

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Solid Waste Authority
- 5.08 Littering
- 5.12 Sanitation Tax - Mosquito Control
- 5.16 Garbage, Trash and Weeds
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CHAPTER 5.04

SOLID WASTE AUTHORITY

Sections:

- 5.04.01 Regional authority
- 5.04.02 Initial member
- 5.04.03 Powers
- 5.04.04 Directors

5.04.01 Regional authority. That the city of Jonesboro, Arkansas, shall join in the creation of a Craighead County Solid Waste Disposal Authority, along with the following cities and towns: Bay, Black Oak, Bono, Brookland, Caraway, Cash, Egypt, Lake City, and Monette. (Ord. No. 1916, Sec. 1)

5.04.02 Initial member. That the city of Jonesboro, Arkansas, is hereby authorized to become an initial member of the Craighead County Solid Waste Disposal Authority. (Ord. No. 1916, Sec. 2)

5.04.03 Powers. That 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, lignite or other fuels of any kind or water that can be used or that will be useful in converting solid waste to steam) and distributing such steam to 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 plead 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 of 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 proper agency for such permits, licenses, certificates or approvals as may be necessary, 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 engineer, 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 and provisions authorized in Act 699 of 1979 and amendments thereto; and,
- P. To do any and all other acts and things necessary,, convenient or desirable to carry out the purposes, and to exercise the power granted to the authority herein. (Ord. No. 1916, Sec. 3)

5.04.04 Directors. That the number of directors of such authority and the voting rights of each director shall be as follows:

The number of directors under this authority will be twelve (12) with the maximum number of directors never to be more than fifteen (15). Selection of directors will be made by governing authority for the counties, municipalities and towns. All towns under five thousand (5,000) population will be considered in county population for purposes of selection of directors. Municipalities with populations of five thousand (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 (1) 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 five thousand (5,000) population shall appoint two (2) 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. 3440, Sec. 1)

CHAPTER 5.08

LITTERING

Sections:

5.08.01	Littering illegal
5.08.02	Vehicles littering
5.08.03	Writ of Attachment
5.08.04	Liable for damages
5.08.05	Fine

5.08.01 Littering illegal It shall be unlawful for any person, firm or corporation to throw, place or otherwise deposit any paper, cans, bottles, or other trash, refuse or garbage upon the streets in the city of Jonesboro, Arkansas. (Ord. No. 989, Sec. 1.)

5.08.02 Vehicles littering It shall be unlawful for any person, firm or corporation to drive or operate any vehicle of any kind or character upon any of the streets in the city of Jonesboro, Arkansas, unless such vehicle is so constructed or loaded as to prevent any part of its load from dropping, sifting, leaking, spilling or otherwise escaping from said vehicle and onto the streets of the city of Jonesboro, Arkansas. (Ord. No. 989, Sec. 2.)

5.08.03 Writ of Attachment A Writ of Attachment may be issued against any vehicle used in violating the provisions of this ordinance for the collection of any fine assessed for such violation. (Ord. No. 989, Sec. 3.)

5.08.04 Liable for damages Any person, firm or corporation driving or operating any vehicle upon any of the streets in the city of Jonesboro, Arkansas, shall be liable for all damages which said streets or structures may sustain as a result of a violation of this ordinance. (Ord. No. 989, Sec. 4.)

5.08.05 Fine Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10.00 nor more than One Hundred Dollars (\$100.00), and in addition thereto may be assessed and ordered to pay all damages which said street or structure may have sustained by reason of a violation of this ordinance. (Ord. No. 989, Sec. 5.)

CHAPTER 5.12

SANITATION TAX- MOSQUITO CONTROL

Sections:

5.12.01	Tax levy
5.12.02	Payment
5.12.03	Penalty

5.12.01 Tax levy All property owners and residents, including individuals, firms and companies within the city limits of Jonesboro, Arkansas, will pay a tax of \$1.00 per month or \$12.00 annually for mosquito control. Public property excluded from this section includes all church and school property. (Ord. No. 2343, Sec. 1.)

5.12.02 Payment. This tax shall be paid to the city of Jonesboro, Arkansas, as follows:

- A. Residents: Payable monthly on the refuse bill which is billed by the City Water and Light.
- B. Commercial property: Payable quarterly on the refuse bill which is billed by the city of Jonesboro.
- C. Apartments and commercial refuse picked up by private hauler will be billed quarterly by the city of Jonesboro, at the \$12.00 annual fee (\$3.00 per quarter) per unit or business. (Ord. No. 2343, Sec. 1.)

5.12.03 Penalty. Any person, firm or corporation violating any part of this chapter 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 Fifty Dollars (\$50.00) each for each dwelling or business house involved. (Ord. No. 12.01, Sec. 1.)

CHAPTER 5.16

GARBAGE, TRASH AND WEEDS

Sections:

5.16.01	Garbage and waste collection
5.16.02	Sanitation Department created
5.16.03	Garbage defined
5.16.04	City to provide Class IV waste disposal site
5.16.05	Receptacles
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5.16.08	Miscellaneous materials; regulations
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5.16.21	Unlawful storage
5.16.22	Responsibility for maintenance
5.16.23	Violations
5.16.24	Penalty
5.16.25	Monthly rates
5.16.26	Authority to enforce
5.16.27	Curbside pickups

5.16.01 Garbage and waste collection.

- A. All permanently or temporarily occupied residences in the city shall be provided with house-to-house street-side waste collection service.
- B. Collection service for residential containers will consist of one pick-up per residential unit each week.
- C. Residents living within multiple-unit residential housing will be furnished

individual residential containers if, in the judgment of the Sanitation

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Superintendent or his designee, their household solid waste can be best serviced in residential containers. Each unit of housing within multiple-unit housing with adequate access will be a separate residential unit with its own container.

- D. The city will provide solid waste collection service to the following:
 - 1. Single dwelling units.
 - 2. All apartments.
 - 3. Apartments converted to condominiums.
 - 4. Upon request commercial, industrial and institutional establishments.
- E. A carry-out service for persons with disabilities residing in dwelling units receiving city solid waste collection and recycling services. This service is provided at no additional charge to an individual(s) who is disabled and is thus incapable of conveying their solid waste or recycling container to the designated collection location. The Sanitation Department shall verify that an individual(s) meets the aforementioned criteria upon receipt of a request for carry-out service. Prior to receiving this service, the requester will be required to produce reasonable evidence of disability. This service does not include collection personnel entering the dwelling unit to provide such service.
- F. Curbside recycling service will be provided to all dwelling units that are provided solid waste collection service by the city.
- G. A large collective container shall be provided for multiple unit housing establishments and mobile home parks when it is judged by the Sanitation Superintendent that individual residential containers are not appropriate or practical.
- H. No commercial or industrial waste will be allowed to be mixed in with any collective container without Sanitation Department approval. (Ord. No. 3135)

Solid waste containers

- A. A blue recycling bag owned by the city will be made available to residents for their usage as part of the city's recycling program.
- B. The city offers a roll-off bin, varying in size to be rented out for construction and large clean-up jobs. These bins are designed so that they can be loaded by a truck equipped with a tilt frame and hoist mechanism.

- C. The city will furnish residential customers a city-owned 65 or 95 gallon plastic solid waste container with attached lid, wheels and integral pick-up attachments for utilization with automated collection systems. Small commercial establishments may also rent these containers.
- D. City-owned front and rear load dumpster may be rented to individuals, business, factories, etc. for placement of solid waste. (Ord. No. 3135)

Solid waste collection system

- A. A mechanical solid waste collection system will be utilized by the city to pick-up city-provided containers for collection by solid waste vehicles equipped with lifting devices. Except as designated by the City Council, the mechanical solid waste collection system will be the method of collection for household waste collection service provided to citizens in the city. Where it is impractical for city collection vehicles to operate due to terrain or other conditions, an alternate collection method will be provided.
- B. A recycling collection system utilizing manual labor will be used to load recyclables from the city-provided recycling bags. (Ord. No. 3135)

Solid waste containment and disposal requirements

- A. All responsible parties using or occupying dwelling units, commercial, industrial establishment within the corporate limits of the city shall contain all putrescible solid waste in bags that are securely tied prior to depositing into city-provided container.
- B. All loose yard waste including, but not limited to, grass, weeds, leaves, and brush vegetation clippings must be
 1. placed curbside
 2. yard waste must be bagged not weighing more than fifty (50) pounds and
 3. securely tied before being placed curbside.
- C. Explosives of any kind, such as small arms ammunition, black powder, blasting agents, compressed gas cylinders or any kind of flammable materials shall not be placed in any solid waste container.
- D. Tires, batteries, gas, oil and hazardous chemicals will not be collected by the city.

Such material shall not be placed with other solid waste and is the responsibility of the dwelling units responsibility party for removal and proper disposal.

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- E. Ashes will be collected if they have been soaked with water to extinguish any live embers and are then securely tied in bags before depositing into a solid waste container. Ashes from medical waste, hazardous waste or special materials waste will not be collected by the city.
- F. It is the container users and responsible parties responsibility to keep the area around the solid waste container continuously free and clear of all debris and litter.
- G. Persons shall maximize the use of their assigned containers by crushing and condensing the waste deposited in the containers and shall avoid the placing of solid waste outside the container for pick-up.
- H. Unless otherwise notified by the city of Jonesboro, the approved place for the residential container to be picked up on a scheduled day shall be at the corner of the resident's driveway and the nearest place that is accessible to the collection truck. Accessibility is based on the judgment of the Sanitation Superintendent with consideration for the needs of the Sanitation Department and is contingent upon having a turn-around area, ample street width, street quality, adequate tolerances, liability, and other factors that may be deemed significant for consistent safe and economical weekly collection service.
- I. If a person desires their container emptied, the residents shall have their container positioned and their pick-up site accessible to the collection truck.
- J. Leaving the pick-up site inaccessible or repeatedly improperly positioning and orientating a residential container when automated pick-up is in use is a violation of these rules and regulations.
- K. All boxes and large pieces of cardboard shall be broken down or cut up prior to placement in solid waste containers.
- L. No bulk waste shall be placed in city-provided containers.
- M. No yard waste shall be placed in city-provided containers.
- N. No yard waste, bulk waste, medical waste, household waste or garbage shall be placed into recycling bags.
- O. Sharps, needles or lancets will be collected by the city only if disposed of in proper closed containers.

- P. Provisions shall be made for regular inspections of solid waste containers by the Sanitation Superintendent, Route Supervisor, or designee, to the responsible party

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of the property upon which violations occur. Notification shall consist of tagging the solid waste container with clear indication as to the nature of the violation.

- Q. The city may issue a notice of violation to any person, business, firm, corporation violating any provisions of this chapter. If the violation has not been corrected within the specified time period, a citation may be issued.
- R. In addition to any civil penalties that may be authorized by law, any person, business, firm, corporation or governmental agency found in violation of any provisions of this chapter shall be subject to the penalties in accordance with section. (Ord. No. 3135)

Solid waste responsibility

- A. The owner or lessee of any dwelling unit or commercial establishment shall be responsible for the sanitary condition of said premises and for the proper storage, containment and placement for collection of all wastes as defined in this ordinance.
- B. The city shall bill each residential unit the monthly collection charge. For purpose of this article, each dwelling unit located at a multi-family unit shall be considered a separate residence for billing purposes.
- C. It is the responsibility of the owner, lessee, tenant, and other occupier of a residential unit of a commercial unit to pay the city for the refuse collection service when due irrespective of the use or non-use of the refuse collection service.
- D. The rate shall be established by the City Council. (Ord. No. 3135)

Hauling solid waste

- A. It shall be in violation of this ordinances for any person engaged in the business of collecting, transporting, or disposing of solid waste to haul such waste along any public street, alley, or right-of-way in the city unless the materials are contained in vehicles or receptacles so constructed as to prevent the waste from falling, leaking, blowing, dropping, spilling, or otherwise departing from the vehicle. Solid waste that could depart from the vehicle shall be transported in an enclosed vehicle or be completely covered. The solid waste shall be suitable enclosed or covered so as to prevent roadside littering, attraction of disease vectors, or creation of other nuisances.

- B. Care shall be taken in the loading and transportation of solid waste so that none of the materials is left either on private property or on the streets or alleys. The city

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recognizes that an occasional emergency or hot load may require the unloading of solid waste from a solid waste collection vehicle. Solid waste may be unloaded for emergency purposes if, and only if, all solid waste unloaded is recollected within two (2) hours of the unloading, unless prohibited by emergency response personnel. The area must be litter free after the recollection, and the unloading shall not obstruct traffic.

- C. All solid waste haulers shall be duly licensed in accordance with A.C.A. 8-6-721, as may be amended; and ADEQ Regulation 22 as amended. (Ord. No. 3135)

Illegal disposal of solid waste It shall be a violation of this ordinance for any person to illegally dispose, or cause to be illegally disposed, any waste as defined in this ordinance.

- A. In or upon any public or private highway or road, including any portion of the right-of-way thereof.
- B. In or upon any private property into or upon which the public is admitted by easement or license, or on private property.
- C. In or upon any public park or other public property, other than the property designated or set aside for waste disposal by the governing board or body having charge thereof.
- D. Upon any property for which a waste disposal permit has not been issued by the ADEQ.
- E. No owner or occupant of any premises which are adjacent to any portion of an open area, vacant lot, ditch, detention pond, storm drain, or watercourse shall cause the accumulation of refuse, rubbish, or storage of any material within or upon such adjacent areas.
- F. The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that refuse and rubbish from construction being carried by the elements to adjoining premises.
- G. The accumulation of refuse and rubbish which constitutes or may create a fire, health, or safety hazard or harborage for rodents is unlawful and is hereby declared to be a nuisance and a non-conforming use of premises.
- H. In accordance with state and federal laws, accumulations of solid waste proven to be illegal dumping done by a third party on any private or public lands shall not

be the responsibility of the landowner. The responsible person shall be held liable for any and all damages to the private or public lands affected by the illegal dumping of solid waste.

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- I. Littering that shall result from any person storing, collecting, or hauling solid waste within the city shall be the responsibility of the person storing, collecting, or hauling solid waste and is a violation of these rules and regulations.
- J. The city and all persons within the city shall comply with all ADEQ regulation concerning solid waste on private or public lands. (Ord. No. 3135.)

Waste component

- A. Bulk waste manufactured items such as appliances, furniture, and other large waste.
- B. Limbs, branches and other vegetation will be collected provided individual pieces are no longer than twelve (12) feet in length. This will be done year round on a zone basis.
- C. Disposal for all types of solid waste generated by stores, offices, restaurants, warehouses and non-manufacturing activities will be the responsibility of the responsible party.
- D. Disposal of all construction waste such as building materials including, but not limited to, dirt, rocks, concrete and brick, asphalt, lumber and processed wood products, roofing, sheetrock, and plaster, doors and windows that result from construction, remodeling and repair of commercial, institutional and industrial establishments, dwelling units, garages, pavements, streets, alleys, trenches, ditches, underground utilities, excavations and other structures will be the responsibility of the responsible party.
- E. Disposal of demolition waste such as material resulting from the demolition or razing of buildings, and other man-made structures, excluding friable asbestos material or other materials excluded by federal or state environmental laws and regulation will be the responsibility of the responsible party. (Ord. No. 3135.)

Miscellaneous definitions

City City of Jonesboro, Arkansas.

ADEQ Arkansas Department of Environmental Quality

Class I landfill A solid waste facility that accepts non-hazardous household, commercial

and industrial solid waste defined herein; and small quantities of conditionally exempt hazardous wastes.

Class I wastes Non-hazardous household, commercial, and industrial solid waste as defined herein, and small quantities of conditionally exempt hazardous wastes.

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Class IV landfill A solid waste facility that accepts non-hazardous bulky, inert, non-putrescible solid waste that degrade very slowly. Class IV wastes include, but are not limited to, construction and demolition waste, furniture, stumps, limbs, and other bulky wastes that are not normally collected with other household or commercial waste.

Class IV wastes Non-hazardous, bulky, inert, non-putrescible solid wastes that degrade very slowly, and are permitted by the ADEQ to be disposed of in a Class IV landfill. Class IV wastes include construction and demolition waste, furniture, stumps, limbs, and other bulky wastes that are not normally collected with other household or commercial waste.

Collection route or routes Area designated by the Sanitation Department of the city to receive household collection. Routes are not fixed areas of the city and may in the future be changed or reshaped to better accommodate household solid waste collection and the efficiency of the Sanitation Department.

Collective container (dumpsters) Large metal commercial container used by those residents living within multiple-unit residential housing or other situations as deemed necessary by the city, that are allowed to combine their waste into one container of commercial size and not each be assigned single residential containers.

Composting The deliberate aerobic, biological decomposition of yard waste or other solid waste, resulting in a stable humus-like product.

Composting facility A facility that accepts yard waste or other solid waste for an aerobic, biological decomposition of such waste.

Craighead County Regional Solid Waste Management District (CCRSWMD) A regional solid waste management district formed pursuant to A.C.A. 8-6-701, as may be amended, comprised of representatives from each separate governmental entity within Craighead County charged with regulating all solid waste operations within its boundaries.

Customer Person, firm or corporation owning, leasing, occupying, or managing any premises within the city for which solid waste services are provided under the provisions of these ruler and regulations.

Disposal Abandoning, depositing, releasing, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water. Disposal does not include composting.

Disposal facility Any place at which solid waste is dumped, abandoned, or disposed of for final disposition by incineration, landfilling, composting or any other method.

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Garbage Vegetable waste resulting from the preparation, processing, cooking, serving, and/or the storage and sale of food, feed, or produce, and will include the plastics, tin, cans, glass containers, and papers derived from these processes or putrescible animal waste which is organic matter capable of being decomposed by micro-organisms and of such a character and proportion as to be capable of attracting or providing food for animals and other potential vectors.

Grace period Period of time following a notification of violation in which a violator of any provision of these rules and regulations, except in regard to payment for services, may be given an opportunity to correct the violation without being considered in violation.

Illegal dumpsite Any place at which wastes defined in this chapter are placed, deposited, abandoned, dumped or otherwise disposed of in a manner that is prohibited by this chapter or other status, rules, or regulations and which constitute one (1) or more of the following:

- A. Attractive nuisance
- B. Public or private nuisance
- C. Fire, health or safety hazard
- D. Potential sources of surface or groundwater contamination
- E. Other contamination that is hazardous to the public health or endangers the environment.

Incineration A controlled process by which solid waste is burned and changed into gases and residue produced which is relatively free of combustible materials.

Incinerator All enclosed devices intended or used for the reduction of solid waste.

Industrial waste Solid waste generated by manufacturing or industrial processes that is not a hazardous waste, mining waste, or is waste generated in natural petroleum oil or gas processing.

Infectious waste Residential, industrial, hospital, clinic, or laboratory medical, health, or biological solid waste consisting of any matter that may harbor or transmit pathogenic organisms, and includes any equipment, utensils, clothing, bandages, or any disposed material or

substances of any nature that may have contacted or been in use in close proximity to pathogenic organisms.

Recycling The systematic collection, sorting, decontaminating, and returning of waste material to commerce as commodities for sale, use, or exchange by separating or diverting an item from the solid waste stream for the purpose of processing it or causing it to be processed

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into a material product, including compost, in order to provide for the final disposition of the material product in a manner other than landfilling or incineration.

Recycling receptacle Approved recycling container provided by the city at a designated location for the purpose of receiving recyclables.

Responsible party An owner, operator, occupant, resident, lessor, manager, licensee or other person having control over a structure or parcel of land.

Scavenging Illegal manual sorting of refuse, either in the containers, trucks, at the working face of landfill. Or in unconfined truck discharge areas by individuals for their own personal gain, pleasure, or benefit.

Solid waste fee A fee assessed by the city for any solid waste services provided by the city.

Waste stream Organized flow of solid waste from generation to disposal involving waste generation, collection, recycling, transport, sorting, and disposal of solid waste matter within the city and includes solid waste entering and existing the city during any part of the handling of the waste. (Ord. No. 3135.)

Yard waste collection

- A. Since it is a violation of state Solid Waste Regulation 22 for other than very small amount of yard waste to enter the solid waste stream going to any landfill within the state of Arkansas, yard waste generated by residents must not be placed in the residential containers. Violators will be in violation of state law and these rules and regulations.
- B. The city shall encourage the use of individual compost piles by providing public information on designing and operating home compost piles. Yard waste brought to the landfill is not subject to disposal fees but must be free of plastic, refuse, garbage, trash, paper, non-wood debris, and excessive soil. The resident is responsible for making sure the yard waste is free of such inappropriate waste matter, and must comply with the directions for sorting given by landfill personnel in order to have free disposal of the yard waste.
- C. Any quantity of yard waste that is free of inappropriate solid matter shall be

exempt from all disposal fees at the landfill as long as the city resident unloads the yard waste and removes contaminants.

- D. All yard waste material must be placed within five (5) feet of the street edge for collection.

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- E. Yard waste may be placed out for collection with no restriction on the day or time of such placement.
- F. An occupant of any single-family residence may maintain a compost pile that is a separated area containing alternate layers of plant refuse materials and soil maintained to facilitate decomposition and produce organic material to be used as a soil conditioner. A compost pile shall be maintained to prevent it becoming a nuisance by putrefying or attracting insects or animals. (Ord. No. 3135.)

Class I & IV solid waste landfill user requirements

- A. Landfill users must obey all traffic signs and stay on designated roadways at all times.
- B. Landfill users are to follow all instructions given to them by any landfill personnel.
- C. Landfill users will dump solid waste only in the designated area as directed by landfill personnel.
- D. No alcohol beverages are permitted on the landfill site.
- E. All users of the landfill facility must be dressed in appropriate attire (i.e. no thongs sandals, or bare feet) for public health and safety reasons.
- F. Landfill personnel have the right to inspect any load and may disallow dumping of non-authorized solid waste.
- G. Children and pets must remain in the vehicle at all times.
- H. No person engaged in the business of hauling and disposing of solid waste will be allowed access to the city landfill until such time that they have been issued a hauler's license by the CCRSWMD and have affixed the annual permit visible on the driver's side door of the solid waste collection vehicle.
- I. Access to the city landfill is permitted only during the hours when landfill operating personnel are on the site.

- J. Violation of these requirements may lead to permanent expulsion from the city landfill facility.
- K. All non-metal and metallic Class IV solid waste, both residential and commercial, that is too large or heavy to be placed in a person's closed residential container, must be taken to the landfill.

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- L. Haulers bringing solid waste belonging to someone else to the landfill must upon request provide the landfill personnel or operator with the name, phone number, and address of the person for whom they are hauling and the source of the waste before the waste can be accepted and recorded. Also, before accepting the waste, the landfill personnel or operator may require verification of this information. Providing false information is a violation of these rules and regulations.
- M. Building and demolition contractors, roofers, landscapers, handyman services, remodelers, clean-up services, and other business or individual that generates large amounts of demolition, building, yard waste, or other Class IV solid waste must transport all solid waste they generate to the city landfill for disposal sorting of the material for disposal or recycling at the landfill is the hauler's responsibility. (Ord. No. 3135.)

Animal waste

- A. Animal waste from small animals or pets shall be placed in a plastic bag, securely tied, and then placed in an approved solid waste container.
- B. Animal waste from larger animals, such as horses and other livestock, may be placed out for collection provided such waste is completely dry, placed in a plastic bag, securely tied and placed in an approved solid waste container.
- C. All animal waste shall be removed from pens, stables, yards, cages and other enclosures and disposed of as described in this section or by composting as often as necessary to prevent the occurrence of a public nuisance, public health or safety hazard or an environmental hazard. (Ord. No. 3135.)

Scavenging and salvaging

- A. Persons found scavenging any solid waste material from within collection or transport trucks, the landfill, or from within any residential or commercial containers shall be in violation of these rules and regulations.
- B. It shall be a violation of these rules and regulations for any person(s) not designated by the Sanitation Department to remove or interfere with a recycling container or its contents. (Ord. No. 3135, Sec. 15.)

Hazardous waste Pursuant to ADEQ Regulation 22, Section 22.701 (b), as amended, materials known to be hazardous waste are restricted from disposal at the city of Jonesboro Class IV landfill facility. (Ord. No. 3135.)

Friable asbestos material Asbestos material wastes shall be handled in accordance with Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations in the

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removal, containerizing, storage and transporting of the materials. Such wastes shall also be handled, contained, stored, transported and disposed according to the requirements of ADPC&E Regulation 22, 40 CFR 61, Subparts A & M, as amended, and 29 CFR 1910 as amended. (Ord. No. 3135.)

Grace period and penalty

- A. Except in cases of failure to pay for services rendered, a ten day grace period following notification of a violation may be afforded violators of the provisions of these rules and regulations unless, in view of extenuating circumstances, the Sanitation Superintendent or his designee(s) deems it in the best interest of the city, the environment, the surrounding residents, and/or the persons involved to shorten or eliminate the grace period.
- B. Failure to correct a violation of these rules and regulations or any other Sanitation Department solid waste related regulation within the designated grace period and not show a good faith effort to correct the violation for the offense shall place the person in violation of these rules and regulations.
- C. Any person(s) who violates any provision of this ordinance shall be guilty of a misdemeanor and shall be fined in an amount not to exceed Two Hundred Fifty Dollars (\$250.00). Each day or part of a day during which a violation is continued or repeated shall constitute a separate offense. In addition to said fine or in lieu thereof, the sentencing body may require such person(s) to remove and clean up the solid waste for which he/she was responsible. Any person found guilty of any provision of this ordinance, may in addition to the preceding penalties or in lieu thereof, be required to assist in the clean up of general city litter. If the latter penalty is imposed, the person(s) shall not be required to work no more than eight (8) hours in any one day nor shall he/she be required to work more than seven (7) days in such clean up project. The Sanitation Superintendent and/or his designee(s) shall have the right to enter upon private property to insure compliance with the sanitation ordinances and for violations thereof to cite the responsible party to Municipal Court. (Ord. No. 3135.)

Sanitation Department Waste Inspectors

- A. The Sanitation Superintendent requests authorization by the City Council granting Waste Inspection Authority, and/or Sanitation Route Supervisor or his agent.
- B. The Sanitation Superintendent may impose operational regulations on the disposal processes, such as determining character and kinds of solid waste authorized for disposal at a city disposal facility, routing of traffic, and designating time and location that dumping may occur at city disposal facilities. Any such regulation shall be conspicuously displayed or shall be construed so as to infringe or

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supplant the authority of the CCSWMD, the ADEQ or the United States Environmental Protection Agency.

- C. Rules and regulations imposed by the Sanitation Superintendent which are consistent with and supplementary to this chapter may be changed or amended from time to time by the Sanitation Superintendent or City Council and shall become a part of this chapter.
- D. These Waste Inspectors shall have the same authority as the City Code Enforcement Officer except their jurisdiction shall be limited to these currently effective codes and ordinances, and any future revisions to same as follows:
 - 1. City Health and Sanitation Code, Title 5 of the Jonesboro Municipal Code, Chapters 5.08 and 5.16.
 - 2. Any Waste Inspector acting, in good faith and without malice, for the city in the discharge of their duties, shall not hereby render themselves liable personally and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required, or by reason of any act or omissions, in the discharge of their duties. Any suit brought against any Waste Inspector in the enforcement of any provisions of codes and ordinances shall be defended by the legal department of the city of Jonesboro until final termination of the proceeding.
 - 3. All ordinance and/or past ordinances in conflict herewith are hereby specifically repealed.
 - 4. If for any reason, any portion of this ordinances is held to be invalid such invalidation shall in no way affect the remaining portions thereof which are valid, but such valid portions shall remain in full force and effect.
 - 5. It shall be the duty of a Waste Inspector to make all inspections necessary to insure compliance with current code and ordinances of the city of Jonesboro, Arkansas, to include city ordinances pertaining to the accumulation of garbage, trash, litter, debris, or other unsightly items on

private or public property and all ordinances or codes designating the Waste Inspector as the enforcement authority.

6. The Superintendent of the Sanitation Department shall have the power to delegate all duties set out above to his agent or employee who shall have the same power and authority as the Sanitation Superintendent.

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7. The Sanitation Superintendent or Waste Inspector or person so delegated shall have the authority to remove, and clean up all trash, garbage, litter, debris, or other unsightly items when same has become, in the opinion of the Sanitation Superintendent, or Waste Inspector, unsightly, unsafe, unsanitary, or obnoxious or detrimental to the public welfare.
8. If the owner of any lot or real property in the city of Jonesboro shall permit any garbage, rubbish, or other unsightly or unsanitary things or articles to exist upon the property, the city Waste Inspector is authorized to give the owner of the property a written notice to remove such conditions and correct same so as to comply with the provisions of 5.16.16 as amended. If the condition has not been removed and corrected within five (5) days after service of the notice by the city Waste Inspector Officer or after posting of the notice to the premises where his whereabouts is unknown, the city Waste Inspector is authorized and directed, on behalf of the city to remove and correct said condition and charge the cost thereof to the owner of the property and also against the property and to cite the owner to court. The cost and expense incurred in removing and correcting said conditions is authorized as a lien upon the property as provided by A.C.A. 14—54-903 – 904. (Ord. No. 1812, Sec. 1.)
9. When the city Waste Inspector Officer on behalf of the city, has incurred any expense in removing and correcting any of the conditions authorized by Section _____, as amended, he shall immediately prepare a written statement showing the expense incurred and notify the owner of the property in case he is a resident of the state of Arkansas and his whereabouts is known, such notice to be in writing and to be accompanied with the written statement of expenses incurred. This notice may be given by personal delivery or by letter. In case the owner is a non-resident of the state of Arkansas, the notice and statement shall be sent to him by certified mail at his last known address. In case the address of the owner is unknown, the notice and the expense statement shall be posted on the premises involved. The owner shall have five (5) days after service of the notice of the same to pay the expense. (Ord. No. 1552, Sec. 4.)

10. If the expense so incurred in removing and correcting the condition has not been paid within ten (10) days after the posting or serving of the notice, the City Attorney is directed to file suit in the name of the city of Jonesboro, Arkansas, in the Chancery Court in the Western District of Craighead County, Arkansas, against the owner and ask for judgment for the expense so incurred and the same be declared and fixed as a lien on the property involved, the land to be so sold under such terms as the court may direct to satisfy the judgment lien. In case the owner of the property is unknown, the suit shall be against the land. If the whereabouts of the

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owner is unknown or if the owner is a non-resident of the state, before the suit is instituted, the clerk shall make an affidavit setting out the facts of such non-resident, unknown owner, and unknown whereabouts. Such affidavit shall be attached to the pleadings and the cause and constructive service of summons in the case shall be had as now provided by law against non-resident defendants, an attorney ad litem shall be appointed by the court to notify the defendant by certified letter, addressed to his last-known address if the same can be found, otherwise as the court may direct. The suit herein provided for must be instituted within eighteen (18) months after the work has been done, removing and/or correcting the conditions as herein authorized. (Ord. No. 3135)

Hand delivery of signed written notices If the owner or occupant of any lot or other real property in the city of Jonesboro shall permit any garbage, rubbish or other thing or condition existing upon the property to become unsightly or unsanitary, the Waste Inspector Officer shall give written notice by either hand or by mail, certified addressee only to said owner and/or occupant to remove such unsanitary or unsightly condition. If the condition had not been removed and/or corrected within seven (7) days of posting the same where the owner is a non-resident and his whereabouts unknown, the Waste Inspector Officer is hereby authorized to issue a summons in person citing the owner and/or occupant to Municipal Court for first offense violation of the provisions of Chapter 5.16, Jonesboro Municipal Code. Such summons will require the appearance of the owner and/or occupancy and shall carry a fine of \$25.00 plus court costs. Upon failure of the owner and/or tenant to remedy said violation within ten days of the date cited for the first offense, the Waste Inspector Officer is authorized to issue a second offense summons in the same manner as the first offense summons, which shall carry an additional fine of \$100.00 plus court costs. Upon failure of the owner and/or tenant to remedy said violation within ten days to the date of the second summons, the Waste Inspecting Officer is authorized to issue a third offense summons in the same manner as the first offense summons, which shall carry an additional fine of Two Hundred Fifty Dollars (\$250.00) plus court costs. (Ord. No. 3135)

Variances The Sanitation Superintendent may grant exceptions to any section of this ordinance based on circumstances such as, but not limited to, physical limitation, terrain difficulties or right-of-way accessibility. All requests for variances will be considered on a case-to-case basis. (Ord. No. 3135)

City Sanitation Department policies

- A. The city shall develop policies to facilitate the orderly collection of solid waste and recyclables. These policies shall be reviewed at least annually and any proposed amendments to this ordinance shall be recommended.
- B. The city's Sanitation Department is responsible for collecting all solid waste from a residence if the solid waste is placed in the location, position, and condition as

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prescribed and allowed by the Sanitation Department, all solid waste must be in the assigned residential container. No bagged or loose solid waste outside of the residential container shall be allowed for pick-up. Solid waste containers should be placed within five (5) feet of the street edge for collection.

- C. Containers should not be placed out for collection prior to 6:00 p.m. the day preceding the normal collection day. The containers should be removed within 24 hours of completion of solid waste collection.
- D. Only solid waste described and defined by the rules and regulation shall be placed into disposal container to be provided by the city.
- E. It shall be unlawful for any person, who is not a city resident, as defined in the rules and regulations, to place solid waste of any kind into a city container.
- F. It shall be unlawful for any person to deface, destroy, burn, or otherwise tamper with any disposal carts or their contents or the equipment provided and owned by the city.
- G. Any littering resulting from the tipping of a container not completely closed or resulting from solid waste being placed outside of a residential container or resulting from excessive liquid content within a container is the responsibility of the person assigned the container. The responsible party at each dwelling unit is responsible for maintaining the sanitary condition of solid waste containers and area of placement of containers.
- H. Persons shall be allowed to deposit their solid waste in their city-approved containers in any type of enclosed bag, closed small box, or tight container which reduces the amount of loose refuse in the containers and reduces to the possibility of odor and vector problems. Long objects must not prevent the lid of the residential container from closing completely.
- I. Unless otherwise indicated, all recyclables will be collected utilizing a manual collection system.

- J. Recycling bags should be placed out for collection within five (5) feet of the street edge.
- K. Recycling bags should not be placed out for collection prior to 6:00 p.m. the day preceding the normal collection day.
- L. All recyclables will be collected from the street in front of each dwelling unit.

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- M. Residents of the city may use the transfer station for turning in certain recyclables free of charge so long as the material is properly sorted and is not contaminated. (Ord. No. 3135)

5.16.02 Sanitation Department created. There is hereby created a Sanitation Department, to be under the supervision and maintenance of the Mayor or such other competent person as may be selected by him. (Sec. 10.2, 1962 Code)

5.16.03 Garbage defined. The term "garbage" is hereby defined to mean all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals; kitchen garbage, which is the animal and vegetable refuse from the kitchen, meat shops, fruit stands, soda fountains, restaurants, hotels and similar places; ashes, cinders, slack, which are the refuse matter from stoves, furnaces, fireplaces rubbish, which consists of worn out household articles, not including large appliances, rags, paper, broken crockery, tin cans, and old metal; yard sweepings, which are composed of paper, dust, lawn clippings, leaves, weeds, grass, sticks and stable manure, store waste, which is composed of boxes, barrels, tubs, cartons, floor sweepings and paper. All such items shall hereinafter be referred to as "garbage". (Sec. 10.3, 1962 Code)

5.16.04 City to provide Class IV waste disposal site. The Mayor and City Council shall provide a suitable place where all class IV waste may be hauled and disposed of. The site will only accept solid waste (Class IV). No liquids of any kind will be disposed of at the City's waste disposal site. Fees for dumping shall be established by resolution by the City Council. (Sec. 10.4, 1962 Code)

5.16.05 Receptacles

- A. The city will specify and purchase solid waste containers for each dwelling unit. containers may be used only for the storage of solid waste materials collected by the city.
- B. Only city provided container(s) shall be used for collection of household waste. Only items placed within the container will be collected. Additional cans, or bags separate from the city container will not be collected.

- C. A single container will be issued to each dwelling unit. An additional container may be issued upon request for a fee to be set by the City Council.
- D. All city provided containers shall remain the property of the city. The city is responsible for repairs to city-owned containers when damage is a result of proper disposal of solid waste pursuant to this ordinance.
- E. Containers shall be stored between collection so as not to impede pedestrian or vehicular along sidewalks, alleys, streets, and other right-of-ways. Container

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shall be set behind front edge of house. Within a reasonable and practical time after being emptied by the Sanitation Department, the person assigned a residential container shall return the container to a secure place away from the street. A reasonable and practical time means within a twenty-four (24) hours after the trash pick-up.

- F. Assigned persons are responsible for the safe use, care, and storage of residential containers and shall not allow children to play in, with, or in close contact with the containers.
- G. Vandalism or theft of any container shall be investigated and prosecuted to the full extent of the law.
- H. Damage to a container due to negligence or abuse by a person shall be the full responsibility of the person or resident assigned the container.
- I. The replacement cost of a container will be charged to a person assigned a residential container if the assigned container is removed from active service for any reason. If a person takes their assigned container from active service, the person assigned the container cost of the notification either immediately pay the Sanitation Department the replacement cost of the container or immediately place the container back in active service. Replacement cost of container shall be current bid container price.
- J. Residential containers can not be swapped between persons for any reason. The using of the container for any use other then the collection of residential household or small business solid waste is in violation of these rules and regulation.
- K. A person moving into or out of a residence within the city shall notify the Sanitation Department in order to begin service or terminate service during the first or last two weeks of occupancy. (Ord. No. 3135)

Commercial, industrial and institutional solid waste containment

- A. Each commercial, industrial and institutional establishment may contract with any licensed hauler for the storage, collection and disposal of all solid waste. Each such establishment shall have on location storage containers of sufficient capacity to contain all solid waste between collection cycles. Containers shall be constructed of durable, non-absorbent, non-combustible material with suitable water tight covers. Covers shall be kept closed except when containers are being loaded or emptied. All containers shall be maintained in a sanitary condition. Containers shall not be stored or maintained in such a manner as to constitute a public nuisance, public health or safety hazard or environmental hazard. The

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containers shall be placed in such a manner as to minimize visibility from streets or pedestrian walkways.

- B. All solid waste generated by commercial, industrial and institutional establishments is prohibited from being deposited, or disposed of, in any city provided container unless collection service is being provided to such establishment by the city or its designee. (Ord. No. 3135)

Depositing solid waste other than in authorized containers It shall be unlawful for any person to keep solid waste or animal waste unless the waste is kept as prescribed in this chapter or, is being composted as prescribed by this chapter and ADPC&E Regulation 22, as may be amended. No person or entity shall be permitted to bury, dump or deposit, or cause to be buried, dumped or deposited, solid waste of any kind whatsoever upon any street, alley or property for which a permit has not been issued by the ADPC&E. (Ord. No. 3135)

5.16.06 Disturbing contents of containers It shall be a violation for:

- A. Any person not authorized by the city to utilize, for other than its intended purpose, any container provided by the city.
- B. Any person not authorized by the responsible party to remove, collect or disturb any solid waste stored in containers placed out for collection by the city or its designee.
- C. Any person to scatter, litter, drop, deposit, discard or otherwise dispose of solid waste upon any private or public property.
- D. Any person not authorized by the city to remove or disturb any recyclables placed out for collection by the city or its designee.
- E. Any person to utilize a solid waste container assigned to another person for disposal of solid waste without the other person's permission. (Ord. No. 3135)
- F. Any law enforcement officer, including state, local and federal officers are

exempt from any and all of the regulations of this ordinance while performing their duties as law enforcement officers. (Ord. No. 3378, Sec. 1.)

Unobstructed access

- A. It is the responsibility of the responsible party to trim trees, brush and shrubbery on their property and in the adjacent right-of-way when such vegetation interferes with the movement of pedestrians or vehicles, specifically solid waste collection vehicles.

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- B. There shall be no street obstruction in any manner within five (5) feet on either side of a city-provided solid waste container placed out for collection, nor shall there be any obstruction between the solid waste container and the street.
- C. The Sanitation Department shall receive notice of any excavation, construction, repairs or utility work that will necessitate the closure of any street or alley, with dates and locations of closure, at least twenty-four (24) hours prior to commencing work. In emergency situations, the Solid Waste Collection Section shall be notified the next working day of locations and length of expected closure.
- D. Recycling containers shall not be placed on top or in front of city-provided carts. (Ord. No. 3135, Sec. 7.)

5.16.07 Placing, burning, etc. of waste paper, trash or garbage on streets and sidewalks.

No person shall place, burn or throw waste paper, trash or other garbage on any street, sidewalk, drainage ditch, alley or public place within the city at any time day or night. Provided, further, that the exact location of all receptacles may be under the direction and control of the Sanitation Superintendent or his assistants. (Ord. No. 778, Sec. 5.)

5.16.08 Miscellaneous materials; regulations. Where garbage consists of paper, excelsior, straw or other packing materials, the occupant of the premises shall provide a box, can or other approved receptacle so that the contents may not be blown about or scattered. Size of the receptacle needed to care for such garbage shall be determined by the Sanitation Department. These receptacles may be placed at the rear of the premises that back up to alleys, but must not be placed so as to interfere with traffic up and down any alley and must be easy of access to the sanitation workers. (Ord. No. 778, Sec. 6.)

5.16.09 City not required to dispose of construction, etc., wastes. The terms and provisions of this chapter shall not obligate the city to pick up or remove refuse or debris which results from construction or repair work, wood or limbs cut or removed from trees or debris which results from burnouts. (Ord. No. 778, Sec. 16.)

5.16.10 Time of collection; duty of occupants of dwellings and business premises.

Garbage shall be collected from private residences by the city at least twice a week and it is hereby made the duty of the occupants of every dwelling in the city to have garbage on their respective premises properly placed in approved cans and/or containers and available for regular garbage collections. Properly placed shall be considered on the curbside or within five feet (5') of the roadway if no curb exists, unless back door pick-up arrangements have been previously made with the Sanitation Department or an approved medical waiver is on record. Garbage and/or containers shall be placed on the curb no later than 6:00 a.m. and not remain on the curb longer than twenty-four (24) hours. Garbage shall be collected from business and commercial houses not less than once every week with the exception of Sundays and holidays.

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The Director of Public Works and the Sanitation Committee will establish provisions to waive curbside pick-up for the physically challenged where such an arrangement would constitute an unusual burden or hardship on any citizen. Fees for such waivers will be the same as for curbside collections. Request for waiver must be reviewed annually. (Ord. No. 2505, Sec. 1.)

5.16.11 Fees The fees for such collection shall be paid monthly in advance and shall be set by resolution by the City Council.

Residential collection fees shall be based on a dual-rate system as set by resolution by the City Council. Residents desiring the option of back door collection may do so at a rate of fifty percent (50%) above the curbside collection rate.

Each building, house or part of a building occupied by a commercial business or office building shall pay a rate as recommended by the Director of Public Works and the Sanitation Committee and approved by resolution by the City Council. Said recommendation shall be based on the number of required garbage and refuse pickups, volume and time required for such services.

Commercial business shall include all lawful commercial establishments such as retail or professional services. (Ord. No. 2505, Sec. 2.)

5.16.12 Responsibility for payment.

- A. The fees chargeable against dwelling houses and other establishments are levied on and collectible from the person in whose name the dwelling house or establishment is rented or from the person who is the owner or occupant except in the case of apartment houses. A separate fee is hereby fixed for and shall be collected from and paid by each unit of a multiple family dwelling house occupied as a residence or an apartment house.
- B. The fees chargeable against each unit of an apartment house are levied on and collectible from the owner of such apartment house for each and all of the

apartments or housing units contained in any such apartment house.

- C. For purposes of this chapter, an "apartment house" is defined as being any dwelling house that is occupied by two (2) or more family groups.
- D. All owners of apartment houses as defined in subsection (c) are required to notify the city Sanitation Department of the address of the apartment houses owned by them, the number of units in each apartment house, the number of rooms per unit, and the name and address of the owner. City Water and Light is hereby authorized to bill each family dwelling and each multi-family dwelling as indicated in subsections (a) and (b) above. (Ord. No. 1957, Sec. 2)

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5.16.13 Waiver. In event the provisions of this chapter prove unusually burdensome and constitute a hardship on any citizen, the Sanitation Committee of the Council, upon finding such to be a fact, may, in writing, signed by a majority of the Committee, authorize officers and employees of the city to waive the fees or the provisions for collection thereof. Request for waiver must be reviewed yearly.

There shall be a separate waiver concerning each individual or corporation and a current list of same shall be maintained by the city collector and Superintendent of Sanitation. Such waiver shall be subject to change or recession by the Sanitation Committee or the City Council at any time. (Sec. 10-13, 1962 Code)

5.16.14 Collector designated; billing; funds. The City Collector and City Water and Light are hereby designated the official collectors of sanitation fees. The fees herein levied and fixed are on a monthly basis and shall be due and payable in advance, provided, however, the City Collector is authorized to levy and collect the fees on a quarterly or three-month basis if, in his judgment, such a plan is more feasible, practical and economical. In any event, the fees shall be due and payable in advance. The amount of the sanitation fee shall be listed on a statement furnished by the collector and mailed to each person owing sanitation fees. The fee shall be fixed according to this chapter with proper amounts to be charged each person receiving a garbage disposal service and a record of same shall be kept by the collector in an office furnished for such purpose. The monthly period and/or quarterly period for each person receiving such service and owing such fee, shall begin on the first day of each month for the monthly period and the first day of each quarter for each quarterly period. The quarterly periods shall begin the first day of January, April, July and October. In case any person begins receiving garbage services after the beginning of the monthly or quarterly period, such person shall be billed for the remainder of such period and thereafter for the full period.

All funds collected by the sanitation department for services rendered shall be placed in a separate account to be known as "Sanitation Account No. 1" and said funds shall be used for the exclusive use and benefit of said department. Any transfer of funds from said account for use other than sanitation shall require a majority vote of the City Council. (Ord. No. 1191, Sec. 1.)

5.16.15 Reservation of power in City Council. The City Council shall have the power to reduce or increase the fees herein listed for said service by resolution adopted at any regular meeting of the Council and set fees therefore. (Sec. 10-16, 1962 Code)

5.16.16 Weeds to be cut, etc., removal of trash etc., from lots; stagnant water. It shall be unlawful for any person owning any lot or real property within the city of Jonesboro, Arkansas, to allow weeds to grow thereon to a greater height of more than twelve (12) inches or to become unsightly or unsanitary, or to allow garbage, rubbish, rotting or dead limbs or trees and other unsafe, unsightly or unsanitary articles and things to accumulate on such lots and real property or to fail to eliminate, fill up or remove stagnant pools of water or other unsanitary things or conditions which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. (Ord. No. 3326, Sec. 1.)

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5.16.17 Notice to remove; removal by city. If the owner or occupant of any lot or real property in the city of Jonesboro shall permit any weeds, grass, garbage, rubbish, rotting or dead limbs or trees or other thing or condition existing upon the property within 150 feet of dwelling or structure to become unsafe, unsightly, or unsanitary or maintain a condemned structure on the property, the City Code Enforcement Officer is hereby authorized to issue a summons in person or by written notice citing the owner and/or occupant for violation of the provisions of 5.16.16 of the Jonesboro Municipal Code. The fine for such violation shall be not less than Fifty Dollars (\$50.00) nor greater than Five Hundred Dollars (\$500.00) as to be determined by the District Court Judge. (Ord. No. 3435, Sec. 1.)

5.16.18 Statement of costs The Code Enforcement Officer, acting on behalf of the city of Jonesboro, is authorized to assess a property a fee of One Hundred Dollars (\$100.00) to cover the cost of administering the removal and correction of conditions described in 5.16.17 of the Municipal Code. This fee shall be in addition to the actual cost of the work involved in correcting the conditions and is to be in addition to any fines imposed by the District Court. (Ord. No. 3426, Sec. 1.)

5.16.19 Suit to collect expenses; penalty. If the expense so incurred in removing and correcting the condition has not been paid within ten (10) days after the posting or serving of the notice, the City Attorney is directed to file suit in the name of the city of Jonesboro, Arkansas, in the Chancery Court in the Western District of Craighead County, Arkansas, against the owner and ask for judgment for the expense so incurred and the same be declared and fixed as a lien on the property involved, the land to be sold under such terms as the court may direct to satisfy the judgment lien. In case the owner of the property is unknown, the suit shall be against the land.

If the whereabouts of the owner is unknown or if the owner is a nonresident of the state, before the suit is instituted, the Clerk shall make an affidavit setting out the facts of such nonresident, unknown owner, and unknown whereabouts. Such affidavit shall be attached to the pleadings and the cause and constructive service of summons in the case shall be had as now provided by law against nonresident defendants, an attorney ad litem shall be appointed by the court to notify the defendant by registered letter, addressed to his last-known address if the same can be found, otherwise as the court may direct. The suit herein provided for must be instituted

within eighteen (18) months after the work has been done, removing and/or correcting the conditions as herein authorized.

In addition to the above remedy requirements and procedures, every person convicted of a violation of any provision of Section 5.16.16 through 5.16.19 shall be fined not to exceed One Hundred Dollars (\$100.00) for the first offense and Two Hundred Fifty Dollars (\$250.00) for subsequent offenses within a year's time. (Ord. No. 1552, Secs. 5-6.)

5.16.20 Minimum requirements for weeds, vines, grass or low-hanging limbs.

- A. In addition to the requirements and procedures set forth in sections above, it shall be unlawful for any person to have, keep, maintain, cause or permit within the

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city any weeds, vines, grass or low-hanging limbs on vacant lots, ditch banks or railroad rights-of-way or improved property in such a manner as to foster the harboring or breeding of mosquitoes. Weeds, grass or vines on such property as specified in this section shall be cut when same attain a height of twelve (12) inches and vines and low-hanging limbs shall be cut when the same are shown to foster the harboring and breeding of mosquitoes. The presence of grass or weeds or vines of more than twelve (12) inches in height on such property shall be prima facie evidence that mosquitoes are breeding there and/or being harbored therein. Failure to cut such weeds and grass or vines shall be prima facie evidence of violation of this section and punishable as prescribed herein. All lands within the city limits cultivated to growing crops shall be exempt from this section, but only the area actually cultivated is appraised to be growing crops.

- B. Any person responsible for conditions described in the foregoing section who shall fail to take necessary measures to prevent the same after five (5) days notice given by the City Code Enforcement Officer is subject to having said conditions removed at the direction of the City Code Enforcement Officer and all necessary costs incurred by the city for this purpose shall be charged against the property owner, the person in possession or any other person in violation as the case may be, and a lien filed against said property as authorized in A.C.A. 14-54-903-904. For purposes of this and other penalties provided herein, official record of ownership at the county tax assessors or county collector's office shall constitute prima facie proof of ownership.
- C. Every person convicted of a violation of any provision of this section shall be fined not to exceed One Hundred Dollars (\$100.00) for the first offense and two Hundred Fifty Dollars (\$250.00) for subsequent offenses, within a year's time. (Ord. No. 1402, Secs. -3.)

5.16.21 Unlawful storage. It shall be unlawful for the owner or occupant of a commercial and/or residential building structure or property to utilize the premises of such

property for the open storage of any icebox, refrigerator, stove, tires, building material, paper, building rubbish and/or similar unsightly and unsanitary items. (Ord. No. 2124, Sec. 1)

5.16.22 Responsibility for maintenance. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such commercial and/or industrial property clean and to remove all such items from the premises. (Ord. No. 2124, Sec. 2)

5.16.23 Violations. Any owner or occupant that fails to remove all such previously listed and/or similar items after written notice to do so from the Office of the City Code Enforcement Officer, within seven (7) days after receipt of said notice, shall be in violation of this ordinance and shall be notified of said violation as described in 5.16.17 of this chapter. (Ord. No. 2124, Sec. 2.)

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5.16.24 Penalty. Any violation of this ordinance shall be deemed a misdemeanor and upon conviction, shall be punished 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. 2124, Sec. 4)

5.16.25 Monthly rates The Code of Ordinances of the city of Jonesboro, Arkansas, Section 10-11 is hereby amended by increasing the now existing monthly rates for garbage collection as follows:

- A. All single family dwelling units shall pay \$5.50 per month.
All multi-family dwelling units shall pay \$4.95 per month.
- B. City Water & Light is hereby authorized to bill each single family dwelling and each multi-family dwelling as indicated in subsections above.
- C. The City Collector shall ask \$.55 per month where applicable under Section (A). (Ord. No. 1771, Secs. 1-3.)

5.16.26 Authority to enforce The Sanitation Inspectors and Code Enforcement Officers of the city of Jonesboro are authorized to enforce all provisions of Chapter 5.16, Garbage, Trash and Weeds of the Jonesboro Municipal Code. (Ord. No. 3439, Sec. 1.)

5.16.27 Curbside pickups

- A. The city of Jonesboro Sanitation Department will do pickups curbside all bagged yard waste which include grass clippings and bagged leaves only. The initial schedule for said curbside pickups shall be one day per week commencing at 7:00 a.m. Said pickup times and days may be varied in the future by the Sanitation Director after consultation and approval of the Sanitation Committee for the Jonesboro City Council.

- B. The Jonesboro Sanitation Department will chip brush and limbs up to 4 inches in diameter and no longer than 6 feet. All brush and limbs to be chipped must be free from obstructions, such as utility poles, utility boxes, guy wires, overhead utility lines mailboxes and vehicles.
- C. All brush and limbs will be chipped by automated trash routes. Residents will be notified in advance as to their week for chipping.
- D. The city's Class 4 Landfill will accept yard waste, bagged, or loose, brush, limbs, tree trunks and stumps from tree service companies, lawn maintenance, lawn care services and contractors with payment of current tipping fee; and

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- E. The Jonesboro Sanitation Department will not pick up curbside any brush, tree trunks, stumps, construction waste, tires, appliances, furniture or any other debris left on vacant lots parkways, streets; and
- F. All bulk waste such as furniture, stoves, washers, dryers, mattresses, box springs, hot water heaters, sinks commodes, bathtubs, televisions microwaves air-conditioners, freezers and refrigerators may be brought to the city's Class 4 Landfill by city residents and property owners free of charges. However, all Freon or refrigerant must have a certificate of removal;
- G. Pick up for bulk waste will have a trial basis in the spring. Roll off containers will be set for one week each at designated areas. Residents will be given a week's advance notice where a roll-off container will be located. A city sanitation employee will be at the designated site during normal working hours to monitor any illegal items being placed in the roll-off such as batteries, hazardous materials, garbage, tires and liquids; and
- H. Any debris left at vacated apartments or houses shall be the sole responsibility of the resident. In the event the resident cannot be located then the owner is responsible in bringing the property into compliance with the city ordinances. Any property not brought up to ordinance can result in an ordinance violation for the resident/owner with removal costs, applicable tipping free and One Hundred Dollars (\$100.00) surcharge levied. In the event of non-compliance an action can accrue under the Nuisance Abatement Law.
- I. City residents violating the provisions of 5.15 by placing items for curbside pickup other than brush and bagged yard waste, will be deemed a violation and subject to the following fines in District Court:

1st offense - \$100.00 fine

2nd offense - \$200.00 fine

3rd offense - \$300.00 fine

- J. All fines and hauling fees generated by this ordinance shall be deposited into the sanitation budget.
- K. The exception to this ordinance will be any debris brush, limbs, tree trunks, stumps that is left by natural disasters and/or storm damage. (Ord. No. 3445, Secs. 1-12.)

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CHAPTER 5.20

PUBLIC HEALTH

Sections:

- 5.20.01 Nuisances against public health
- 5.20.02 Swimming pools - Definition
- 5.20.03 Enclosure required
- 5.20.04 Bathers with communicable diseases; spitting, etc.
- 5.20.05 Duty of sexton, undertaker, etc.

5.20.01 Nuisances against public health. It shall be a misdemeanor for any person, whether owner or tenant, to fail promptly to remove or abate any nuisance, source of foulness, offensive odors, or cause of sickness hazardous to public health upon order of the Code Enforcement Officer. (Sec. 12-1, 1962 Code)

5.20.02 Swimming pools - Definition.

- A. Family pool is a swimming pool used or intended to be used solely by the owner, operator or lessee thereof and his family, and by his friends invited to use it without payment or any fee.
- B. Swimming pool is a body of water, fifteen (15) inches or more in depth in an artificial or semi-artificial receptacle or container located indoors or outdoors used or intended to be used for public, semi-public or private swimming by adults or children or both adults and children whether or not any charge or fee is imposed upon such adults and children and shall include all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels and community associations.

- C. The word shall as used herein is mandatory and not merely directory. (Ord. No. 1365, Sec. 3, 6-18-73)

5.20.03 Enclosure required.

- A. Every outdoor pool or family pool shall be completely surrounded by a fence or wall of a non-climbable type of construction not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than two (2) inches in any horizontal dimension nor four (4) inches in any vertical dimension, except for doors and gates; and, if a picket fence is erected or maintained, the horizontal dimensions shall not exceed two (2) inches. A dwelling house or accessory building may be used as part of such enclosure.

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- B. All gates or door openings through such enclosures shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
- C. This requirement shall be applicable to all new swimming pools or family pools hereafter constructed, other than indoor pools, and shall apply to all existing pools.
- D. The Code Enforcement Officer may make modifications in individual cases of existing pools, upon a showing of good cause with respect to the nature or location of the fence, wall, gates or latches, provided the protection as sought hereunder is not reduced thereby.
- E. The Code Enforcement Officer may permit, in cases of existing pools, other protective devices or structures used so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded by the wall, fence, gate and latch described herein. (Sec. 12-3, 1962 Code)

5.20.04 Bathers with communicable diseases; spitting, etc. No person having any skin eruptions or abrasions, sore or infected eyes, a cold, nasal or ear discharge or any communicable disease shall be permitted to use a swimming pool or family pool. Spitting, spouting water or blowing the nose in the swimming pool shall be strictly prohibited. The operator of a swimming pool shall post suitable placards involving such personal regulations and instructions. (Sec. 12-4, 1962 Code)

5.20.05 Duty of sexton, undertaker, etc. No sexton, undertaker, or other person shall assist in or assent to or allow any interment or aid or assist in preparing any grave or place of deposit for any body for which a permit has not been given authorizing the same. (Sec. 12-7, 1962 Code)

CHAPTER 5.24

MOSQUITO CONTROL

Sections:

5.24.01	Standing of water where mosquitoes may breed - Unlawful to permit; exception
5.24.02	Definition
5.24.03	Treatment
5.24.04	Evidence of mosquito breeding
5.24.05	Unused wells, etc., to be covered
5.24.06	Authority of Code Enforcement Officer
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5.24.07	Mosquito contract
5.24.08	Repeal of fee

5.24.01 Standing of water where mosquitoes may breed - Unlawful to permit; exception. It shall be unlawful for any person to have, keep, maintain, cause or permit within the city any collection of standing or flowing water in which mosquitoes breed, or are likely to breed, unless such collection of water is treated so as to eventually prevent such breeding. (A.C.A. Sec. 19-2334)

5.24.02 Definition. Collection of water in which mosquitoes breed or are likely to breed are those contained in ditches, pounds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, (except horse troughs in frequent use) urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets or other similar water containers. (Ord. No. 1016, Sec. 1, 6-20-60)

5.24.03 Treatment. It shall be unlawful to have water containers as specified in Section 5.28.02 unless the same shall be treated by one or more of the following treatments under the supervision of the City Inspector:

- A. Screening with wire netting of at least fourteen (14) meshes each way to the inch or with any other material which will effectively prevent the ingress or egress of mosquitoes.
- B. Complete emptying every seven (7) days of unscreened containers together with their thorough drying or cleaning.
- C. Using a larvicide approved and applied under the direction of the mosquito control personnel.
- D. Covering completely the surface of the water with kerosene, petroleum or paraffin

oil once every seven (7) days.

- E. Cleaning and keeping sufficiently free of vegetable growth and other obstructions and stocking with mosquito destroying fish.
- F. Filling or draining to the satisfaction of the mosquito control personnel, his agent or accredited representative.
- G. Proper disposal by removal or destruction of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water. (Ord. No. 1016, Sec. 2, 6-20-60)

5.24.04 Evidence of mosquito breeding. The presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there and failure to prevent such breeding within ten (10) days after notice by the Code Enforcement Officer shall be deemed a violation of this article. (Ord. No. 1016, Sec. 3, 6-20-60)

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5.24.05 Unused wells, etc., to be covered. All unused cesspools, wells, cisterns or other places shall be filled up or covered with cement, mortar or other substances so as to prevent the ingress or egress of the mosquito. (Ord. No. 671, Secs. 1, 5, and 6, 11-1-37)

5.24.06 Authority of Code Enforcement Officer. The Code Enforcement Officer is authorized to enter any premises where mosquitoes are breeding and take the necessary steps to prevent such breeding.

The cost of such work shall be a charge against the property owner. (Digest 1934, 5256)

5.24.07 Mosquito contract

- A. A contract for mosquito control professional services is deemed to be not feasible and practical to be taken on public bids and therefore public bidding for provision of this service is hereby waived.
- B. The Mayor upon proper authorization by the City Council is hereby empowered to enter into a contract with Vector Disease Control, Inc. for provision of said services. (Ord. No. 2615, Secs. 1-2.)

5.24.08 Repeal of fee

- A. The city's sanitation domestic refuse fee, and mosquito control fee and 2.1 mill general city property tax shall each be repealed upon the approval of a one percent (1%) city sales and use tax at the July 18, 2000, special election. The effective date of repeal shall be the date that the sales and use tax first imposed and collection begins.
- B. The city's sanitation domestic refuse fee, the mosquito control fee and the 2.1 mill

general city property tax shall be reinstated upon the abolishment of the city's one percent (1%) city sales tax.