

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Solid Waste Collection
- 5.12 Public Facilities Board
- 5.16 Craighead County Solid Waste Disposal Authority
- 5.20 Mosquito Control
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CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 Unsightly or unsanitary conditions on real property
- 5.04.02 Grass trimmed
- 5.04.03 Notification of unknown real property owner
- 5.04.04 Enforcement of lien

5.04.01 Unsightly or unsanitary conditions on real property All persons, corporations, organizations, partnerships or associations are hereby required and ordered to keep their premises or property free of garbage, rubbish, old appliances, piles of lumber, pools of stagnant water, seepage from septic tanks, trash, accumulations or worthless personal property, paper, litter, or any other things of like quality or kind which would constitute a health hazard or breeding place for mosquitoes or disease or which constitute a condition causing an unsightly appearance. (Ord. No. 92-141, Sec. 8.)

5.04.02 Grass trimmed All persons, corporations, organizations, partnerships or associations are required to keep their lots mowed and trimmed in this connection. When the grass and weeds on a lot reaches eight (8) inches, the same shall be mowed, trimmed or sprayed with a herbicide to kill the vegetation. Weeds and grass may not be sprayed that are in excess of eight (8) inches in height. (Ord. No. 2003-198, Sec. 1.)

5.04.03 Notification of unknown real property owner In the event the City Council or its duly appointed representative determines that an unsanitary or unhealthy condition exists on the property or that the same is unsightly, or the lot needs mowing, then in that event, the Police Department will issue in person a written warning that such condition exists and that the same is to be cleaned up or abated within seven (7) days of the service of the notice. In the event the property owner, lessee, or person claiming right to the property fails to clear up or abate the condition on the property, then the owner, lessee, or person claiming a right to the property shall be in violation of this ordinance and shall be guilty of a misdemeanor and subject to a fine of One Hundred Dollars (\$100.00). In addition, the city of Lake City shall have the right to mow these lots or clean up the unsightly area and owner of the property shall be subject to a civil assessment of One Hundred Dollars (\$100.00) for the cost of the mowing or cleaning up. (Ord. No. 2003-198, Sec. 2.)

Only one notice per calendar year shall be required, and in the event the owner of the lot violates this ordinance, it shall be necessary that he or it only receive one warning prior to the issuance of any citation. (Ord. No. 2003-201, Sec. 1.)

5.04.04 Enforcement of lien In addition to the criminal sanctions that a violation of this ordinance constitutes a misdemeanor, the city of Lake City may clean up the property or mow the property at the expense and cost of the owner or lessee, and the city shall have a lien for any expenses or costs involved in cleaning up the property or mowing the property. The city of Lake City, Arkansas may secure this lien at any time within four (4) months of the service which is performed by filing a statement of the lien with the Craighead County Circuit Clerk and said lien shall be under oath and shall contain a description of the property a statement of what was done, and an exact statement of the amount due and owing. In the event the lien is not satisfied by the owner, lessee, or other person claiming a right to the property, the lien may be enforced in Chancery Court at any time within one (1) year from the filing thereof. (Ord. No. 92-141, sec. 11.)

The amount of the lien to be imposed shall be to the extent of One Hundred Dollars (\$100.00), plus any court costs incurred by the city for imposing and charging the lien. (Ord. No. 2003-198, Sec. 3.)

CHAPTER 5.08

SOLID WASTE COLLECTION

Sections:

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| 5.08.01 | Public collection |
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5.08.03	Definition
5.08.04	Fees
5.08.05	Collection schedule
5.08.06	Littering
5.08.07	Tenant fees
5.08.08	Non-payment
5.08.09	Authority to reduce fees

5.08.01 Public collection All garbage, waste, and refuse from either single or multifamily residences or commercial businesses shall be collected by persons or companies approved by a majority vote of the City Council. Persons given that authority must furnish evidence of liability insurance, and frequency of service and rates. No other persons shall be allowed to collect garbage or refuse for a fee or exchange of services in the corporate limits. (Ord. No. 7983, Sec. 1.)

5.08.02 Sanitary workers Persons providing sanitation services to customers provided for in this ordinance shall be subject to yearly review by the City Council, and the City Council, for cause by a majority of elected Councilmembers, may terminate the person's or companies' right to provide sanitation services in the city of Lake City, Arkansas. (Ord. No. 79-83, Sec. 2.)

5.08.03 Definition The term "garbage" shall include household trash, refuse, leaves in plastic bags, scraps. It shall not include large items such as automobiles, tree limbs, or items too heavy to be picked up by two (2) persons. (Ord. No. 79-83, Sec. 3.)

5.08.04 Fees The fee for garbage collection is mandatory for each residence payable monthly in advance, said fee to be added to the occupants water utility bill. The fee shall be set by the City Council on an annual basis after consideration of any request made by the person or persons having authority to collect the garbage. A. Single-family residence.

- B. Each apartment unit, flat or house trailer with an individual meter.
- C. Multi-dwelling unit facilities with a single meter shall be billed as commercial accounts and rates set as for all other commercial accounts.

Commercial businesses shall include any retail business, professional or service trade or business, restaurant, manufacturing plant or warehouse. Rates for commercial business shall be set by the person authorized to collect garbage but shall be based upon frequency of pickup, and volume of garbage. Commercial rates shall be reviewed by the City Council upon request of customer. (Ord. No. 79-83, Sec. 4.)

5.08.05 Collection schedule Garbage shall be collected weekly at residences and as needed at commercial businesses. Garbage shall be placed for collection in plastic bags or in plastic or metal containers no larger than thirty (30) gallons. Collection points shall be at curbside of the property or within ten (10) feet of the street or alley at ground level. (Ord. No. 79-83, Sec. 5.)

5.08.06 Littering No person shall place, burn or throw waste paper, trash or other garbage on any street, sidewalk, alley or public place within the city. (Ord. No. 79-83, Sec. 6.)

5.08.07 Tenant fees Fees chargeable against each unit of an apartment or each residence shall be collectible from the person the water meter is registered in. However, the fees may be chargeable against the owner of each apartment house or rental property in the event the tenant does not pay same. (Ord. No. 79-83, Sec. 7.)

5.08.08 Non-payment If a person liable for payment of the garbage collection fee refuses to pay same, then after ten (10) days written notice the city shall have the authority to terminate other utility services to said residence or business. (Ord. No. 79-83, Sec. 8.)

In addition, any person liable for payment of garbage collection fees who refuses to pay same if found guilty of violating this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined up to Twenty-Five Dollars (\$25.00). (Ord. No. 79-86, Sec. 1.)

5.08.09 Authority to reduce fees The City Council shall have the authority to reduce or increase the fees herein listed for the service by resolution adopted at any regular meeting of the Council except that they may not take any action to prejudice the rights of those persons contracted with to furnish services to the city. (Ord. No. 79-83, Sec. 9.)

CHAPTER 5.12 PUBLIC

FACILITIES BOARD

Sections:

5.12.01	Established
5.12.02	Name
5.12.03	Members
5.12.04	Power
5.12.05	Bonds
5.12.06	Duties

5.12.01 Established In accordance with and pursuant to the authority conferred by the provisions of Act. No. 142, there is hereby created and established a Public Facilities Board (the "Board") with authority as hereinafter provided to accomplish, finance, contract concerning and otherwise dispose of and deal with "Health Care Facilities" as defined in Act. No. 142. (Ord. No. 84-103, Sec. 1.)

5.12.02 Name The name of the Board shall be Lake City, Arkansas Health Facilities Board. (Ord. No. 84-103, Sec. 2.)

5.12.03 Members The initial members of the Board, each of whom is a qualified elector residing in the city, and their respective terms of office shall be:

Member: Warren Short, Lake City, Arkansas	Term: One year
Member: Cloyd Barker, Lake City, Arkansas	Term: Two years
Member: Larry Nall, Lake City, Arkansas	Term: Three years
Member: Robert H. Malone, Jr., Lake City, Arkansas	Term: Four years
Member: W. O. Doak, Lake City Arkansas	Term: Five years

Each member shall take and file with the Clerk of Lake City, Arkansas, the oath of office prescribed by Act. No. 142. (Ord. No. 84-103, Sec. 3.)

5.12.04 Power The Board is empowered, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, sell, lease, contract concerning or otherwise dispose of health care facilities. Each subsequent project shall be located within or partly within the city. (Ord. No. 84-103, Sec. 4.)

5.12.05 Bonds The Board is authorized to issue revenue bonds from time to time and to use the proceeds either alone or together with other available funds and revenues for all purposes for which it is empowered. Such revenue bonds shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of the city or any of its revenues are pledged, and the principal of and interest on the bonds shall be payable from and secured by a pledge or revenues derived from the health care facilities financed in whole or in part from bond proceeds and as authorized by, and in accordance with the provisions of Act. No. 142. (Ord. No. 84-103, Sec. 5.)

5.12.06 Duties The Board shall have all of the powers provided for in Act. No. 142, including specifically, without limitation, the filing of the annual report required by Section 18 of Act No. 142. The Board shall, in all its dealings, take all appropriate action necessary to comply with the Constitution and laws of the United States of America and of the state of Arkansas. (Ord. No. 84-103, Sec. 6.)

CHAPTER 5.16

CRAIGHEAD COUNTY SOLID WASTE DISPOSAL AUTHORITY

Sections:

5.16.01	Creation
5.16.02	Initial member
5.16.03	Powers
5.16.04	Directors
5.16.05	Application

5.16.01 Creation The city of Lake City, Arkansas shall join in the creation of a Craighead County Solid Waste Disposal Authority, along with the following counties, cities, and towns: Craighead County, Bay, Black Oak, Bono, Brookland, Caraway, Cash, Egypt, Jonesboro, Lake City and Monette. (Ord. No. 85-106, Sec. 1.)

5.16.02 Initial member The city of Lake City, Arkansas, is hereby authorized to become an initial member of the Craighead County Solid Waste Disposal Authority. (Ord. No. 85-106, Sec. 2.)

5.16.03 Powers The powers of such authority shall be as follows:

- A. To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain sell, lease, contract, concerning or otherwise deal in or dispose of any real property, personal property, or mixed property of any kind and every kind that can be used or that will be useful in the controlling, storing, removing, handling, reducing, disposing of, treating, and otherwise dealing in and concerning solid wastes, including, without limitation, property that can be used or that will be useful in extracting, converting to steam (including the acquisition, handling, storage and utilization of coal, or other fuels of any kind or water that can be used or that will be useful in converting solid wastes to steam) and distributing such steam or users thereof, or otherwise separating and preparing solid wastes for reuse.
- B. To have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of the affairs and the conduct of its business, and to prescribe rules, regulations and policies in connection with the performance of its functions and duties;
- C. To adopt an official seal and alter the same at pleasure;
- D. To maintain an office at such place or places as it may determine;
- E. To sue and be sued in its own name, and to please and be impleaded;
- F. To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this Act 699 or 1979. Including contracts with persons, firms, corporations, and others;
- G. To apply to the appropriate agencies of the state, the United States or any state thereof, and to any other property agency for such permits, licenses, certificates of approvals as may be necessary, and to construct, maintain and operate projects in accordance with, and to obtain, hold and use, such licenses, permits, certificates or approvals in the same manner as any other person or operating unit of any other person;

- H. To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority therefore;
- I. To purchase all kinds of insurance including, but not limited to, insurance against tort liability, business interruption, and/or risks of damage to property.
- J. To fix, charge and collect rents, fees and charges for the use of any project or portion thereof, or for steam produced and any by-products therefrom;
- K. To accomplish projects as authorized by Act 699 of 1979 and the ordinances creating the authority;
- L. To distribute steam or any other product produced by a project to any person, municipality or county;
- M. To buy, sell, exchange, own and generally deal in real property, municipality or county;
- N. To pledge or hypothecate any and all property of the authority, both real, personal and mixed, owned or leased by the authority for cash, on credit and time payment and to generally finance any property, both real, personal and mixed, sold or leased by this authority.
- O. To issue tax-exempt bonds pursuant to the terms authorized to carry out the purposes, and to exercise the power granted to the authority herein. (Ord. No. 85106, Sec. 3.)

5.16.04 Members The numbers of directors of such authority and the voting rights of each director shall be as follows:

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The number of directors under this authority will be twelve (12) with the maximum number of directors never to be more than fifteen. Selection of directors will be made by governing authority for the counties, municipalities and towns. All towns under 5,000 population will be considered in county population for purposes of selection of directors. Municipalities with populations of 5,000 or more will select their directors. The directors will be divided between the counties, municipalities, and towns according to population based upon the U.S. census figures from 1980. Adjustment to number of directors allocated to each governing body will be changed within one year of each official U.S. census. The directors will follow all other regulations governing conduct of the authority as contained in Act 699 of 1979. The term of each director will be three (3) years. This initial term will be determined by lot. The towns under 5,000 population shall appoint two of the Board of Directors allocated to Craighead County. The Mayors and City council members of the towns of Black Oak, Caraway, Lake City, and Monette shall appoint one (1) board member. The Mayors and city Council members of the towns of Bay, Bono, Brookland, Cash, and Egypt shall appoint the other member. (Ord. No. 2003-199, Sec. 1.)

5.16.06 Application The application of the initial members of the Craighead County Solid Waste Disposal Authority is attached hereto , and made part hereof, and said application is approved in all things. (Ord. No. 85-106, Sec. 5.)

CHAPTER 5.20

MOSQUITO CONTROL

Sections:

5.20.01	Assessment
5.20.02	Exemptions
5.20.03	Billing
5.20.04	Fine

5.20.01 Assessment All property owners and/or residents, including individuals, firms and companies, within the city limits of the city of Lake City, Arkansas, are hereby assessed the sum of One Dollar and Sixty-Five Cents (\$1.65) per month, a Sanitation Tax on each dwelling and business house located in said city. (Ord. No. 2011-254, Sec. 1.)

5.20.02 Exemptions Public property, including church and school property, shall be exempt from this assessment. (Ord. No. 70-56, Sec. 2.)

5.20.03 Billing This tax shall be billed and paid for by one of the following alternatives:

- A. All property owners or residents having water service to their premises, by billing each month on the water bill of the city of Lake City.
- B. Property not receiving water service shall be billed to the owner thereof once each year for the entire four month period, on or about July 1st. (Ord. No. 70-56, Sec. 3.)

5.20.04 Fine Any person, firm or company violating any part of this ordinance by failing to pay the tax herein imposed shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than Five Dollars (\$5.00) and not more than Twenty-Five Dollars (\$25.00) for each separate property ownership involved. (Ord. No. 70-56, Sec. 4.)

CHAPTER 5.24

ABANDONED ITEMS

Sections:

- 5.24.01 Abandoned items
- 5.24.02 Removal
- 5.24.03 Vehicles
- 5.24.04 Fine

5.24.01 Abandoned items From and after the passage and approval of this ordinance, it shall be unlawful for the owner or occupant of a residential or commercial building, structure or property to utilize the premises of such residential or commercial property for the open storage of any abandoned motor vehicles, iceboxes, refrigerators, stoves, glass, building material, building rubbish, or similar items. An abandoned motor vehicle, for the purpose of this ordinance, is defined as one that is in a state of disrepair and incapable of being moved under its own power. (Ord. No. 2000-182, Sec. 1.)

5.24.02 Removal It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential and commercial property clean and to remove from the premises all such abandoned items, as listed above. However, up to two (2) abandoned motor vehicles may be openly stored behind a privacy fence on residential or commercial property. (Ord. No. 2000-182, Sec. 2.)

5.24.03 Vehicles Any owner or occupant that fails to remove an abandoned motor vehicle or all such abandoned items, after written notice to do so from the office of the Mayor, within ten (10) days after receipt of said notice, shall be in violation of this ordinance, and said abandoned items shall be removed by the city of Lake City and the costs of towing, removal and/or storage of said items shall constitute a lien upon property from which it was removed. The city's attorney is hereby authorized and directed to take the necessary legal action to establish and perfect a lien against such property. (Ord. No. 2000-182, Sec. 3.)

5.24.04 Fine Any violation of this ordinance shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), and each day such violation occurs shall be considered a separate offense. (Ord. No. 2000-182, Sec. 4.)