

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Mosquito Control
- 5.12 Nuisance
- 5.16 Leaf and Limb Removal and Pickup
- 5.20 Solid Waste Collection

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 Unsightly or unsanitary conditions on real property
- 5.04.02 Notice required
- 5.04.03 Notification of unknown real property owner
- 5.04.04 Enforcement
- 5.04.05 Fine

5.04.01 Unsightly or unsanitary conditions on real property All property owners located within the city of Lonoke, Arkansas, are required to cut weeds and grass, remove garbage, rubbish and other unsanitary and unsightly articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary things, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. Weeds or grass allowed to grow over eight (8) inches high shall be deemed a violation of this section. (Ord. No. 581, Sec. 1.)

5.04.02 Notice required If the owner or owners of any lot or real property within the city of Lonoke, after the giving of seven (7) days' notice in writing by the Mayor or his duly authorized representative, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 5.04.01, the Mayor or his duly authorized representative is authorized to enter upon the property and have said weeds, rank grass or other vegetation cut and removed, or eliminate any unsanitary and unsightly condition, and the cost shall be charged against the premises and shall constitute a lien thereon. (Ord. No. 581, Sec. 2.)

5.04.03 Notification of unknown real property owner In case the owner of any lot or other real property is unknown or his whereabouts are not known or he is a nonresident of this state, a copy of the written notice referred to shall be posted upon the premises and before any action to enforce the lien shall be had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents, and service of publication as now provided for by law against nonresident defendant may be had and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found. (Ord. No. 581, Sec. 3.)

5.04.04 Enforcement Enforcement of this ordinance shall be as provided in A.C.A. 14-54-903 and 14-54-904. (Ord. No. 581, Sec. 4.)

5.04.05 Fine It shall hereafter be unlawful for any property owner within the corporate limits of the city of Lonoke, Arkansas, to fail to comply with the requirements set forth in this ordinance. Anyone found in violation of this ordinance shall be guilty of a civil infraction, and upon conviction by a court of competent jurisdiction, shall be punished by a fine of Fifty Dollars (\$50.00), plus court costs, for each day the violation is unlawfully continued, with the maximum fine for each citation being Three Hundred Fifty Dollars (\$350.00), plus court costs. (Ord. No. 581, Sec. 5.)

CHAPTER 5.08

MOSQUITO CONTROL

Sections:

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|---------|-------------|
| 5.08.01 | Fees |
| 5.08.02 | Penalty |
| 5.08.03 | Use of fees |

5.08.01 Fees To defray the necessary expenses of the Mosquito Control Program there are hereby levied for the services to be received through the operations of such mosquito control unit, the following fees:

- A. For each housing unit or family dwelling actually occupied as a residence, a fee of Three Dollars (\$3.00) per month, payable by the principal occupant or head of household of each residence.
- B. For each store, garage, filling station, restaurant, theater, mill, shop, factory, professional or business office or other business office or other business or commercial establishment, a fee of Three Dollars (\$3.00) per month, payable by the owner or manager of such establishment. (Ord. No. 585, Sec. 1.)

5.08.02 Penalty

- A. All such fees shall be payable on or before the tenth (10th) day of each month, in advance.
- B. A ten percent (10%) penalty shall be charged on any fee that is more than thirty (30) days delinquent.
- C. Fees provided for in the preceding section shall be collected in behalf of the mosquito control unit by the Municipal Water Works.
- D. When any fee levied hereby is delinquent for more than sixty (60) day, the city is hereby authorized to institute civil suit for the recovery of said fee with any penalties which may have attached thereto, and court costs.
(Ord. No. 263, Sec. 2.)

5.08.03 Use of fees Fees collected under authority of the preceding section shall be used only in paying the expenses of the mosquito control unit, shall be segregated into a separate fund for insect control, and to be paid out only for chemicals, expenses of application, and for labor, equipment, maintenance, and repair thereof, and other employment directly connected with mosquito and other insect control. The aforesaid insect control fund may be supplemented by the Board of Aldermen if and when it is deemed necessary. (Ord. No. 263, Sec. 3.)

CHAPTER 5.12

NUISANCE

Sections:

- 5.12.01 Fine
- 5.12.02 Prohibited generally

5.12.01 Fine Any person convicted of a violation of any of the provisions of this article shall be guilty of a misdemeanor and shall be subject to a fine of not more than One Hundred Dollars (\$100.00) per day per violation from the date of citation. This penalty shall be in addition to any other remedies and/or sanctions available to the city and set forth herein elsewhere. (Ord. No. 431, Sec. 1.1)

5.12.02 Prohibited generally It shall be unlawful for any person having supervision or control of any lot, tract, parcel of land or portion thereof, within the corporate limits of the city to suffer or permit any of the following:

- A. Rubbish, brush, trash, dead trees, building materials or any other objectionable, unsightly or unsanitary matter of whatever nature to accumulate or be present upon any lot, tract or parcel of land. If building materials are stored on the premises, all such material must be stored at least eighteen (18) inches off the ground.
- B. The storage of a junk and/or abandoned automobile for a period not to exceed thirty (30) days unless it is in connection with an automobile sales or repair business enterprise which operates under a duly licensed and exhibited privilege license and is located in a properly zoned area. In this paragraph “abandoned automobile” means any motor vehicle or part thereof that is in a state of disrepair and incapable of being moved under its own power or does not have a current license plate.
- C. The open storages of iceboxes, refrigerators, or any other appliance or furniture for a period not to exceed thirty (30) days, and during storage period, all doors, latches and locks are to be removed or made inoperative in a manner to ensure the safety of all citizens, unless it is in connection with an appliance sales or repair business enterprise which operates under a duly issued and exhibited privilege license and is located in a properly zoned area.
- D. The use of any stream or drainage way for the purpose of throwing or placing of stumps, brush, litter, rubbish, or any other liquid or solid material within or along the banks of any stream or natural drainage way, unless required permits have been obtained.
- E. The accumulation of stagnant pools of water, or allow any form of vessel that might accumulate water in which mosquitoes or other insects may breed.
- F. The property, including all adjacent rights-of-way and alleys to be used for illegal dumping of solid or liquid, household, commercial, industrial, construction or demolition waste, including but not limiting to: garbage, trash, furniture, tin cans, bottles, rubbish, refuse, lumber, whether dumped, thrown, burned, spilled or abandoned, unless required permits have been obtained.
- G. Trees, shrubs, bushes or any other plant impeding the flow of pedestrian traffic on any sidewalk and/or public right-of-way, or in any other manner causing an unauthorized obstruction of the public enjoyment of a sidewalk and/or public right-of-way.
- H. Any act or condition constituting a nuisance under A.C.A. or common law. (Ord. No. 431, Sec. 1-2.)

CHAPTER 5.16

LEAF AND LIMB REMOVAL AND PICKUP

Sections:

5.16.01	Fees
5.16.02	Penalty
5.16.03	Collection
5.16.04	Civil suit
5.16.05	Separate fund
5.16.06	Assessment

5.16.01 Fees There are hereby levied for the services and benefits to be received by the citizens of the city of Lonoke for leaf and limb removal and pickup the following fees:

- A. For each housing unit or family dwelling actually occupied as a residence, a fee of Four Dollars and Fifty-Seven Cents (\$4.57) per month, payable by the principal occupant or head of household of each residence;
- B. For each storage, garage, filling station, restaurant theater, mill, shop, factory, professional business office or other commercial establishment, a fee of Four Dollars and Fifty-Seven Cents (\$4.57) per month, payable by the owner or manager such establishment. (Ord. No. 562, Sec. 1.)

5.16.02 Penalty All such fees shall be payable on or before the 10th day of each month, and a 10% penalty shall be charged on any fee that is more than thirty (30) days delinquent. (Ord. No. 428, Sec. 2.)

5.16.03 Collection The fees provided for in the preceding section shall be collected in behalf of the Street Department by the Municipal Water Works and shall be added to the monthly water bills. (Ord. No. 428, Sec. 3.)

5.16.04 Civil suit When any fee levied hereby is delinquent by more than sixty (60) days, the city is hereby authorized to institute civil suit for the recovery of said fee with any penalties which may have attached thereto and court costs. (Ord. No. 428, Sec. 4.)

5.16.05 Separate fund Fees collected under authority of the preceding section shall be used only in paying the expenses of leaf and limb removal and pickup, shall be segregated into a separate fund for leaf and limb removal and pickup, and to be paid out only for equipment, labor, maintenance, or any other necessary costs directly connected with leaf and limb removal and pickup. (Ord. No. 428, Sec. 5.)

5.16.06 Assessment Said fees shall become effective and be assessed on the first water bill following the effective date of this ordinance. (Ord. No. 428, Sec. 6.)

CHAPTER 5.20

SOLID WASTE COLLECTION

Sections:

5.20.01	Franchise
5.20.02	Contract
5.20.03	Rates
5.20.04	Waste removal not provided by contractor
5.20.05	Fees
5.20.06	Use of fees
5.20.07	Pick-up at multi-family dwellings

5.20.01 Franchise Jim Douglass d/b/a Douglass Services is hereby granted and awarded the sole and exclusive franchise, license and privilege as the lowest responsible bidder for the performance of solid waste collection and disposal services for the City pursuant to the terms and conditions contained in the specifications and contract documents provided to Douglass prior to submitting his bid for the services.(Ord. No. 689, Sec. 1.)

5.20.02 Contract

- A. That a true and correct copy of these specifications and contract documents are attached hereto and incorporated herein by reference.(Ord. No. 689, Sec. 2)
- B. That by the acceptance of the license and privilege and the actual performance of the solid waste collection and disposal services for the City, Douglass and the City accepts and agrees to be bound by the terms of the specifications and contract documents attached hereto. (Ord. No. 689, Sec. 3)

5.20.03 Rates Rate per residential unit per month: \$9.89. (Ord. No. 580.)

5.20.04 Waste removal not provided by contractor There are hereby levied for the services and benefits to be received by the citizens of the city of Lonoke for garbage and waste removal and disposal not otherwise provided by the city's waste disposal contractor, and not otherwise prohibited by law, the following fees:

- A. A fee not to exceed Twenty-Five Dollars (\$25.00) per item (if only one item is picked up) to be determined by the department head for the Water Department or his duly authorized agent; and
- B. A fee not to exceed Fifty Dollars (\$50.00) per load (if more than one item is picked up) to be determined by the department head for the Water Department of his duly authorized agent. (Ord. No. 559, Sec. 1.)

5.20.05 Fees All such fees shall be due and payable prior to said service being provided. Said fees shall be due and payable prior to said service being provided. Said fees shall be collected by the department head for the Water Department or his duly authorized agent. (Ord. No. 560, Sec. 1.)

5.20.06 Use of fees Fess collected under the authority of Ord. No. 559, as amended, shall be used only in paying the expenses associated with garbage and waste removal and disposal services, shall be deposited in the street fund account and shall be utilized for equipment, labor, maintenance, or any other necessary costs connected with garbage and waste removal and disposal services. (Ord. No. 560, Sec. 2.)

5.20.07 Pick-up at multi-family dwellings

- A. Each residential unit will be assigned an identifiable container with a fitted lid to each unit. All trash will be placed inside the trash container inside a sealed bag clearly marked with the resident's unit number.
- B. Residents shall place trash containers for pick up no sooner than twelve (12) hours before the scheduled pick up and can remain no longer than twelve (12) hours following the scheduled pick up.
- C. Violation of this ordinance shall be a violation of city ordinance and shall be punishable by the District Court. A violation occurs by either leaving the container at the street or allowing trash to escape the container shall result in a fine as follows:

1 st violation	\$400
2 nd violation	\$800
3 rd violation	\$1,200

All fines shall be issued to the unit number responsible and, if the unit responsible is not identifiable, then to the owner of the property. (Ord. No. 664, Secs. 1-3.)