 - E) The failure of any contractor to meet any provision of this ordinance shall be grounds for suspension of the contractor's license. If the City Council, by a majority vote, suspends a contractor's license for failure to comply with this ordinance, such suspension shall be grounds for canceling the contract between the City and the contractor. The City may then seek bids on a new contract for the transporting, storing, or transferring of solid waste.

CROSS REFERENCE: Ordinance 575; Section 9; November 15, 1994

Section 5.06.11 Types of Service

- A) Residential service shall be classified as service to those structures used primarily as living quarters, where a family or individual uses at least 75% of the floor space for residential purposes and where the structure is not attached to another residence separated by a wall or doors that lock.
- B) Non-residential service shall be classified as service to producers of solid waste that are not designated residential.
- C) Heavy industrial service shall be classified as service to producers of solid waste that is compacted and stored in containers designed for direct transport to a landfill or other approved disposal site.

D) Exceptions:

- 1) A duplex, or building with two (2) separate residences and two (2) separate water meters, may be classified as residential for purposes of solid waste pick-up if the solid waste collection areas for the two residences are at least 25 feet apart.
- 2) A non-residential customer that does not produce enough solid waste to warrant using a contractor-provided solid waste container may choose to pay the residential rate for one (1) plastic bag or reuseable container of 35 gallon capacity or less, provided that all solid waste in excess of 35 gallons per week is placed in city-logo bags. These low-volume accounts will be billed by the contractor using the same billing procedure as for other non-residential accounts.
- 3) Owners of trailer parks within the city limits may choose to use contractor-provided solid waste containers on a commercial basis or, if each trailer has its own water meter, may require each trailer resident to provide for their own service on a residential basis.
- 4) Low income/low volume residential service shall be available to residences with no more than two (2) occupants if solid waste is produced in such minimal quantities that it can be contained in one (1) plastic bag or reuseable container of 35 gallon capacity or less every two weeks and if certain income guidelines are met by the occupants. The customer must fill out an income verification form provided by the City. The City will then notify the contractor of all account locations that qualify for this bi-weekly, reduced rate service. Pick-up will occur on the first, third and fifth pick-up day of the month.
- 5) The provisions of this ordinance shall not be construed to prevent a non-residential solid waste producer from disposing of solid waste that cannot be hauled by the contractor or that has value as a recyclable material.

E) Special Permits:

- 1) A city permit will be issued for a fee to any residential or non-residential customer who wishes to dispose of a bulky item that cannot be placed in a bag or reuseable container. The permit must be attached to the item before the contractor will be required to pick it up.
- 2) For a fee, a city permit will be issued for the disposal of up to twelve (12) bags of solid waste at one time for any residential or non-residential customer who is moving and is having water service discontinued. Similarly, when paying a water deposit, a new water customer whose account is subject to solid waste collection charges will be given one (1) city permit for the disposal of up to twelve (12) bags. The permit must be attached to the solid waste before the contractor will be required to pick it up.

CROSS REFERENCE: Ordinance 575; Section 10; November 15, 1994

Section 5.06.12 **Enforcement**

- A) The Solid Waste Management and Disposal Code of the State of Arkansas is hereby adopted and incorporated into this ordinance by reference as if set forth in full herein.
- B) It shall be a violation of this ordinance for any person, firm or corporation to collect, transport, dispose of, or store any solid waste for a fee without authorization under a license and contract with the City.
- C) It shall be a violation of this ordinance for any person, firm or corporation to place or cause to be placed solid waste in any reuseable container or solid waste collection area if that person, firm, or corporation is not paying the fee required for the removal of solid waste.
- D) It shall be a violation of this ordinance for any person, firm or corporation to allow their reuseable solid waste container or their solid waste collection area to become a public nuisance due to odor or unsightly conditions.
- E) No person, firm or corporation shall burn or cause to be burned any solid waste unless expressly allowed by Arkansas law.

CROSS REFERENCE: Ordinance 575; Section 11; November 15, 1994

Section 5.06.13 **Penalty for Violation**

- A) The Municipal (District) Court shall have original jurisdiction in all prosecutions arising from the enforcement of this ordinance. Any person, firm or corporation found guilty of violating any provision herein shall be fined a sum of not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each violation. Each day that a person, firm or corporation is in violation of any provision of this ordinance shall be deemed a separate offense.
- B) Failure of a contractor to meet the contract requirements identified in this ordinance is considered grounds for canceling the contract.

CROSS REFERENCE: Ordinance 575; Section 12; November 15, 1994

CHAPTER 5.08

SEPTIC TANKS

SECTIONS:

5.08.01 Appointment and Duties of County Sanitarian

5.08.02 Overflows Prohibited

5.08.03 Penalty for Violations

Section 5.08.01 Appointment and Duties of County Sanitarian

The County Sanitarian shall be the inspector and shall regulate the installation, construction and maintenance of all septic tanks now in use, or to be put in use, in the City and it shall be the duty of any person intending to install or construct a septic tank within the city limits to first make application to the County Sanitarian. It shall be the duty of the inspector to see that such septic tanks shall be in conformity with the recommendations of the State Board of Health.

Section 5.08.02 Overflows Prohibited

It shall be unlawful to allow a septic tank to overflow or drain on the surface of the ground or in any street or ditch within the City.

Section 5.08.03 Penalty for Violations

Any person, firm or corporation violating this section shall, upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) for each day said person continues to violate this section.

CHAPTER 5.12

LITTERING

SECTIONS:

5.12.01 Littering Prohibited

5.12.02 Penalty for Violations

Section 5.12.01 Littering Prohibited

It shall be unlawful for any person to place, dispose or otherwise permit to be located upon, in, on or about any public street, sidewalk, alley or public thoroughfare, or any private or public property adjacent thereto, any litter, refuse or debris.

Section 5.12.02 Penalty for Violations

Any person, firm or corporation violating this chapter shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

CHAPTER 5.16

BOARD OF HEALTH

SECTIONS:

- 5.16.01 Appointment and Qualifications of Members**
- 5.16.02 Jurisdiction, Duties and Organization**
- 5.16.03 Bylaws, Rules and Regulations**
- 5.16.04 Appointment and Qualifications of City Health Officer**
- 5.16.05 Powers and Duties of City Health Officer**
- 5.16.06 Penalty for Violating Order of Health Officer**

Section 5.16.01 **Appointment and Qualifications of Members**

The Board of Health shall consist of five (5) appointed members, two (2) of whom shall be practicing physicians residing in the City, all of whom shall be appointed by the Mayor. The Mayor shall be an ex-officio member of the board, and said appointed members shall hold their office during the term of office of the appointing Mayor. Such Board of Health shall have and exercise the power conferred upon such boards by state law and by the ordinances of the City.

CROSS REFERENCE: Ordinance 373; Section 1; February 21, 1985

Section 5.16.02 **Jurisdiction, Duties and Organization**

A) The Board of Health shall have jurisdiction for one (1) mile beyond the city limits. For quarantine purposes in case of epidemics, such Board shall have jurisdiction for five (5) miles beyond said city limits. The Board is invested with the power to declare, establish and maintain any and all necessary or desirable bylaws, rules and regulations to secure the City and its inhabitants from contagious, malignant or infectious diseases. It may establish hospitals for the reception and treatment of contagious, infectious or epidemic disease. It shall have the duty to discover, declare and abate or cause to be abated, any and all nuisances prejudicial to the health of the City and its inhabitants. The Board of Health shall also perform such other duties as required by city ordinance.

B) The Board of Health shall elect a president and a secretary, each of whom shall hold their office for one (1) year or until their successors are elected and qualified.

CROSS REFERENCE: Ordinance 373; Section 2; February 21, 1985

Section 5.16.03 **Bylaws, Rules and Regulations**

All bylaws, rules and regulations of said Board in the exercise of the jurisdiction, powers and duties conferred shall be in writing and violation of any such bylaw, rule or regulation shall be deemed a violation and punishable as set forth. The City Police Department shall serve, execute and enforce all such written bylaws, rules and regulations.

CROSS REFERENCE: Ordinance 373; Section 3; February 21, 1985

Section 5.16.04 **Appointment and Qualifications of City Health Officer**

It shall be the duty of the Mayor to appoint a City Health Officer, said appointment to be approved by a majority vote of the City Council. Such City Health Officer shall be a qualified physician and a resident of the City; after appointment he shall take and subscribe to the constitutional oath of office, and shall file a copy of his appointment with the Arkansas State Board of Health.

CROSS REFERENCE: Ordinance 373; Section 4; February 21, 1985

Section 5.16.05 **Powers and Duties of City Health Officer**

A) The City Health Officer shall perform all duties which may be prescribed for him under the direction, rules, regulations and requirements of the State Board of Health and all duties otherwise prescribed by state law.

B) He shall investigate any matter affecting public health or sanitation within the City which may come to his attention. He shall have the authority to inspect, regulate and control disease prevention and suppression, and sanitation within the City, and his jurisdiction therefore shall specifically include the inspection, regulation and control of sanitation conditions in all business establishments within the City which deal with food and food products. He shall have the authority to require any unsatisfactory condition of hygiene or sanitation affecting food, food products or food handling to be corrected, and failure or refusal to comply with such requirements shall be a violation and punishable.

CROSS REFERENCE: Ordinance 373; Section 5; February 21, 1985??

Section 5.16.06 **Penalty for Violating Order of Health Officer**

Any person violating an order of the City Health Officer shall, upon conviction, be fined no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00). Each day a person continues in violation of this chapter shall constitute a separate offense.