

TITLE 5

HEALTH AND SANITATION

Chapters:

5.04	Maintenance of Real Property
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CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

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5.04.01 Unightly or unsanitary conditions on real property All property owners and/or tenants of real property situated within the corporate limits of the city of Mayflower, Arkansas, whether such property is business or commercial, improved or unimproved, occupied or unoccupied, shall keep the grass and weeds cut, remove rubbish and other unsightly and unsanitary articles and things upon said property, and shall eliminate, fill up, or remove stagnant pools of water or other unsanitary things, places, or conditions which might become a breeding place for mosquitoes, flies, insects, reptiles, and germs. (Ord. No. 2019-01)

5.04.02 Grass cut For the purpose of this ordinance, the grass and weeds upon such real property zoned residential shall not be considered to be maintained properly unless kept under six (6) inches. The grass and weeds upon such real property zoned commercial shall not be considered to be maintained properly unless kept under eight (8) inches. Property shall be maintained with a fifteen (15) ft. buffer along the lot line adjacent to the developed property with grass and weeds in such buffer shall not exceed eight (8) inches in height. Anything grown for agricultural purposes is not considered grass and therefore excluded from this ordinance. Mayflower will follow the provisions set out in AC.A.§ 2-4-107. (Ord. No. 2019-01)

5.04.03 Proper maintenance For the purpose of this ordinance, any such property shall be considered to be properly maintained with reference to the removal of rubbish and other unsightly or unsanitary things and articles if the owner and/or tenant of such premises shall cause such rubbish and refuse to be kept in such manner that the same shall not be exposed to or collect and hold water, affording a breeding place for mosquitoes and such rubbish and unsanitary things are not visible from the street. See Mayflower City Ordinance 8.16.02. Acceptable items intended for quarterly bulk pickup shall not be placed curbside for designated pickup more than one (1) week prior to scheduled pickup. (Ord. No. 2020-08, Sec. 1)

5.04.04 Notification If the owner of any lot or other real property within the city of Mayflower, Arkansas, shall neglect, fail or refuse to remove, abate, or eliminate any such condition or conditions hereinabove set forth after having been given seven (7) business days in accordance with A.C.A. 14-54-903 in writing to do so, then the city is authorized to do and perform any and all acts, deeds, and things necessary and requisite to correct said condition and to charge the cost thereof to the owner or owners of said lot or other real property, and the city of Mayflower, Arkansas, shall have a lien against such property for all costs expended in correcting said condition or conditions. (Ord. No. 2020-01, Sec. 1)

5.04.05 Unknown owner In event the owner or owners of any lot or other real property is unknown or his, her, or their whereabouts shall be unknown, or if any such owner or owners shall be non-residents of the state of Arkansas, then a copy of the written notice designated in Section 4 above shall be posted upon the premises, and prior to the institution of any action to enforce such lien, the City Clerk of Mayflower, Arkansas, shall make an affidavit setting out the facts as to the unknown address or whereabouts of non-residents, and thereupon service of process by publication as now provided by law against non-resident defendants shall be had, and an attorney ad litem shall be appointed by the court or the clerk thereof in which the action is filed, to notify the defendant by registered or certified United States mail, with return receipt requested, addressed to the last-known place of residence of such defendant or defendants, if the same can be found. (Ord. No. 80-3, Sec. 5.)

5.04.06 Enforcing the lien. The lien herein provided for may be enforced at any time within eighteen (18) months after such work, acts, deeds, and things have been done and performed, by proper action filed in the Chancery Court of Faulkner County, Arkansas. (Ord. No. 80-3, Sec. 6.)

5.04.07 Fine Any person, firm, or corporation violating any of the provisions of Section 1 through 3 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00), and each day any such violation shall be permitted to continue shall constitute a separate offense and shall be punishable as such. It is the express intention of the city of Mayflower, Arkansas, that the penalties set forth in this section of this ordinance shall be in addition to the remedies provided in Sections 4 through 6 of this ordinance, and the imposition of a fine under the criminal provisions hereof shall not bar or otherwise prevent the city of Mayflower from impressing a lien upon such lot or real property for the costs

expended by it to correct the condition or conditions set forth in this ordinance. (Ord. No. 2019-01)

5.04.08 Amendments That all ordinances and parts thereof in conflict with A.C.A. 14-54-901 et seq. are hereby repealed to the extent of such conflict. (Ord. No. 2020-01, Sec. 2)

The provisions of A.C.A. 14-54-901, along with any future amendments, are hereby adopted. (Ord. No. 2020-01, Sec. 3)

CHAPTER 5.08

SEPTIC TANKS

Sections:

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| 5.08.01 | Water Superintendent shall be inspector |
| 5.08.02 | Overflows unlawful |

5.08.01 Water Superintendent shall be inspector. The Water Superintendent shall be the inspector, and shall regulate the erection, building and maintenance of all septic tanks now in use or to be put in use in the city and it shall be the duty of any person intending to build or erect a septic tank within the city limits to first make application to the Water Department Superintendent. It shall be the duty of the inspector to see that such septic tank shall be in conformity with the recommendations of the State Board of Health.

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

CHAPTER 5.12

LITTERING

Sections:

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| 5.12.01 | Littering illegal |
| 5.12.02 | Fine |
| 5.12.03 | Enforcement |

5.12.01 Littering illegal From and after the passage and approval of this ordinance it shall be unlawful for any person, firm or corporation to dump or throw any form of trash, refuse, cans, bottles, garbage, rags or any other kind or form of trash or garbage upon the streets, parks or property of the city of Mayflower, Arkansas. (Ord. No. 99-2, Sec. 1.)

5.12.02 Fine Any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). (Ord. No. 99-2, Sec. 2.)

5.12.03 Enforcement City Code Enforcement Officer and/or City Police Chief are hereby authorized to enforce the provisions of this ordinance. (Ord. No. 99-2, Sec. 3.)

CHAPTER 5.16

SOLID WASTE COLLECTION

Sections:

5.16.01	Definitions
5.16.02	Charge for collection
5.16.03	Schedule of fees
5.16.04	Containers
5.16.05	Liquid
5.16.06	Trash burning
5.16.07	Schedules and routes
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5.16.09	Dumping and accumulating
5.16.10	Use of collection service
5.16.11	Maintenance of bags
5.16.12	Closing of bags
5.16.13	Special handling
5.16.14	Tampering with waste
5.16.15	Exceptions
5.16.16	Enforcement

5.16.01 Definitions

Garbage. Every waste accumulation and animal and vegetable matter which attends the preparation, use, cooking, processing, handling or storage of meats, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction and the generation of offensive and noxious gasses or odors, or which during or after decay may serve as the breeding of feeding ground for flies, insects or animals.

Trash and Household Rubbish. The city contractor shall collect, transport and dispose of all trash and household rubbish, which shall not include garden trash, lawn grass, shrubbery and leaves, and like materials.

Single Family Residence. The term single-family residence is defined as any habitable single-family dwelling and is interchangeable with the word "household." Where both single-family residence and guesthouse occupy the same premises, each of them would constitute a separate living unit.

Waste. Garbage and trash and household rubbish, as these terms are defined herein; provided, however, the waste shall not include hazardous waste as defined herein.

Solid Waste. The term "solid waste" shall mean solid waste, garbage, trash, rubbish, debris of any nature, including without limitation, food waste, rejected animal or vegetable matter (whether or not intended for or resulting from the preparation of food), paper, clothing, grass, leaves, ashes, tin cans, bottles, solid waste of any nature whatsoever.

Residential Solid Waste. The Term "residential solid waste" shall include any solid waste generated by occupants of houses, buildings, and premises used exclusively for residential purposes.

Commercial Solid Waste. The term "commercial solid waste" shall include any waste generated as a by-product of any commercial and/or industrial operation.

Hazardous Waste. Any regulated quantity of chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the state to be "hazardous" as that term is defined by or pursuant to Federal or State law or regulations. (Ord. No. 2000-02, Sec. 2.)

5.16.02 Charge for collection Hereafter, the city of Mayflower, Arkansas, or its designated representatives, shall determine a charge to be collected and collect the same from gathering, transporting and disposing of garbage on the basis of a fee schedule adopted and approved by the City Council. The schedule shall be based upon a fair and equitable allocation of cost to the city and the quantity of garbage attributable to each classification of customers. (Ord. No. 80-4, Sec. 3.)

5.16.03 Schedule of fees The fees as herein fixed are on a monthly basis or schedule and shall be due and payable on the first day of each month at the city hall in the same manner as the water bills are paid and shall be paid by the person owning the property or by the person paying the water bill charged to the property. Said fees shall be charged in any manner or method the City Council deems most appropriate or convenient to the city and to its customers. In cases where one water meter serves more than one apartment or dwelling house or more than one business establishment, the fees shall be collected on an equitable basis to be determined by the City Council. (Ord. No. 80-4, Sec. 4.)

5.16.04 Containers All persons having garbage to be transported as provided in this ordinance, shall provide suitable cans of heavy plastic or metal with tight fitting covers and shall keep them at a place on their premises where the same may be accessible for collection. Said cans or containers shall have suitable handles attached for convenience in handling. (Ord. No. 80-4, Sec. 6.)

Plastic or Metal Containers: Every residential and commercial user shall use plastic bags or suitable plastic or metal containers, as specified below, and number to hold the refuse, which accumulates, on the premises.

- A. **Plastic bag specifications** Plastic bags may be utilized as container providing:
1. The total weight of any plastic or paper bag and contents shall not weight more than fifty (50) pounds.
 2. The plastic bags shall be of approximately 2.0 mills weighing not less than one hundred eighty (180) pounds for one thousand (1000) bags and shall be approximately thirty-three inches (33") by forty inches (40") flat size.
- B. **Location of plastic bags and suitable containers.** Bags and containers shall be placed at the curb of the property on pickup dates and at the time as specified by the contractor.
- C. **Unauthorized handling of solid waste or its container is prohibited.** Commercial and industrial customers are required to subscribe to the contractor's service, at prices to be negotiated by the parties, subject to review of the council.
1. No pickups or hauling of solid waste shall be made except by authorized vehicles. Authorized vehicles shall be those as to which the owner has a written contract with the city.
 2. Pickup crews shall not be required to pick up any loose solid waste, except that caused by their own negligence.
 3. It shall be unlawful for any person, other than one legally authorized to do so, to remove, displace, injure, deface, destroy, uncover or in any manner move or disturb any solid waste receptacle or in any manner withdraw or disturb any part or portion of the contents thereof.
 4. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not to exceed Two Hundred Dollars (\$200.00) and each day's violation shall constitute a separate offense.
- D. **Miscellaneous**
1. All broken glass and other sharp objects shall be wrapped in paper or other material to prevent punching holes in the bags.
 2. All residential solid waste shall be placed in plastic bags or suitable containers. (Ord. No. 2000-02, Sec. 3.)

5.16.05 Liquid All garbage to be collected must be drained of all liquid substance before being placed in cans or containers to be collected. (Ord. No. 80-4, Sec. 7.)

5.16.06 Trash burning It shall be unlawful for any person, firm or corporation to burn any trash or garbage except in incinerators approved by the city health officer or chief of the fire department, or to dump or throw away any garbage upon and vacant lot or into any street or alley within the city. (Ord. No. 80-4, Sec. 8.)

5.16.07 Schedules and routes Garbage shall be collected on schedules and on determined routes to be determined by the City Council or its designated representatives. (Ord. No. 80-4, Sec. 9.)

5.16.08 Contracts Subject to the approval of the City Council, the Mayor is authorized and empowered to enter into contract and agreements with any person, firm or corporation to obligate that person, firm or corporation to perform any or all of the duties pertaining to Solid Waste Collection. In the event such an agreement is entered into, the Mayor from time to time, shall monitor and supervise the performance of the contracting party. (Ord. No. 80-4, Sec. 12.)

5.16.09 Dumping and accumulation unlawful No person shall dump, or allow to accumulate, either directly or through an employee, agent or licensee, any solid waste in or upon any street, sidewalk, park, or other public place, vacant lot or other vacant space, or in or upon any premises, waterway, drainage basin or sewer within the city. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not to exceed Two Hundred Dollars (\$200.00) and each day's violation shall constitute a separate offense. (Ord. No. 2000-02, Sec. 5.)

5.16.10 Use of collection service required. All structures in the city in which persons reside or where any businesses, industrial, commercial or other enterprise is operated shall use the solid waste pickup services provided for by this section and pay the charges specified by the contract fixing the rates for such services and amendments thereto. (Ord. No. 2000-02, Sec. 6.)

5.16.11 Maintenance of bags All plastic bags and suitable containers shall be kept in a clean and sanitary condition and area while being used and prior to placement for collection. (Ord. No. 2000-02, Sec. 7.)

5.16.12 Closing of bags all plastic bags placed for collection shall be tied with wire tie closures or their equivalent before being placed at a location for pickup. (Ord. No. 2000-02, Sec. 8.)

5.16.13 Special handling All waste materials, such as pesticides, acids, caustics, pathological waste, radioactive materials, ammunition, explosive materials, similar chemicals and harmful materials which require special handling and disposal to protect and conserve the

environment and disposal equipment shall be disposed of as provided by the regulations of the agencies of the United States, the state of Arkansas, or the city pertaining thereto. (Ord. No. 2000-02, Sec. 9.)

5.16.14 Tampering with waste The city may place trash receptacles upon the sidewalks and in the parks and other places for the reception of trash and it shall be unlawful for any unauthorized person to tamper with, damage, or deface any public trash receptacle for solid waste in the city. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed Two Hundred dollars (\$200.00). (Ord. No. 200-02, Sec. 10.)

5.16.15 Exceptions to Sections 2 (c) (1) and Section 4. During annual city-wide cleanup days, the mayor may permit city authorized vehicles to haul tires, appliances, furniture and other items that are not practical for the regular solid waste pickup vehicles to handle. (Ord. No. 2000-02, Sec. 11.)

5.16.16 Enforcement That the control, collection, removal, reduction, disposal treatment, and handling of refuse by residential and commercial users in accordance with the provisions of this section are hereby found to be essential to the public health, safety and welfare and any deviation therefore is hereby found to constitute a hazard to the public health and safety of the inhabitants of the city. Therefore, if any residential or commercial user fails to comply with the provisions of this ordinance, the appropriate officials of the city shall institute appropriate proceedings in a court of competent jurisdiction to compel compliance. Furthermore, any residential or commercial user who fails or refuses to comply with the provisions of this section shall be promptly notified by the appropriate officials of the city of such failure, which notice shall specify the deficiency or deficiencies in compliance and shall set forth a period to time not less than five (5) days within which such deficiency or deficiencies are to be eliminated, and if such residential or commercial user does not correct the deficiency in compliance requirements specified in the notice from the city, he/she shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed Two Hundred Dollars (\$200.00). Each day of failure to refusal after the time fixed in the notice of the deficiency in compliance shall be a separate offense. Provided, however, that the provisions hereof pertaining to a misdemeanor shall be effective only in the event that the city health officer or other duly designated individual or agency of the city finds and declares that failure on the part of the user involved to correct the specified deficiency at that time constitutes a hazard to the public health and safety of the inhabitants of the city. (Ord. No. 2000-02, Sec. 12.)

5.16.17 Authority For the purpose of enforcing the provision of this ordinance pertaining to the health and sanitation of the inhabitants of the city; the health officer and employees of the city and of Faulkner County, Arkansas, are hereby granted full power and authority to act within said city and to perform all and singular duties of such health units on behalf of the city of which they have under the laws of the state of Arkansas and the rule and regulation of the State Board of Health of the state of Arkansas. (Ord. No. 80-4, Sec. 13.)