TITLE 5

HEALTH AND SANITATION

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CHAPTER 5.04

SANITARY CONDITIONS ON PROPERTY

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5.04.01 Unsightly or unsanitary conditions on real property It shall be unlawful and declared to be a misdemeanor for any person(s), owner(s), agent(s) or occupant(s) of any real property in the city of Atkins, Arkansas, to permit any of the following conditions to exist in the city of Atkins:

A. Grass, weeds or any other plant that is not cultivated growing to a greater height than one (1) foot on an average of an individual lot, tract or parcel of land.

B. Rubbish, brush, trash, dead trees, building materials or unsanitary matter of whatever nature accumulating upon any lot, tract or parcel of land.

C. The storage of junk and/or abandoned or inoperable motor vehicles for a period in excess of seven (7) days.

D. The open storage of appliances of furniture for a period in excess of seven (7) days.

E. The use of any stream or drainage way for the purpose of throwing or placing of stumps, brush, litter, rubbish or any other liquid or solid material within or along the banks of any stream or natural drainage way.

F. The accumulation of stagnant pools of water or the open storage of any form of vessel that might accumulate water in which mosquitos or any other insects may breed.

G. The dumping of any solid or liquid household, commercial, industrial, construction or demolition waste including but not limited to: garbage, trash, furniture, tin cans, bottles, building materials, building rubbish, refuse or lumber, whether dumped, thrown burned, spilled or abandoned.

H. Trash bins may not be placed out for pick-up earlier than one (1) day before the appointed trash pick-up date, nor be left out more than one (1) day after the trash pick-up date. Trash bins when not placed out for pick-up must be stored at the side or rear of the occupant's structure, or be placed inside a garage or similar accessory structure. (Ord. No. 2015-8, Sec. 3.)

5.04.02 Definitions The following words or phrases shall have the meaning as defined for the purpose of this ordinance:

Abandoned means property to which no person claims or exercises the rights of ownership.

Appliances means, but are not limited to, refrigerators, deep freezes, stoves, ovens, air conditioners, washers, dryers, trash compactors, dishwashers, televisions, radios, hot water heaters and plumbing fixtures.

Building materials means, but are not limited to, items such as boards, bricks, cement, nails, pipe sheet metal, siding tar paper, shingles and windows which have been removed from a structure or may be readily incorporated into another structure. Building materials applies only

to those which lie in public view and with respect to which its owner has no immediate plans for its use.

Building rubbish means any post-construction solid waste which because of its quantity, quality or condition cannot be readily and immediately put to a beneficial use.

Garbage means all decayable waste, including but not limited to, all solid or semisolid kitchen refuse subject to decay, tin cans, bottles, paper, cardboard boxes and all waste of animal or vegetable matter which was intended to be used as food.

Grass means any type of grass or weed, but not including ornamental, landscaping, agricultural or crop vegetation. Vegetation for hay is excluded as a weed when grown on property zoned agricultural.

Inoperable means an item which by mechanical or physical defect can no longer be used for its intended purpose and which is not serving a functional purpose. Inoperable when applied to a motor vehicle refers to any motor vehicle which is dismantled, damaged or is unable to start or move under its own power. A vehicle shall be presumed to be inoperable when any one (1) of the following conditions are present:

A. It has not been moved for more than three (3) days.

B. One or more tires are flat.

C. One or more wheels are missing.

D. The hood or trunk is raised or missing and has appeared to remain so for more than three (3) days.

E. Weeds or grass have grown up around the vehicle.

F. The engine is missing.

G. The vehicle has no current vehicle tags or registration.

H. The door or doors, fender or fenders are removed or missing.

I. The front or rear windshield is broken, removed or missing, or the side windows are broken or removed or missing.

Junk means all worn out, useless, worthless, discarded or scrap material, including but

not limited to, odds and ends, old metal, scrap lumber, building debris or old building materials, used tires, vehicle parts, and other items no longer used in the manner in which they were intended, including, but not limited to, upholstered furniture, working and non-working appliances, and machinery and parts thereof.

Motor vehicle means every device capable of being driven upon a public highway and in, upon or by which any person or property is or may be transported or driven upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Nuisance means garbage, rubbish, trash, litter, grass or weeds above the height regulated by this ordinance or anything which is injurious to the health or moral of any person or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property.

Occupant means the person or persons residing at a residence or occupying a structure on the property and exerting dominion and control over the property and premises.

Owner means a person having title to property.

Person shall include a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Property means any lot, tract, parcel of land or portion thereof, within the corporate limits of the city of Atkins, Arkansas.

Rubbish means garbage such as, but not limited to, coffee grounds, paper bags, boxes, glass, metal scrap, feathers, furniture, dead animals, rocks, yard cleaning materials, trash, refuse or any other worn-out, wrecked or dismantled machinery, tractors, automobiles, motor vehicles or other similar wastes.

Unsightly and unsanitary articles means any matter, condition, object, rubbish or junk which is or should be objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

Weeds mean vegetation that because of its height is objectionable, unsightly or unsanitary, but excluding ornamental, landscaping, agricultural or crop vegetation. Vegetation for hay is also excluded as a weed when grown on property zoned agricultural.

Yard waste means any refuse other than garbage including discarded flower decorations, cutting of grass and weeds, fallen leaves, fallen branches, fallen trees, cut vines, shrubbery, grass clipping, brush, leaves, tree trimmings.

Zoned means real property in the city of Atkins that has been assigned a zoning designation by the city of Atkins under the current city zoning codes. (Ord. No. 2015-8, Sec. 4.)

5.04.03 Violations Any violation of the provisions of this ordinance may be prosecuted by the issuance of a criminal information, arrest warrant based on an affidavit for warrant of arrest, or by the issuance of a citation by a law enforcement officer. (Ord. No. 2015-8, Sec. 5.)

5.04.04 Fine Violation of this ordinance is unlawful and is prohibited and hereby expressly declared to be a misdemeanor, punishable by a fine not to exceed One Thousand Dollars ($1,000.00) plus court costs. Each day that the violating conduct continues to exist shall be considered to be a separate offense. (Ord. No. 2015-8, Sec. 6.)

5.04.05 Notice to owner or responsible party Before the issuance of a criminal information, arrest, warrant or citation, a member of the Atkins Police Department shall provide notice of the alleged violation to the owner(s) of the property or party(s) in possession. Such notice shall:

A. Be in writing.

B. Include a statement of the alleged violations.

C. Allow a minimum of seven (7) days for performance of any act or acts required by the property owners or responsible parties to bring the real property within compliance.

D. State that if such alleged violation(s) are not corrected within the stated time as set forth in the notice, that a criminal information, arrest warrant or citation will be issued charging the alleged violator(s) with violation(s) of this ordinance. (Ord. No. 2015-8, Sec. 7.)

5.04.06 Method of delivery of notice of violation The alleged person or persons responsible for the violation shall be notified by one or more of the following methods:

A. By delivery to the owner(s), agent(s) or party(s), personally.

B. By sending the notice by certified mail, addressee only, to the proper party or parties.

C. By any other method of service authorized by Arkansas law to perfect service of process, and

D. By posting a copy of the notice in a conspicuous place on the premises for a period of not less than thirty (30) days. (Ord. No. 2015-8, Sec. 8.)

CHAPTER 5.08

SOLID WASTE COLLECTION

Sections:

5.08.01	Definitions
5.08.02	Garbage disposal service
5.08.03	Conditions and requirements
5.08.04	Permit fee and collection
5.08.05	Insurance
5.08.06	Service schedule
5.08.07	Special garbage disposal service
5.08.08	Other services
5.08.09	Equipment and time of collection
5.08.10	Conditions for collection
5.08.11	Hold harmless clause
5.08.12	Assignment
5.08.13	Non-mandatory collection service
5.08.14	City operated disposal service

5.08.01 Definitions. The following definitions shall apply to the interpretation and enforcement of this ordinance:

City means the city of Atkins, Arkansas, or its authorized representatives.

Residential Unit means a place of abode of a person or persons. The grouping of two residential units under a common roof shall for the purposes of this ordinance be the equivalent of two residential units.

Multiple Family Unit means the grouping together of three (3) or more residential units under a common roof and shall constitute a commercial unit for purposes of this ordinance.

Garbage shall mean all solid or semi-solid kitchen waste, cans, bottles, paper items, cardboard boxes, all market waste of animal and vegetable matter which was intended to be used as food, glass and ashes.

Trash means discarded flower decorations, cuttings of grass and weeds, fallen leaves, vines, empty cartons, crates, cloth materials, discarded toys and discarded clothing.

Refuse means Christmas trees, dead animals, limbs and branches not exceeding five (5) feet in length and two (2) inches in diameter and small appliances.

Building Rubbish means earth, sod, rocks, concrete, refuse from remodeling or construction of homes or apartments, trees, or parts thereof with the exception of branches and limbs not exceeding five (5) feet in length and two (2) inches in diameter as provided in subsection (f) above, stumps, shrubs, brush, stones, brick, plaster, lumber, rubble, concrete and roofing.

Garbage Container means plastic, rubber or galvanized metal containers, water-tight with tight fitting covers and handles of a capacity of not less than ten (10) gallons nor more than forty (40) gallons.

Residential Customer means the householder, owner, or occupant or occupants of a residential unit who receives garbage and refuse collection services.

Garbage Disposal Firm means any person, firm, partnership, or corporation engaged in the business of collecting and disposing of garbage and other refuse.

Grantee means the garbage disposal firm which is the successful bidder each year under this ordinance. (Ord. No. 85-13, Sec. 1)

5.08.02 Garbage disposal service. In consideration of the benefits to be derived by residential customers of the city of Atkins, Arkansas, and a license fee to be paid as hereinafter set out, the sole right, privilege, and authority to operate a garbage disposal service for residential customers in the city of Atkins shall be granted to a garbage disposal firm each calendar year beginning with the year 1985. (Ord. No. 84-13, Sec. 2)

5.08.03 Conditions and requirements Prior to the end of each odd numbered year, the city shall call for sealed bids from all garbage disposal firms interested in operating a garbage disposal service for the benefit of the residential customers in the city and for residential customers lying outside the city receiving water service from the city. The city hereby reserves the right to reject any and all bids received. The successful bidder shall operate the garbage disposal service subject to the terms and conditions of Chapter 5.08 of the Atkins Municipal Code for the following two (2) year period beginning January of each even numbered year after which the bids were taken and continuing for a two (2) year period thereafter during which time the successful bidder shall charge for his services the amount of his bid accepted by the city. Bids must be submitted to the City Clerk no later than noon on October 7th of each year unless that date should fall on a holiday or a Saturday or Sunday, in which event such bids must be submitted

no later than noon of the following business day; Provided however, for the years 2018, 2019, 2020, 2021, 2022, and 2023 the Atkins Solid Waste Collection Contract shall be awarded to Lee's Trash Service, the present Grantee, subject to the existing terms and conditions of Chapter 5.08 of the Atkins Municipal Code and subject to the following rate schedule to be charged by the Grantee to the residential customers to the City of Atkins.

A. For the calendar year 2018: $11.13 per month per customer.
B. For the calendar year 2019: $11.24 per month per customer.
C. For the calendar year 2020: $11.35 per month per customer.
D. For the calendar year 2021: $11.46 per month per customer.
E. For the calendar year 2022: $11.57 per month per customer.
F. For the calendar year 2023: $11.69 per month per customer.

Upon submitting a bid, each bidder shall submit proof of an existing insurance policy which complies with all of the provisions as set forth in Section 5.08.05 hereunder and shall further provide proof of an existing toll-free number for the use of Atkins customers.

These bids will be evaluated by the City Council and the Mayor will notify the successful bidder promptly after the award has been determined. The successful bidder shall begin performing the services as required in Chapter 5.08 of the Atkins Municipal Code beginning January 1, of the following year, and continuing through the end of December, two (2) years thereafter. In addition to the other provisions in Chapter 5.08 of the Atkins Municipal Code providing for grounds for the cancellation of the privileges granted to the Grantee, these privileges may be terminated upon thirty (30) days' notice to the Grantee in the event the City adopts an ordinance providing for mandatory collection service pertaining to residential customers lying within the city limits of the city of Atkins. (Ord. Date October, 10, 2017.)

5.08.04 Permit fee and collection The Grantee shall pay, and in consideration of the granting of this permit and authority, agrees to pay to the City as a permit fee and as compensation for the rights and privileges enjoyed hereunder a sum equal to five percent (5%) of the gross revenues received by the Grantee in the operation of Grantee's garbage disposal service in the City each year, or a portion of a year during which the garbage disposal service is in operation. This permit fee shall not be added to the garbage disposal fee bid by the Grantee, but may be taken into consideration by the Grantee in the bidding process. Payment shall be made by the City on a month-to-month basis. The City shall collect the garbage disposal fee due from residential customers to the Grantee in conjunction with collecting money due the City from residential customers as a result of the city's operation of its water and sewer system. The Grantee shall provide the city with a list of residential customers and their addresses for the calendar year just prior to the year in which the Grantee is to perform services pursuant to this section. In consideration for collecting the money due the Grantee, the Grantee agrees to pay the city the sum of Fifty Cents ($.50) per month for each garbage disposal fee so collected by the city.

This collection fee shall not be added to the garbage disposal fee bid by the Grantee, but may be taken into consideration by the Grantee in the bidding process. The City shall remit the balance of the garbage collection fee to the Grantee after withholding the permit and the collection fee due the city as provided for in this section. The City shall not be obligated to collect any delinquent accounts of the Grantee. The City shall, at the request of the Grantee,

collect any garbage disposal fees due the Grantee from any other customers in the city of Atkins, including but not limited to, multiple-family, commercial or industrial customers, and the City shall deduct the sum of Fifty Cents ($.50) per month for each such collection and shall remit the balance of such garbage disposal fee to the Grantee. All permit fees and all fees charged to the Grantee for collecting money due the Grantee shall be placed in the Water and Sewer Funds of the city of Atkins, Arkansas, and used for Water and Sewer purposes only. (Ord. No. 04-04, Sec. 1.)

5.08.05 Insurance The Grantee shall carry a policy of motor vehicle liability insurance covering vehicles operated in the city limits of the city with limits of not less than $50,000.00 for each person, $100,000.00 for each accident, and $50,000.00 for property damage coverage. A copy of such insurance policy shall be deposited with the City Clerk of the city each year. The Grantee's failure to obtain the insurance as specified above or the Grantee's failure to furnish a copy of the insurance policy to the city shall be grounds for the cancellation of the privileges granted to the Grantee pursuant to this ordinance. (Ord. No. 84-13, Sec. 5)

5.08.06 Service schedule The Grantee shall collect and dispose of garbage, trash and refuse each week from each residential unit in the city, or outside the city and receiving water service from the city, for each residential customer benefiting from the garbage disposal service of the Grantee. The Grantee shall collect and dispose of such garbage, trash and refuse on the same day or days of each week thereafter, pursuant to a schedule agreed upon by the Grantee and city of Atkins. The Grantee shall notify the city at least two (2) weeks prior to any change in the schedule due to conflicts with holidays, and shall inform the city which day during that particular week that the Grantee shall collect and dispose of trash, garbage and refuse. The failure of the Grantee to provide the services in the manner outlined in this section shall be grounds for the cancellation of the privileges granted to the Grantee pursuant to Chapter 5.05. The Grantee will not collect and dispose of building rubbish unless special arrangements are made between the Grantee and the residential customer concerning the charges for removal of the building rubbish. (Ord. No. 2010-5, Sec. 1)

5.08.07 Special garbage disposal service During the months of March, June, September and December, the Grantee shall provide spring, summer, fall and winter "clean-up" services, respectively, for the residential customers covered by Chapter 5.08 of the Atkins Municipal Code. The exact days and times of such services shall be agreed upon by the Grantee and the city at least one month in advance of the date that these services will be rendered. It shall be the duty of the Grantee to contact the city for the purpose of agreeing on such dates. During these special clean-up periods, the Grantee shall remove and dispose of discarded furniture, including beds, mattresses, overstuffed furniture and other furniture, appliances, bicycles, sleds, swing sets, tools and other comparable items of residential customers. These services shall be provided at

no additional to the residential customers. Should the Grantee fail to perform such special garbage disposal services, such failure shall be grounds for cancellation of the privileges granted to the Grantee pursuant to Chapter 5.08. (Ord. No. 86-10, Sec. 3)

5.08.08 Other services Grantee shall collect and dispose of all garbage, trash and refuse from all city-owned or city-maintained facilities and parks at no cost to the city. (Ord. No. 84-13, Sec. 8)

5.08.09 Equipment and time of collection The Grantee in the performance of its duties shall use modern, first class packer-type refuse disposal equipment. The Grantee shall make collections with as little noise and with as little disturbance to residents of the city as possible and shall not collect and dispose of garbage, trash and refuse between the hours of 10:00 p.m. and 6:00 a.m. The Grantee's failure to comply with the provisions of this section shall constitute grounds for cancellation of the privileges granted to the Grantee pursuant to this ordinance. (Ord. No. 84-13, Sec. 9)

5.08.10 Conditions for collection The Grantee shall not be required to collect and remove any garbage unless the residential customer satisfies the following conditions:

A. All garbage shall be placed in sealed plastic garbage bags.

B. All garbage shall be drained of liquid substance before being placed in such garbage bags.

C. All garbage bags shall be placed on the curb line in front of each residential unit. Beginning January 1, 1987, all garbage bags shall be placed along the road or street bordering the residential customer's property beginning no further than two (2) feet away from the pavement line or gravel line of such street or road adjacent to each such residential customer's property; provided, however, that the garbage bags may be placed in garbage containers. Lids shall be kept on the garbage containers when placed outside for collection. In the event garbage containers are used by the residential customer, the Grantee shall return the containers and lids to the residential customer's customary collection point, along the road or street after the container is emptied. (Ord. No. 86-10, Sec. 4)

5.08.11 Hold harmless clause The Grantee shall indemnify and save harmless the city, its officers, employees and agents from all claims, suits or actions of every kind and character made upon or brought against the said city, its officers, employees and agents, for or on account of any injuries

or damages received or sustained by any party or parties by or from the acts of the said Grantee or its servants, agents and subcontractors in doing the work and rendering the services herein provided for, or by or in consequence of any negligence in operations or any improper material or equipment used, or by or on account of any act or omission or on account of or in consequence of the performance of the Grantee's duties, whether or not such injuries to persons or damage to the property are due or claimed to be due to any negligence of the Grantee, its employees, agents or servants. This indemnity shall include attorney's fees and costs and all other expenses incurred in the defense of any suit. (Ord. No. 84-13, Sec. 11)

5.08.12 Assignment The Grantee shall not assign any of its rights or obligations under this ordinance unless the city has first given its written consent. Any such assignment or attempted assignment by the Grantee shall be grounds for the cancellation of the privileges granted to the Grantee pursuant to this ordinance. (Ord. No. 84-13, Sec. 12)

5.08.13 Non-mandatory collection service It is not mandatory that potential residential customers in the city use the services provided for in this ordinance. However, it shall constitute a misdemeanor for any garbage disposal firm, other than the Grantee, to contract with any householder, owner or occupant of a residential unit in the city for the purpose of providing services to such householder, owner or occupant similar to those provided for in this ordinance. The penalty for conviction of such violation of this ordinance shall be a fine not to exceed Two Hundred Dollars ($200.00). In addition, it shall constitute a misdemeanor for any householder, owner or occupant of a residential unit to contract with any garbage disposal firm other than the Grantee for the purpose of providing services to such householder, owner, or occupant similar to those provided for in this ordinance. The penalty for conviction of such violation of this ordinance shall be a fine not to exceed Two Hundred Dollars ($200.00). (Ord. No. 84-13, Sec. 13)

5.08.14 City operated disposal service Nothing in this ordinance shall be construed to prevent the city from operating a solid waste disposal facility such as an incinerator or sanitary landfill for the purpose of disposing of any solid waste brought to the facility by any person; provided, however, that such plant or facility shall be in operation no more than one day each calendar week. Days and hours of operation and rates to be charged shall be set by the city. (Ord. No. 84-13, Sec. 14)

CHAPTER 5.12

SEWERS

Sections:

5.12.01	Connection with sewer system
5.12.02	Privy vaults, cess pools and septic tanks cleaned and filled
5.12.03	Application for permit
5.12.04	Qualifications to do work, inspection required
5.12.05	Rules governing connection with sewers
5.12.06	Connections in violation
5.12.07	Superintendent of Sewers; duties; bond; salary
5.12.08	Penalty

5.12.01 Connection with sewer system No privy, privy vault, cess pool or septic tank shall be constructed where a sanitary sewer is accessible. Where the sanitary sewer is accessible to premises, any privy, privy vault, cess pool or septic tank on such premises shall be abandoned and connection shall be made direct to sewer within thirty days after an order to make such connection has been issued by the City Council. (Ord. No. 205, Sec. 1; Adopted October 4, 1927)

5.12.02 Privy vaults, cess pools and septic tanks cleaned and filled Abandoned privy vaults, cess pools, and septic tanks shall be thoroughly cleaned and disinfected and filled to the surface of the surrounding ground with clean earth or ashes. It shall be the duty of the health officer to see that abandoned privy vaults, cess pools and septic tanks are properly cleaned, disinfected and filled. (Ord. No. 205, Sec. 1; Adopted October 4, 1927)

5.12.03 Application for permit Before any house sewer can be constructed, or any connection can be made to any sanitary sewer or any storm water sewer constructed in whole or in part by the city, permission shall be secured by the person or persons by whom the sewer is to be constructed, before the construction is to be made. Application for permits shall be filed with and permits shall be issued by the Superintendent of Sewers hereinafter provided for. (Ord. No. 205, Sec. 2; Adopted October 4, 1927)

5.12.04 Qualifications to do work, inspection required A connection to the sanitary sewer or a storm water sewer shall not be made except by a plumber or sewer tapper and no such connection, or the trench in which the drain is laid shall be covered or filled until the work has been inspected by the Superintendent of Sewers. (Ord. No. 205, Sec. 3; Adopted October 4, 1927)

5.12.05 Rules governing connection with sewers The issuing of permits shall be governed by the following rules: Sewage including wastes from water closets, sinks, bathtubs, laundries, and other objectionable wastes shall be discharged into the sanitary sewers and in no

case into storm water sewers or open ditches. Cellar drainage shall be discharged into sanitary sewers. Surface water, rain water from roofs, sub-soil drainage, cistern overflows, and other clean and unobjectionable waste water shall in no case be discharged into sanitary sewers.

Connection with cess pools, privy vaults, or septic tanks shall not be made into sanitary sewers or discharge into storm water drains or open ditches. (Ord. No. 205, Sec. 4; Adopted October 4, 1927)

5.12.06 Connections in violation All connections in violation of this chapter shall be abandoned and removed. (Ord. No. 205, Sec. 5; Adopted October 4, 1927)

5.12.07 Superintendent of Sewers; duties; bond; salary The Mayor shall appoint a competent person as Superintendent of Sewers. The Superintendent, so appointed, shall be charged with the care, maintenance, and operation of the entire sewerage system and sewage treatment works. He shall issue the permits and make the inspections hereintofore provided for, and shall perform such duties in relation and pertaining to the provisions of this chapter as the Council may direct. He shall give bond in the sum of One Thousand Dollars ($1,000), with sureties approved by the Mayor for the proper performance of the duties of his office. The Superintendent of Sewers shall receive a compensation as prescribed by the City Council from time to time. (Ord. No. 205, Sec. 6; Adopted October 4, 1927)

5.12.08 Penalty Whoever violates any provisions of this chapter shall be fined not less than Five Dollars ($5.00) nor more than Fifty Dollars ($50.00) and shall pay the cost of prosecution. (Ord. No. 205, Sec. 7; Adopted October 4, 1927)

CHAPTER 5.16

SEPTIC TANKS

Sections:

5.16.01 Water superintendent shall be inspector
5.16.02 Overflows unlawful

5.16.01 Water superintendent shall be inspector The city water superintendent shall be the inspector, and shall regulate the erection, building and maintenance on all septic tanks now in use, or to be put in use, in the city and it

shall be the duty of any person, persons, firm or corporation, intending to build or erect a septic tank within the city limits to first make application to the city Water Department Superintendent. It shall be the duty of said inspector to see that such septic tank shall be in conformity with the recommendations of the State Board of Health of the state of Arkansas.

5.16.02 Overflows unlawful 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.

CHAPTER 5.20

PRIVIES

Sections:

5.20.01 Construction requirements
5.20.02 Maintenance of privies
5.20.03 Duty to clean; penalty
5.20.04 Enforcement
5.20.05 Transportation of privy waste
5.20.06 Franchise; duties of grantee; penalty
5.20.07 Penalty

5.20.01 Construction requirements All privies in the city that have not sewer connections for the flushing thereof, shall be constructed entirely above the ground, and it shall be unlawful to connect the same with any sink, vault or cess pool, excavated under the ground, for the purpose of receiving the deposits or offal, refuse or filth of any kind that may be thrown therein; privies of not more than two openings shall have a substantial and suitable box under them which shall be the length of the seat and not less than eighteen (18) inches in breadth and twelve (12) inches in depth, for the reception of the offal, refuse, house dirt, night soil or any filth that may pass or be deposited through the openings, and have a properly constructed hinge door so arranged as to close over or behind the box or boxes and prevent flies from entering same. Where there are more than two openings, boxes of suitable length will be used; said privies shall be located and constructed so that they shall be easily accessible for the purpose of removing the boxes and cleaning and disinfecting the same. (Ord. No. 170, Sec. 1; Adopted July 6, 1920)

5.20.02 Maintenance of privies The occupant or occupants or owner of the premises upon which is situated the privy or privies unconnected with the sewer of the city shall keep said privy or privies in a sanitary condition, so as to prevent any offensive or unhealthy affluvia or odors escaping therefrom, and to that end shall keep constantly on hand a sufficient quantity of dry pulverized earth or lime, which shall be used at least once a day, to

disinfect said privies and cover any deposit and accumulation that may be made therein, and shall place new and fresh boxes under the openings of said privies as soon as sanitary reasons may require, or the proper health officer may order. (Ord. No. 170, Sec. 2; Adopted July 6, 1920)

5.20.03 Duty to clean; penalty The occupant or occupants or owner of said premises shall have the accumulations and deposits in said privies removed by the person or persons authorized by or under contract with the city to clean the unsewered privies at least once every thirty (30) days, and oftener if sanitary reasons may require, or it shall be ordered by the Police Chief, Sanitary Committee or City Health Officer, or any officer authorized to enforce rules of sanitation and to prevent the creation of nuisances dangerous to the health of the city and shall pay to the party removing said accumulations or cleaning the same, the sum of Fifty Cents ($.50) for each residence, and Seventy-Five Cents ($.75) for each business house, hotel or railroad station owning or using said privies on said premises; provided if said premises be vacated at any time, and the privies thereon be securely fastened so as to allow no one to enter same then the accumulations and deposits in such premises are occupied. If the occupant, occupants or owner of such premises with the unsewered privy thereon shall fail or refuse to disinfect such privy as herein provided, or to provide suitable and proper boxes as herein provided therefore when necessary or ordered to do so, or to have the accumulations and deposits therein removed at least once every thirty (30) days as above provided, or shall fail or refuse to have such accumulations and deposits promptly removed when ordered to do so above provided, or shall fail or refuse to pay for having same cleaned as above provided, he or they shall be deemed guilty of a misdemeanor and fines in any sum not less than One Dollar ($1.00) nor more than Five Dollars ($5.00). (Ord. No.170, Sec. 3;Adopted July 6, 1920)

5.20.04 Enforcement It shall be the duty of the Police Chief or the Sanitary Officer, when the occupant or occupants or owner of the premises upon which is situated an unsewered privy shall fail or refuse to place proper and suitable boxes for the openings thereof as in Sections 5.20.01 and 5.20.02 provided; to have same done at the expense of the city if ordered to do so by the Sanitary Committee. (Ord. No. 170, Sec. 4; Adopted July 6, 1920)

5.20.05 Transportation of privy waste All accumulations of privies, including any offal, refuse, house dirt, night soil or any filth of any kind that may be deposited therein shall be removed between the hours of eight o'clock p.m. and four o'clock a.m. and shall be conveyed in wagons, trucks or other vehicles or conveyances, so constructed as to permit of no leakage or waste while being hauled, and the same shall be deposited or buried at

such place or places as the City Council may by order, ordinance or resolution from time to time direct. (Ord. No. 170, Sec. 5; Adopted July 6, 1920)

5.20.06 Franchise; duties of grantee; penalty It shall be unlawful for anyone other than

the person or persons with whom the city has contracted or his or her agents or employees to remove, or convey through any of the streets or alleys of the city, such accumulation or deposits of such privies, and it shall be unlawful for any person or persons whomsoever under contract with the city or otherwise to remove the accumulations and deposits in any other than wagons, trucks or other vehicles or conveyances so constructed to permit of no leakage or waste, or to dump and deposit any such accumulations and deposits or privies at any point or places other than such as herein before described and provided, and any person violating any of the provisions of this Section shall be guilty of a misdemeanor and shall be fined in any sum not exceeding Twenty-five Dollars ($25.00) for each offense. (Ord. No. 170, Sec. 6; Adopted July 6, 1920)

5.20.07 Penalty It is hereby made the duty of the Police Chief of the city, upon report being made to him of the violation of any of the provisions in this chapter, to immediately have a warrant issued and arrest the person or persons violating such provisions and take them before the District Judge to be dealt with according to the law as to such violations, and a violation of any of the provisions or requirements of this chapter whatsoever shall be deemed a misdemeanor and upon conviction of any person thereof he or they shall be fined in any sum not less than One Dollar ($1.00) nor more than Twenty-five Dollars ($25.00). (Ord. No. 170, Sec. 7; Adopted July 6, 1920)

CHAPTER 5.24

SLAUGHTERING OF ANIMALS

Sections:

5.24.01 Illegal
5.24.02 Penalty

5.24.01 Illegal. It shall be unlawful for any person to slaughter any animal for market, or cause the same to be done within the city unless the facilities are approved and inspected by the Food and Drug Division of the Arkansas State Board of Health. (Ord. No. 251, Sec. 1; Adopted June 6, 1961)

5.24.02 Penalty Any person violating any of the provisions of the foregoing chapter shall be fined in any sum no less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00). (Ord. No. 251, Sec. 2; Adopted June 6, 1961)

CHAPTER 5.28

CITY LANDFILL

Sections:

5.28.01 Established
5.28.02 Fee, hours of operation, posting
5.28.03 Exact location of dumping
5.28.04 Penalty

5.28.01 Established There is hereby established an area known as the city landfill on land owned by the city and so designated as the city landfill.

5.28.02 Fee, hours of operation, posting The City Council is empowered to regulate the charge fee for dumping in the city landfill and the hours of its operation. The charge fee for dumping shall be plainly posted at the entrance to the city landfill.

5.28.03 Exact location of dumping All persons requesting to dump shall request instructions as to where to dump from the person designated to issue such instructions by the city, and upon receipt of such instruction shall follow them explicitly.

5.28.04 Penalty It shall be a misdemeanor for any person to violate the rules and regulations set out in this chapter, and on conviction thereof, violators shall be fined a sum of not less than Twenty-Five Dollars ($25.00), nor more than One Hundred Dollars ($100.00) for each violation.

CHAPTER 5.32

MAINTENANCE OF REAL PROPERTY

Sections:

5.32.01 Unsightly or unsanitary conditions on real property
5.32.02 Petition by resident
5.32.03 Council action
5.32.04 Notice
5.32.05 Failure to comply
5.32.06 Service of notice
5.32.07 Non-resident or unknown owner
5.32.08 Enforcement of lien and collection of costs

5.32.01 Unsightly or unsanitary conditions on real property All property owners within the city of Atkins, Arkansas, are hereby required to cut weeds, grass, remove garbage, rubbish and other unsanitary and unsightly articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary things, place, or condition which

might become a breeding place for mosquitoes, flies, and germs harmful to the health of the community. (Ord. No. 83-12, Sec. 1)

5.32.02 Petition by resident Any resident of the city of Atkins may petition the City Council to remove, abate or eliminate any unsightly or unsanitary conditions existing on real property located within the corporate boundaries of the city of Atkins by filing a petition specifically describing the unsightly or unsanitary condition existing on said real property, requesting the city to remove, abate or eliminate such condition or conditions. (Ord. No. 83-12, Sec. 2.)

5.32.03 Council action After the filing of such a petition, the City Clerk shall present the petition to the City Council for the purpose of granting or denying the petition. Any action taken by the City Council in regards to such a petition shall require the approval of a majority of the members of the Council. (Ord. No. 83-12, Sec. 3)

5.32.04 Notice Upon the granting of such a petition by the City Council, the Council shall cause a notice in writing to be executed, signed by the Mayor and attested to by the City Clerk, to be served on the landowner upon whose property the unsightly or unsanitary condition exists. The notice shall advise the landowner that an unsightly or unsanitary condition presently exists on certain property, as specifically described in the notice, owned by the owner and located in the city of Atkins, and that the owner has twenty (20) days after the giving of said notice, except or provided in 5.32.07 of this ordinance, to remove, abate or eliminate the unsightly or unsanitary conditions as specifically described in the notice. Such owner shall further be informed in the notice that upon his failure or refusal to remove, abate or eliminate the conditions as described in the notice, the city of Atkins shall remove, abate or eliminate such conditions and shall charge the owner for the costs of such removal, abatement or elimination. Such costs shall constitute a lien on the owner's property, which lien may be enforced as hereinafter provided. (Ord. No. 83-12, Sec. 4)

5.32.05 Failure to comply If the owner or owners of any lot or other real property within the city of Atkins, after the giving of twenty (20) days' notice in writing, shall refuse or neglect to perform the duties in connection with his or their property as specified in 5.32.01 hereof, the Chief of Police is hereby authorized to enter upon the property and have said weeds, grass, or other vegetation cut and removed, or eliminate any unsanitary and unsightly thing, place, or condition as specified in the notice, and the cost thereof shall be charged against said premises and shall constitute a lien thereon. (Ord. No. 83-12, Sec. 5)

5.32.06 Service of notice Service of such notice on the landowner shall be by certified mail, with return receipt requested, or delivered by a person authorized to serve complaints, summonses, and subpoenas. (Ord. No. 83-12, Sec. 6)

5.32.07 Non-resident or unknown owner In the event that the whereabouts of the owner

of such property is not known or such owner is a non-resident of this state, then a copy of the written notice hereinabove referred to, shall be posted upon the premises and before any action is taken by the city to remove, abate or eliminate the unsightly or unsanitary conditions determined by the City Council to exist on the owner's real property, or before any action to enforce such lien as described in this ordinance shall be had, the City Clerk shall make an affidavit setting out the facts as to the address or whereabouts of such owner, and thereupon the notice as referred to in this ordinance, or warning order shall be published in a newspaper of general circulation in the area where the owner's property is located, as provided for by law against non-resident defendants, and an attorney ad litem shall be appointed by the Mayor in regards to the notice, or by the Chancery Clerk in regards to the warning order, to notify the landowner or defendant by certified letter addressed to his last known place of residence, if same can be found. In either event, notice given pursuant to this section shall be for thirty (30) days. (Ord. No. 83-12, Sec. 7)

5.32.08 Enforcement of lien and collection of costs The lien herein provided for may be enforced and collected in either one 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 Chancery Court; or,

B. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks; the determination of said governing body being subject to appeal by the property owner in the Chancery Court; and the amount so determined at said hearing, plus ten percentum (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percentum (3%) thereof, when so collected shall be paid to the municipality by the county tax collector. (Ord. No. 83-12, Sec. 7)