

## **TITLE 5**

### **HEALTH AND SANITATION**

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#### **CHAPTER 5.06**

#### **HEALTH OFFICER**

#### **Sections:**

- 5.06.01 Appointment, Qualifications
- 5.06.02 Powers and Duties

5.06.01 Appointment, Qualifications. It shall be the duty of the mayor to appoint a City Health Officer, said appointment to be approved by a majority vote of the city council. Such City Health officer shall be a qualified physician and a resident of the city; after appointment he shall take and subscribe to the constitutional oath of office and shall file a copy of his appointment with the Arkansas State Board of Health.

STATE LAW REFERENCE-see Ark. Stats. 82-205 - 82-207; Hdbk. 2-6.3 -- 2-6.5

5.08.02 Powers and Duties. The Health Officer shall perform all duties which may be prescribed for him under the directions, rules, regulations and requirements of the State Board of Health and all duties otherwise prescribed by State Law.

He shall investigate any matter affecting public health or sanitation within the city which may come to his attention. He shall have the authority to inspect, regulate and control disease prevention and suppression, and sanitation within the city, and his jurisdiction therefor shall specifically include the inspection, regulation and control of sanitation conditions in all business establishments within the city which deal with food and food products. He shall have the

authority to require any unsatisfactory condition of hygiene or sanitation affecting food, food products or food handling to be corrected, and failure or refusal to comply with such requirements shall be a violation and punishable.

## **CHAPTER 5.12**

### **FOOD AND FOOD ESTABLISHMENTS**

**Sections:**

- 5.12.01 United States Public Health Service Food Service Sanitation Ordinance and Code adopted
- 5.12.02 Penalty
- 5.12.03 Health certificate required
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- 5.12.05 Tests and examinations required
- 5.12.06 Responsibility for compliance
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- 5.12.09 Food Truck Regulations

5.12.01 United States Public Health Service Food Service Sanitation Ordinance and Code adopted. The definitions; the inspection of food service establishments; the issuance, suspension and revocation of permits to operate food-service establishments; the prohibiting of the sale of adulterated or misbranded food or drink; and the enforcement of this chapter shall be regulated in accordance with the unabridged form of the 1962 Edition of the United States Public Health Service Food Service Sanitation Ordinance and Code, three copies of which are now and have been on file in the office of the City Clerk; provided that the words "municipality of" in said unabridged form shall be understood to refer to the City of Blytheville, Arkansas; provided further, that in said ordinance and code the parenthesis enclosing words referring to grading shall be understood to be deleted. Provided further, that subsections H.7 and H.8 shall be understood to be deleted.

5.12.02 Penalty. Any person who violates any of the provisions of the food service code shall be punished in addition to Section 1.32 by being enjoined from continuing such violations.

5.12.03 Health certificate required. It shall be unlawful for any food handler, as defined in Section 5.12.07 to be engaged, employed or act as a food handler in the city without first receiving a certificate of a reputable physician countersigned by the Health Department that the food handler is free from all contagious or infectious diseases; said certificate shall be on blank forms furnished by the Health Department and shall be for a term of six (6) months, provided, the food handler shall report to the Health Department with the certificate for examination every

fifteen (15) days, and the result of said examination noted thereon with the date thereof, and the Health Department shall recall the certificate on the discovery of any contagious or infectious diseases. (Ord. No. 263)

5.12.04 Infected persons. Any person found contagiously infected with communicable disease dangerous to the public health, shall not be issued a city certificate of good health, nor shall such person be eligible to handle food or drink in the area subject to the control of the city for the duration of such contagious infection. Re-examination by the Health Officer shall be required to establish termination of such condition. (Ord. No. 504, Sec. 3, 3-23-49)

5.12.05 Tests and examinations required. Every person handling food or drink in public places within the city, and such surrounding area as may be by statute now or hereafter be subject to the control of the city relating to the matters of public health, including the Municipal Airport, shall be required to have an X-ray or O.T. test for tuberculosis, Wassermann test for venereal disease and examinations for other communicable diseases deemed necessary, in conjunction with the health certificate required by the city. Said tests and examinations shall be required yearly, or, in the alternative, at such more frequent intervals as may be deemed necessary, from time to time, by the Health Officer. (Ord. No. 504, Sec. 1, 3-23-49; Ord. No. 607, Sec. 1, 5-12-59)

5.12.06 Responsibility for compliance. It shall be unlawful for any person in the city to have in their service or employ, with or without pay, any food handler who has not complied with Sections 5.12.02 and 5.12.05. (Ord. No. 263)

5.12.07 Definitions.

- A. Persons handling food or drink are defined as including but not necessarily restricted to waiters, waitresses, butchers, cooks, clerks, assistants, janitors, deliverymen and managers of businesses dispensing food or drink to the general public.
- B. Public places are defined as all establishments dedicated to preparation of or service of food or drink for public consumption. Such establishments include, but are not necessarily restricted to: restaurants, hotels, hospitals, bus stations, lunch counters, meat markets, drink stands, ice cream parlors, candy counters, vending machines, temporary stands used upon business streets, mobile units operated either in business or residential areas, milk delivery trucks and all similar establishments or units whether operated regularly, seasonally or for short occasion instances. (Ord. No. 504, Sec. 2, 3-23-49)

5.12.08 Food Service Facility Grease Management Program

1. The purpose of this program is to minimize the introduction of fats, oils, and greases into the City of Blytheville's wastewater collection system. The main components of the program are the

proper sizing, installation, and maintenance of grease interceptors. The administrative and inspection requirements of food service facilities are established herein as well.

2. General Criteria:

a. Installation Requirements for New Food Service Facilities-All proposed or remodeled food service facilities inside the Blytheville Wastewater Service area shall be required to install an approved, properly operated and maintained grease interceptor. All interceptor units shall be installed outdoors of the Food Service Facility building unless the user can demonstrate to the City that an outdoor interceptor would not be feasible. All interceptor units shall of the type and capacity approved by the City of Blytheville Wastewater Department.

b. Prohibited Discharges- Domestic Wastewater shall not be discharged to the grease interceptor unless specifically approved, in writing, by the City.

c. Requirements for Existing Food Service Facilities -All existing food service facilities inside the City Wastewater Service area are expected to conduct their operations in such a manner that grease is captured on the user's premises and then properly disposed. Existing Food Service Facilities will be handled under the City's Grease Management Program in the following manner:

i. The City will periodically inspect each Food Service Facility on an as-needed basis to assure that each facility is complying with the intent of the Grease Management Program. The as needed inspection shall be determined by the Pretreatment Coordinator.

ii. Each Food Service Facility in the vicinity of the problem area will be inspected. The facilities' grease control practices and the adequacy of their grease control interceptor/equipment will be assessed. Maintenance records will also be reviewed.

iii. Following the inspections, the City will send written notice to the inspected food service facilities, containing a summary of the policy requirements, and the results of the inspection. The inspections will typically result in one or more of the following actions:

1. Facilities equipped with an appropriate and adequately sized grease interceptor who are meeting the intent of the Grease Management Program through effective grease control practices will be commended for their compliance.

2. After notice and an opportunity to be heard facilities not in compliance shall be issued a letter of violation and if such facility fails to achieve compliance it shall be required to develop and submit to the City a proposed plan designed to achieve compliance through improved housekeeping and/or increased maintenance and pumping on the existing grease interceptor/equipment.

3. Facilities that are not successful in achieving compliance with the intent of the Grease Management Program through improved housekeeping and increased maintenance and pumping on the existing grease Interceptor/equipment will be required to install the necessary interceptor/equipment to bring the facility into compliance.

d. Waste Minimization Plan - Food Service Facilities shall develop and implement a Waste Minimization Plan pertaining to the disposal of grease, oils, and food particles. Educational materials are available from the City regarding the minimization of these wastes.

e. Floor Drains- Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease interceptor.

f. Location - Each grease interceptor shall be installed and connected so that it is easily accessible for inspection, cleaning, and removal of the Intercepted grease at any time. Grease Interceptors required under this ordinance shall be Installed outdoors of the food service facility. The best location is in an area outside of an exterior wall, but upstream from the domestic wastewater drain line(s). A grease interceptor may not be Installed Inside any part of a building unless approved in writing by the City. The user bears the burden of demonstrating that an outdoor grease interceptor is not feasible.

#### 4. Design Criteria:

a. Construction of Interceptors- Grease interceptors shall be constructed in accordance with the State plumbing standards and outdoor units shall have a minimum of two compartments with fittings designed for grease retention. All alternative grease removal devices or technologies shall be subject to the written approval of the City. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

b. Access - Outdoor grease interceptors shall be provided with 2 (two) manholes terminating 10 inch above finished grade with cast iron frame and cover. All grease interceptors shall be designed and installed to allow for complete access for inspection and maintenance of Innerchamber(s) as well as viewing and sampling of wastewater discharged to the sanitary sewer.

c. Load-Bearing Capacity- In areas where additional weight loads may exist, the grease interceptor shall be designed to have adequate load bearing capacity (example: vehicular traffic in parking or driving areas).

d. Inlet and Outlet Piping - Wastewater discharging to the grease interceptor shall enter only through the inlet pipe of the interceptor. The inlet pipe bottom tee branch shall extend one (1) foot below liquid level. The outlet pipe bottom tee branch shall be submerged to 2/3 of the liquid depth. Each grease interceptor shall have only one inlet and one outlet pipe.

e. Interceptor Sizing

i. Outdoor grease interceptors shall not have a capacity of less than 1,500 gallons nor exceed a capacity of 3,000 gallons. No matter what the calculated capacity using the following formulas, the minimum interceptor size shall be 1,500 gallons. If the calculated capacity using one of the following formulas exceeds 3,000 gallons, then multiple units in series shall be installed. The size of a grease Interceptor shall be approximated by the following methods and grease interceptor size shall be the larger of the two results.

1. Interceptor Capacity (gallons) = (S) x (25) x (Hr/12)

S = Number of Seats

Hr= Maximum hours of daily operation

(Include preparation and clean up time)

2. Interceptor Capacity (gallons) = (Sum of fixture flows) X (20)

| Type of Fixture              | Flow Rate (gpm)   |
|------------------------------|-------------------|
| Restaurant hand sink         | 15                |
| Pre-rinse sink               | 15                |
| Single-compartment sink      | 20                |
| Double-compartment sink      | 25                |
| Two double-compartment sinks | 35                |
| Dishwasher up to 30 gallons  | 15                |
| Dishwasher up to 50 gallons  | 25                |
| Dishwasher up to 100 gallons | 40                |
| Other fixture                | Manufacturer peak |

ii. Under-sink or in-line grease interceptor requirements shall meet Plumbing Drainage Institute Standard PDI-G101:

| Type of Fixture              | Flow Rate (gpm)   | Grease Retention Capacity (lbs) |
|------------------------------|-------------------|---------------------------------|
| Restaurant hand sink         | 15                | 30                              |
| Pre-rinse sink               | 15                | 30                              |
| Single-compartment sink      | 20                | 40                              |
| Double-compartment sink      | 25                | 50                              |
| Two double-compartment sinks | 35                | 70                              |
| Dishwasher up to 30 gallons  | 15                | 30                              |
| Dishwasher up to 50 gallons  | 25                | 50                              |
| Dishwasher up to 100 gallons | 40                | 80                              |
| Other fixture                | Manufacturer peak | gpm X2                          |

Grease interceptor designs represent minimum standards for normal usage. Installations with heavier usage require more stringent measures for which the user is responsible and shall pay the

costs to provide additional measures if required by the City. The City of Blytheville reserves the right to evaluate interceptor sizing on an individual basis for facilities with special conditions, such as highly variable flows, high levels of grease discharge, or other unusual situations that are not adequately addressed by the formula.

5. Grease Interceptor Maintenance:

a. Pumping - All grease interceptors shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is strictly prohibited.

b. Pumping Frequency-Outdoor grease interceptors must be pumped out completely a minimum of once every three months. Under-sink or in-line grease interceptors must be pumped/cleaned out completely a minimum of once every month. Grease interceptors may need to be pumped more frequently as needed to prevent carry over of grease into the sanitary sewer collection system. Pumping frequency may be extended past the minimum period if it can be demonstrated by the user and approved by the City.

c. Pump Out Order-When the oil and grease concentrations exceed City's maximum discharge limits and/or the combined depth of bottom and top solids exceeds 33% of the total depth of the trap, the City will issue a Pump Out Order to the user. The user shall have seven (7) days from receipt of the order to comply. Where an emergency exists, a written or verbal warning shall be given to the user, and the user will have twenty-four (24) hours to comply.

d. Disposal of Interceptor Pumped Material-All waste removed from each grease interceptor shall be recorded on a proper manifest form. Also, all waste removed from each grease interceptor must be disposed at a facility approved by the City to receive such waste in accordance with the provisions of this program. In no way shall the pumped material be returned to any private or public portion of the sanitary sewer collection system. Responsibility for waste removed from or found in a grease interceptor or waste improperly disposed of shall be placed upon the private company generator food service facility owner.

e. Additives – Any additive(s) placed into the grease interceptor or building discharge line system on a constant, regular, or scheduled basis shall be reported to the City. Such additives shall include but are not be limited to commercially available bacteria or other additives designed to absorb, consume, or treat fats, oils, and grease. The use of additives shall in no way be considered as an alternative technology or a substitution for maintenance procedures required herein.

f. Chemical Treatment - Chemical treatments such as drain cleaners, enzymes, acids, and other chemicals designed to dissolve, purge, or remove grease shall not be allowed to enter the grease interceptor.

6. Administrative Requirements:

a. Initial Data Acquisition - All food service facilities will be asked to complete a data sheet to establish the grease interceptor database. The City's database will be updated with additional or modified information after each yearly inspection.

**3.6. Best Management Practices Plans**

The Pretreatment Coordinator may require a user to develop and submit for review a Best Management Practices (BMP) Plan to control discharges to the wastewater system. The user shall implement the provisions of the BMP Plan on a timely basis and shall exercise due diligence in pursuit thereof. The BMP Plan shall contain, at a minimum, the following elements:

1. Purpose and objective(s) of the Plan;
2. Description of strategies to minimize/prevent the introduction of pollutants into the user's discharge and to minimize waste generation;
3. Description of best management practices (options) available to the user to control accidental spillage, leaks, and drainage;
4. Description of best available or practicable control technologies available for this specific application;
5. Description of the overall facility, including site plan;
6. Description of the waste handling, treatment and discharge disposal facilities, including flow diagrams and process schematics;
7. Description of operating and maintenance procedures;
8. Inventory of raw materials and a list of waste sources;
9. Description of employee training programs, continuing education programs and participation;
10. Description of documentation, including record keeping and forms;
11. Description of monitoring activities; and
12. Information log of facility personnel, organization chart, emergency phone numbers, contact persons, and maintenance or service representatives.

b. Administrative Fees - No fee will be charged for an annual inspection by the City. However, if the user's grease interceptor is not in compliance with this section, a \$200.00 re-inspection fee will be charged for each inspection thereafter until compliance is achieved.

c. Inspection and Entry- Authorized personnel of the City's Wastewater department, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this program.



d. Record Retention and Reporting- All users must keep a record of any cleaning or maintenance of their grease interceptor. The following records must be kept on-site at the food service facility for a period of two (2) years:

i. Manifests are required for all grease interceptors and shall contain the following information:

1. Food Service Facility (generator) information, Including name, address, volume pumped, date and time of pumping, and generator signature verifying the information;

2. Transporter information, including company name, address, license plate number, permit number, driver name, and driver signature verifying transporter information; and

3. Receiving information, including facility name, address, date and time of receiving, Waste Hauler permit number, and signature verifying receipt of the waste.

4. Manifests must be mailed, faxed, or electronically submitted to the City of Blytheville Wastewater Department within fourteen (14) days of interceptor maintenance.

5. A manifest may not be required for under-sink or inline grease interceptors, if user can demonstrate to the City a valid reason not to use one.

ii. Maintenance Logs are required for all under-sink and in-line interceptors. This log shall include the date, time, amount pumped or cleaned, hauler, disposal site, and signature. Log shall be kept in a conspicuous location for inspection. This log shall be made immediately available to Health officer or City representative upon request.

7. Enforcement of these regulations shall be in accordance with the provisions of the City. Failure to comply with this program will be grounds for penalty imposition and/or discontinuance of service. Additionally, failure to comply may result in Health Officer revoking food service permit.

### **3.7 Pollution Prevention Plans**

The Pretreatment Coordinator may require a user to develop and submit a Pollution Prevention (P2) Plan on a timely basis once each plan has been approved. The P2 Plan shall be developed in accordance with EPA guidelines, and shall contain the following elements at a minimum;

1. Description of strategies to minimize/prevent the introduction of pollutants into the user's discharge and/or housekeeping of oil storage areas;

2. Description of routine preventive maintenance and schedule of activities;

3. Description of spill prevention techniques and response procedures;
4. Description of employee training program and participation in pollution prevention measures, preventive maintenance, response procedures and documentation;
5. Description of record keeping and reporting protocols, including forms;
6. Description of the overall facility, including a site plan, process schematics and plumbing diagrams;
7. Description of waste handling, treatment and discharge facilities, including flow diagrams and process schematics;
8. List of sources of wastes and locations for their introduction into the discharge;
9. Inventory of raw materials, chemicals, intermediate products and final products on site;
10. Information log of facility personnel, organization chart, emergency phone numbers, contact person, and continuing education requirements;
11. Compilation of applicable permits; and
12. Timetable for implementation of any necessary changes or additions to the user's procedures or facilities. (Ord. No. 1652, Sec. 3 (all subparts))

#### 5.12.09 Food Truck Regulations

1. "Paragraph 3 of 1498. This Section shall not prohibit the use of a trailer occupied only in a commercial district on a temporary basis which is selling goods and/or food and drink during the periods beginning on April 1, 2006, and ending on September 30, 2006, and for like periods thereafter."

2. The person desiring to utilize this Section of Ordinance No. 1498 of 2000 as amended herein shall be required to apply for a temporary privilege license from the Office of Code Enforcement and, if approved, shall pay an annual fee of \$100.00 to the City Collector's Office for the issuance of a temporary license. (Ord. No. 1617, Sec. 1 & 2)

## CHAPTER 5.16

### SOLID WASTE MANAGEMENT SYSTEM

#### Sections:

|         |  |
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| 5.16.03 | Inspections  |
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| 5.16.16 | Grievances and hardship cases                                  |

#### 5.16.01 Definitions.

- A. *"Garbage"* within the meaning of this chapter shall be construed to include all rejected food waste, and to include every refuse accumulation of animal, fruit or vegetable matter used or intended for food, or intended for the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruits and/or vegetables.
- B. *"Rubbish and trash"* within the meaning of this chapter shall include refuse other than food stuffs, such as paper, clothing, grass, leaves, wood, ashes, and tin cans, and all such rubbish must be placed in a separate container, separate and distinct from container containing garbage.

5.16.02 Department of sanitation created; supervision by City Engineer. There is hereby created a Department of Sanitation to be under the supervision and management of the City Engineer or such other competent person as the Mayor and Council shall select, and the City Engineer or person so selected is authorized and directed to employ such help as he may need to carry out the provisions of this chapter.

5.16.03 Inspections. Inspectors employed by the Health Department and/or the Sanitation Department shall make regular inspections of all premises, alleys, and vacant lots and/or other properties in the city and shall have the power to notify the owners thereof of any unsanitary conditions existing thereon. Within twenty (20) days, after such notice, it shall be the duty of the owners to cause the removal of such unsanitary conditions and if the owner does not comply within twenty (20) days, the inspectors of the Health and/or Sanitation Department shall be authorized to immediately correct the unsanitary condition. In addition, any person failing to obey such notice shall be subject to the punishment prescribed in Section 1.32 of this code of ordinances.

5.16.04 Disposal.

- A. It shall be unlawful for any person to burn any garbage except in incinerators that have been approved by the Health and Fire Departments.
- B. It shall be unlawful for any person to dump or throw garbage, trash, refuse, leaves or accumulation of same on any vacant lot, street or alley in the city.

**Interference.** A discharge which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW its treatment processes or operations or its sludge processes, use or disposal and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulator provisions or permits issued there under, or any more stringent State or local regulations: Section 405 of the Act: the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA): any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act: the Clean Air Act: the Toxic Substances Control Act: and the Marine Protection, Research, and Sanctuaries Act. (Ord. No. 1652, Sec. 1(L))

5.16.05 Receptacles.

- A. All proprietors of hotels, restaurants, cafes, boarding or eating houses, apartment houses, housekeepers, and occupants of buildings shall provide the necessary garbage cans or other receptacles at their own expense, and shall deposit daily their accumulation of garbage in such receptacles as herein provided. Kitchen garbage shall be kept in galvanized iron cans with a tin or metal covering fitting tightly over said can, such can to have a capacity of ten, (10) fifteen, (15) twenty (20) or thirty-two (32) gallons and be provided with two handles. Provided, that ashes, cinders, etc., shall not be placed in the garbage can, but shall be kept near such can in a container that can be handled by one man. Provided, further, that old papers, rags, etc., may be placed in burlap bags or in boxes in such a manner that the contents cannot blow away or be scattered.

- B. Where the owner or lessee of premises rents a portion thereof to one or more families or occupants, he shall provide the necessary cans or receptacles as above set forth and shall cause such garbage to be placed ready for removal in accordance with the terms of this chapter.

5.16.06 Liquids. All garbage shall be drained of liquid substances before being placed in the garbage can.

5.16.07 Pilfering

- A. It shall be unlawful for any person to prowl or traverse the public alleys within the residential areas within the city for the purpose of rummaging, pilfering or molesting any can or other container in which garbage or rubbish is deposited or stored for collection by the Sanitation Department of the city.
- B. It shall be unlawful for any person to molest, tamper or pilfer any garbage or rubbish container maintained by any householder in the city. (Ord. No. 655, Secs 1,2, 9-9-61)

5.16.08 Times of collection. Garbage will be collected from business and commercial dumpsters as deemed necessary. The Sanitation Department will collect trash and garbage from private residences and apartments once a week as scheduled by the Sanitation Department. Each residence and apartment complex (unless otherwise noted) shall be required to own and use a city approved 90-gallon solid waste receptacle for their garbage. Receptacles are available for purchase from the City at the amount of cost incurred by the City for the purchase of the receptacles. Residence owners must pay the City Collector prior to delivery of the receptacle.

It is made the duty of the occupants of every residence in the City to have garbage on their premises properly placed in the approved receptacle and available for collection by the Sanitation Department on the scheduled day of pickup. All receptacles shall be placed within 5 feet of the curbside. Receptacles should not be curbside before 6:00 p.m. the day preceding the collection day and must be removed from the curb no later than 6:00 p.m. the day of collection.

If a resident is disabled or for any reason unable to meet curbside requirements the resident must notify the Sanitation Department and be able to produce reasonable evidence of disability.

No garbage, waste or refuse will be collected unless same is in plastic bags in a covered container with a maximum capacity of 90 gallons or a dumpster with a maximum capacity of six cubic yards, both of which must be approved by the City of Blytheville. No explosives, ashes, cinders, animal or human waste, grass or hedge clippings or non-compactable items will be placed in solid waste receptacles or dumpsters. All collections will be made from the street side curb of dwellings in residential districts. All garbage will be drained of liquids before being placed in garbage containers.

5.16.09 Exceptions to collection. It is distinctly provided that this chapter does not in any way obligate city employees or city trucks to clean or pick up refuse or debris resulting from construction on property where buildings are being repaired or under construction, nor wood nor limbs resulting from removal of trees from private property. However, such refuse, or debris may be removed at a charge of Ten Dollars (\$10.00) per load.

5.16.10 Fees; Containers.

- A. Residential: The Blytheville Waterworks is hereby directed to collect the garbage fees for each residence of the City of Blytheville. This charge shall appear as a separate item on the water bill at the rate of \$3.34 per month. Any person not paying this fee on or before the 17th of the month that the bill is received will be assessed a penalty of ten percent (10%). The Blytheville Waterworks will issue a check to the Finance Director of the City of Blytheville not later than the 10th of each month for monies collected the previous month. (Ord. No. 1063)
- B. Commercial Businesses, Professional Offices and Industries: A minimum charge per annum, payable per quarter, or any fractional part of a quarter in advance for twice weekly removal of trash shall be computed by the following basis:

A basic fee of Twenty-Four Dollars (\$24.00) per annum is hereby levied for each office space. Providing further that the occupants of the office space do not deal in, handle or offer for sale a finished product or a partial form of such product.

Service required in addition to the minimum twice weekly pickup shall be based on a fee of Eighty-Five Cents (\$.85) per cubic yard; to be paid monthly. (Ord. No. 983, Sec. 1)

All residence owners must purchase a 90-gallon solid waste receptacle that meets the requirements of the City. If purchased from the City of Blytheville the fee charged to residence owners for the receptacle will be the amount of cost incurred by the City for the receptacle. Residence owners must pay the City Collector prior to delivery of the receptacle. (Ord. No. 1673, Sec. 1 (Am. Ord. 1564 & 1605))

That SECTION 1 OF ORDINANCE NO. 1564 entitled COLLECTION FEES-COMMERCIAL INDUSTRIAL be amended as follows:

(d) DUMPING FEES

The following rates will apply to loads of trash or construction waste brought to Public Works by individuals:

|                               |         |
|-------------------------------|---------|
| One half (1/2) ton truck      | \$20.00 |
| Three quarter (3/4) ton truck | \$25.00 |

|                     |         |
|---------------------|---------|
| One ton truck       | \$35.00 |
| Single axle trailer | \$25.00 |
| Double axel trailer | \$35.00 |

(Ord. No. 1673, Sec. 2 (Am. Ord. No. 1564)

5.16.11 Additional fees. The Mayor, Health officer, and the Sanitation Committee of the City Council shall have the authority to establish fees in keeping with the schedule set out in Section 5.16.10 for the collection of garbage and trash from any businesses or residences which are not listed in the schedule.

5.16.12 Penalty. Any person, firm, corporation or association of persons violating any provision of this ordinance or failing to pay any of the fees herein provided, shall be deemed guilty of a misdemeanor, and upon conviction in the Municipal Court for the City of Blytheville shall be fined in any sum not exceeding Two Hundred and Fifty Dollars (\$250.00). (Ord. No. 983, Sec. 2)(Ord. No. 1564, Sec 10)

5.16.13 Payment. The fees chargeable against dwelling houses and other establishments are levied on and collected from the person as named on the monthly statement from the Blytheville Waterworks.

The owners of any trailer park or apartment complex in the City of Blytheville, where trailers or apartments are occupied as residences and are not served by an individual water meter, will be responsible for the payment of sanitation fees for each unit. The owner will provide an appropriate size dumpster and will pay the City Collector commercial dumpster rate. Any other dwelling in the City of Blytheville not serviced by the water meter will be billed through the City Collector's office.

5.16.14 Publication of list of delinquents.

- A. In the month of February and in the month of July of each year, the City Clerk shall prepare a list of all persons and/or business houses who are more than one year delinquent in payment of garbage fees. Such list shall be published one time in a local newspaper of general circulation.
- B. The list referred to in subsection (a) shall contain the name and address of each person and/or business house delinquent and the amount of said delinquency, and shall be in the following form:

DELINQUENT GARBAGE LIST

The sanitation (Garbage) records of the city of Blytheville, Arkansas reflect the following list of persons and/or business houses to be delinquent for non-payment of their garbage fees in the amount opposite their names:

NAME ADDRESS AMOUNT

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

I, \_\_\_\_\_, City Clerk of the city of Blytheville, Arkansas, do hereby state that the sanitation (garbage) records of the city reflect the foregoing list of persons and/or business houses to be delinquent for non-payment of their garbage fees.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

City Clerk

5.16.15 Disposition. In the event that the fees collected under the provisions of this chapter shall exceed the cost of maintaining the functions contemplated by this chapter, any such surplus shall be paid into the general fund of the city. (Ord. No. 467 as amended by Ord. Nos. 637, 655 and 965)

5.16.16 Grievances and hardship cases. Any person aggrieved by the provisions of this ordinance may petition the City Council for a reduction in the minimum sanitation fee charged the petitioner.

- A. Application shall be made in writing in the general form herein prescribed and shall be filed with the City Clerk for the City of Blytheville. The application shall state the name, age, and residence of the applicant; the number of persons occupying the dwelling unit, the physical condition of the occupants; the income and source of income; whether or not the applicant is delinquent in the payment of sanitation fees, and other relevant information.
- B. All applications shall first be examined by the Sanitation Committee, comprised of five (5) members of the City Council, and if the Sanitation Committee feels that the applicant is aggrieved by, or that the minimum sanitation fee has created a hardship on the petitioner, the Sanitation Committee (or at least three (3) members of the Sanitation Committee with two (2) other members of the Elected City Council, but not less than five (5) councilmen) may make an adjustment in the minimum sanitation fee to be charged the applicant, provided that in no event will the minimum sanitation fee be less than Twenty-four Dollars (\$24.00) per year.
- C. Any applicant may appear before the City Council for a hearing, either at the request of the Sanitation Committee or if the application has been denied by the Sanitation Committee, at the request of the applicant, to present his or her petition. (Ord. No. 972, Sec. 1)
- D. All persons meeting the requirements of this ordinance for a reduction in the minimum sanitation fee will not be charged for trash pick-up. (Ord. No. 1081, Sec. 1)



## CHAPTER 5.17

### TRAILER PARK AND APARTMENT COMPLEX FEES

Sections:

|         |                   |
|---------|-------------------|
| 5.17.01 | Responsibility    |
| 5.17.02 | Quarterly payment |
| 5.17.03 | Periodic check    |
| 5.17.04 | Penalty           |

5.17.01 Responsibility. The owner of any trailer park or apartment complex where trailers and apartments are occupied as residences in the city of Blytheville, Arkansas, and are not served by individual city water meters, will be responsible for the payment of sanitation fees for each unit. Any other dwelling in the city of Blytheville not served by city water will be billed through the City Finance office. (Ord. No. 1082, Sec. 1)

5.17.02 Quarterly payment. The owner of such dwellings shall furnish the City Collector's office each quarter with the number of occupied units he has rented along with a check for Ten Dollars (\$10.00) per unit for said quarter.

The owners of any trailer park or apartment complex in the City of Blytheville, where trailers or apartments are occupied as residences and are not served by an individual water meter, will be responsible for the payment of sanitation fees for each unit. The owner will provide an appropriate size dumpster and will pay the City Collector commercial dumpster rate. Any other dwelling in the City of Blytheville not serviced by the water meter will be billed through the City Collector's office. (Ord. No. 1564, Sec. 5)

5.17.03 Periodic check. Periodic checks will be made by the city to determine if these lists are accurate. (Ord. No. 1077, Sec. 3)

5.17.04 Penalty. Any person, firm, corporation or association of persons violating any provision of this ordinance or failing to pay any of the fees herein provided, will be deemed guilty of a misdemeanor, and upon conviction in the Municipal Court of the City of Blytheville, will be fined any sum not exceeding Two hundred and fifty dollars (\$250.00). (Ord. No. 1564, Sec. 10)

## CHAPTER 5.19

### PRIVATE TRASH HAULERS

#### Sections:

|         |   |
|---------|---|
| 5.19.01 | Restricted                                      |
| 5.19.02 | Combustibles                                    |
| 5.19.03 | Non-combustibles                                |
| 5.19.04 | Building debris, explosives and toxic chemicals |
| 5.19.05 | Penalty   |
| 5.19.06 | Contract and fees                               |

5.19.01 Restricted. It shall be unlawful for any person(s), firm or corporation, other than employees of the Blytheville Sanitation Department at designated times, or city authorized full-time bona fide employees of a firm or corporation licensed by the city of Blytheville, to haul or cause to have hauled, debris, trash or other waste refuse produced by any firm or corporation located within the city limits. (Ord. No. 988, Sec. 1)

5.19.02 Combustibles. All refuse of a combustible nature, excluding explosives, toxic chemicals and building debris collected within the city limits, shall be hauled to the City Incinerator on Elm Street for incineration. Refuse hauled to the incinerator by authorized employees of the any firm or corporation shall be weighed on the premises and a charge currently in effect per one hundred (100) pounds shall be levied. Charges shall be paid in cash unless prior credit has been established with the City Collector. A receipt for each payment shall be issued. (Ord. No. 988, Sec. 2)

5.19.03 Non-combustibles. All refuse of a non-combustible nature shall be disposed of at the City's Solid Waste Landfill. Persons hauling refuse to this area shall be charged a fee currently in effect as posted on a sign at the entrance gate. Charges shall be paid in cash unless prior credit has been established with the City Collector. A receipt for cash payment shall be issued. (Ord. No. 988, Sec. 3)

5.19.04 Building debris, Explosives and toxic chemicals. The removal of building debris shall be the responsibility of the person(s), firm or corporation producing same. The city of Blytheville shall not haul building debris. Building debris may be hauled to the City's Solid Waste Landfill under the provisions outlined in Section 3 above. The disposition of explosives and toxic chemicals shall be at the direction of the Superintendent of Public Works. (Ord. No. 988, Sec. 4)

5.19.05 Penalty. The violation of any provisions of this ordinance shall be deemed a misdemeanor and upon conviction, violators shall be fined in any amount not less than Five Dollars (\$5.00) and not more than One Hundred Dollars (\$100.00). (Ord. No. 988, Sec. 6)

5.19.06 Contract and fees. The Mayor and City Clerk be authorized to enter into a contract with W.D. Goolsby, Jr., D/B/A Goolsby Lumber Company, for trash pick-up in the city of Blytheville. Said contract would be effective October 27, 1980.

Effective November 1, 1980, a charge of One Dollar and Twenty-Five Cents (\$1.25) per month will be assessed on every residential water bill (from the Blytheville Waterworks).

Beginning November 1, 1980, a charge of one Dollar and Twenty-five Cents (\$1.25) per month will be assessed on every commercial sanitation bill (commercial being defined as every business having a city privilege license) and will be billed quarterly.

Residents living in group buildings such as apartments, trailer parks, etc., serviced by a single city water meter, and residents in any other dwelling not serviced by city water will be billed in accordance with City Ordinance #1077 as amended.

Any load exceeding one cubic yard will be considered a special load. Charges for special loads will be negotiated between customer and hauler. City will not be responsible for payment to hauler. All trash must be placed near the curb. (Ord. No. 1080)

## **CHAPTER 5.20**

### **LAND FILL OPERATION**

#### Sections:

- 5.20.01 Generally
- 5.20.02 Create
- 5.20.03 Purchases
- 5.20.04 Bidding waived
- 5.20.05 Contract adopted, Wasteco
- 5.20.06 Contract adopted, Textron, Inc.

5.20.01 Generally. The City Engineer in connection with the Health Officer shall provide a suitable place where all garbage and waste matter may be hauled; and all such garbage or waste matter shall be burned or buried under the general direction of the Health officer.

5.20.02 Created. The city has determined to construct a Solid Waste Management System (hereinafter referred to as the "System", to be owned and operated by the city under the provisions of Act No. 237 of the Acts of the General Assembly of the State of Arkansas for the year 1971.

5.20.03 Purchases. The Mayor and City Clerk are authorized and directed for and on behalf of the city to purchase such equipment as may be found necessary for the installation and construction of the system.

5.20.04 Bidding waived. The City Council by ordinance #911 has waived competitive bidding for the purchase of the equipment necessary for the installation and construction of a Municipal Solid Waste Management System, including a heat recovery system for the city.

5.20.05 Contract adopted, Wasteco. The proposed agreement between the city and Wasteco Service Corporation, a duly licensed contractor, No. 74-399, Jonesboro, Arkansas, has been examined and is hereby approved and the same is hereby adopted and incorporated herein by reference and is made a part hereof as though set out word for word.

5.20.06 Contract adopted, Textron, Inc. The proposed agreement between the city and the Randall division of Textron, Inc., a Delaware corporation, has been examined and is hereby approved and the same is hereby adopted and incorporated herein by reference and made a part hereof as full as though set out word for word. This agreement authorized the city to purchase a heat recovery system, which when attached to the Municipal Waste Disposal System, is capable of recovering steam energy for commercial use. (Ord. No. 467 as amended by Ords. 911, 912, 913, and 921.)

## **CHAPTER 5.24**

### **MAINTENANCE OF REAL PROPERTY**

#### Sections:

- 5.24.01 Conditions prohibited
- 5.24.02 Penalty and notice
- 5.24.03 Lien
- 5.24.04 Enforcement
- 5.24.05 Grass violations
- 5.24.06 Street debris prohibited
- 5.24.07 Street debris penalties
- 5.24.08 Street debris liens
- 5.24.09 Street debris remedies
- 5.24.10 Loose trash, waste, and bulky items prohibited

5.24.01 Conditions prohibited That from and after the passage and approval of this Ordinance it shall be unlawful for the owner(s), occupant, agent, or anyone having supervision or control of a residential or commercial building, structure or property to fail to comply with the provisions of this Ordinance shall be issued a citation to appear in the District Court of

Blytheville, Arkansas. The following persons shall be authorized to issue citations for violation of this Ordinance: Code Enforcement Officers; Officers of the Blytheville Police Department; and any other person designated by the Mayor or City Council.

- (a) The storage of an inoperable and/or abandoned vehicle shall not exceed thirty (30) days. In this paragraph "inoperable and/or abandoned vehicle" 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 valid/current license plate.
- (b) Grass, weeds, or any other plant that is not cultivated, may not grow to a greater height than (10) inches on an average on an individual lot, tract, parcel, or to grow in rank profusion upon the premises.
- (c) Rubbish, brush, trash, dead trees, building materials or any other objectionable, unsightly or unsanitary matter of whatever nature may not accumulate or be present upon any lot, track or parcel of land. If building materials are stored on the premises, all such materials must be stored at least eighteen (18) inches off the ground.
- (d) Grass, weeds or any plant that is not cultivated, may not grow in rank profusion, or otherwise, in, along, upon or across the abutting sidewalk or parkway, to a height of more than ten (10) inches on the average.
- (e) The open storage of iceboxes, refrigerators, or any other appliances or furniture shall not exceed a period of 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.
- (f) No stream or drainage way may be used for the purpose of throwing or placing of stumps, brush, litter, rubbish, or any other liquid or solid material within or along the backs of any such stream or natural drainage way, unless required permits have been obtained.
- (g) The accumulation of stagnant pools of water are not allowed, nor is it allowable for any form or vessel to accumulate water in which mosquitoes or insects may breed.
- (h) The property, including all adjacent right-of-way and alleys, may not be used for illegal dumping of any solid or liquid, household, commercial, industrial, construction or demolition waste, including but not limited to: garbage, trash, furniture, tin cans, bottles, rubbish, refuse, lumber, whether dumped, thrown, burned, spilled, or abandoned.
- (i) No trees, shrubs, bushes or any other plant may impede 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. (Ord. No. 1626, Sec. 1.)

5.24.02 Penalty and notice Any person found to be in violation of this Ordinance by the District Court of Blytheville, Arkansas:

- (a) Shall be guilty of a misdemeanor and shall be fined not less than One hundred dollars (\$100.00), nor more than Five hundred dollars (\$500.00) for each day such violation continues after having been found in violation by the District Court; and
- (b) The Chief of Police of the City of Blytheville, Arkansas, acting in cooperation with the Office of Inspection and Code Enforcement of the City of Blytheville, Arkansas, is hereby authorized to enter upon the property and correct said situation, by removing, or having removed from said premises the inoperable vehicles, tires, iceboxes, refrigerators, appliances, glass, building materials, building rubbish and/or other unsightly condition, and the cost thereof shall be charged to the owner(s) of the property and the City of Blytheville shall have a lien against said property; and
- (c) It shall not be necessary to give any notice to any person prior to enforcement of this Ordinance. (Ord. No. 1626, Sec. 2.)

5.24.03 Lien The lien herein provided for, shall be in the amount equal to the costs incurred by the city and, may be enforced and collected in either one of the following manners.

- (a) The lien may be enforced at any time within eighteen (18) months after work has been done by action in the Circuit Court; or
- (b) The amount of the lien herein provided may be determined at a hearing before the City Council held after thirty (30) days written notice by certified mail to the owner(s) if known, and the name and whereabouts of the owner(s) be known. If the name and address of the owners(s) cannot be determined, then the amount will be determined only after publication of notice of the hearing in a newspaper having a bona fide circulation in Mississippi County for one (1) insertion per week for two (2) consecutive weeks; the determination of the governing body is subject to appeal by the property owner to the Circuit Court.
- (c) The amount so determined at said hearing, plus ten (10%) penalty for collection, shall be certified by the City Council to the Mississippi County Tax Collector, and placed by him on the tax books as delinquent taxes, and collected accordingly. The amount, less three percent (3%) thereof, when so collected shall be paid to the City of Blytheville, Arkansas, by the county tax collector. (Ord. No. 1626, Sec. 3.)

5.24.04 Enforcement Said City shall have the option of enforcing this Ordinance by any one or more methods as provided for herein, and the use of one remedy prescribed herein said City shall in no way prevent or prohibit the City of Blytheville from proceeding under different or other remedies as herein provided. (Ord. No. 1626, Sec. 4.)

5.24.05 Grass violations From and after the passage and approval of this Ordinance it shall be unlawful for the owner(s), occupant, agent, or anyone having supervision or control of, a residential or commercial building, structure or property to allow their grass to grow taller than 10 inches as set forth in City Ordinance 1626. Upon locating a property that violates City Ordinance 1626, a seven-day notice will be given by letter advising the homeowner of the violations that are in need of correction and also advising that the City of Blytheville, Agent or Designee will enter onto the property after the eighth day and correct such violations.

- A. The letter will also contain a Citation to appear on the tenth day in Blytheville District Court. An invoice will be prepared before the court appearance and may be paid to the City Collector before or after the court appearance. After Ninety days past due, mowing fees shall be collected by District Court as restitution to the City of Blytheville.
- B. The following persons shall be authorized to issue citations for violation of this Ordinance: Code Enforcement Officers; Officers of the Blytheville Police Department; and any other person designated by the Mayor or City Council. (Ord. No. 1850, Sec. 1.)
- C. Any person found to be in violation of this Ordinance by the District Court of Blytheville, Arkansas:
  - (a) Upon being found guilty of a misdemeanor shall be fined the minimum mowing fees of One Hundred Sixty-Five Dollars (\$165.00), and a maximum of Five Hundred Dollars (\$500) and ten (\$10.00) dollars per day that the fees are not paid. (Ord. No. 1850, Sec. 2.)

5.24.06 Street debris prohibited That from and after the passage and approval of this Ordinance it shall be unlawful for the owner(s), occupant, agent, or anyone having supervision or control of a residential or commercial building, structure or property to rake, place or mow fallen tree leaves or grass clippings onto the pavement or into the gutter of any public street unless directed by the City of Blytheville. No version shall cause or permit grass clippings from mower swaths to remain on sidewalks, street pavement, gutters of any public street, or abutting property not owned by said person. Failure to comply with the provisions of this Ordinance shall be issued a citation to appear in the District Court of Blytheville, Arkansas. The following persons shall be authorized to issue citations for violation of this Ordinance: Code Enforcement Officers; Officers of the Blytheville Police Department and any other person designated by the Mayor or City Council. (Ord. No 1849, Secs. 1.)

5.24.07 Street debris penalties Any person found to be in violation of this Ordinance by the District Court of Blytheville, Arkansas:

- a. Shall be guilty of a misdemeanor and shall be fined not less than Two Hundred Fifty Dollars (\$250.00), nor more than Five hundred dollars (\$500.00) for each day such violation continues after having been found in violation by the District Court; and

- b. The Chief of Police of the City of Blytheville, Arkansas, acting in cooperation with the Office of Inspection and Code Enforcement of the City of Blytheville, Arkansas, is hereby authorized to correct said situation, and the cost thereof shall be charged to the owner(s) of the property and the City of Blytheville shall have a lien against said property; and
- c. It shall not be necessary to give any notice to any person prior to enforcement of this Ordinance. (Ord. No 1849, Secs. 2.)

5.24.08 Street debris liens The lien herein provided for, shall be in the amount equal to the costs incurred by the city and, may be enforced and collected in either one of the following manners:

- a. The lien may be enforced at any time within eighteen (18) months after work has been done by action in the Circuit Court; or
- b. The amount of the lien herein provided may be determined at a hearing before the City Council held after thirty (30) days written notice by certified mail to the owner(s) if known, and the name and whereabouts of the owner(s) be known. If the name and address of the owners(s) cannot be determined, then the amount will be determined only after publication of notice of the hearing in a newspaper having a bona fide circulation in Mississippi County for one (1) insertion per week for two (2) consecutive weeks; the determination of the governing body is subject to appeal by the property owner to the Circuit Court.
- c. The amount so determined at said hearing, plus ten (10%) penalty for collection, shall be certified by the City Council to the Mississippi County Tax Collector, and placed by him on the tax books as delinquent taxes, and collected accordingly. The amount, less three percent (3%) thereof, when so collected shall be paid to the City of Blytheville, Arkansas, by the county tax collector;
- d. The amount so determined at said hearing, may also be referred to a collection Agency for collection. (Ord. No 1849, Secs. 3.)

5.24.09 Street debris remedies Said City shall have the option of enforcing this Ordinance by any one or more methods as provided for herein, and the use of one remedy prescribed herein said City shall in no way prevent or prohibit the City of Blytheville from proceeding under different or other remedies as herein provided. (Ord. No 1849, Secs. 4.)



5.24.10 Loose trash, waste, and bulky items prohibited

- A. It shall be unlawful for any property owner to place any loose trash, rubbish, yard waste or other material on the street curb intended for removal by the City Public Works personnel. All such material shall be bagged before being placed curbside. No other trash, rubbish, yard waste or other materials other than household garbage shall be placed in a City garbage container. All yard waste shall be placed in bags. (Ord. No. 1726, Sec. 1.)
- B. Bulky items such as furniture, appliances, limbs, etc., shall be placed at the curb for removal and disposal. Limbs and other loose debris shall be placed at the curb and shall not be larger than 4 feet high, 8 feet wide and 4 feet deep. Limbs placed at the curb shall also not be more than 6 inches in diameter. City Public Works personnel shall have the right to refuse to remove any such electronic equipment, used batteries, used tires or any other material that may be prohibited for disposal in the county landfill. Commercial contractors who shall generate trash, rubbish, construction debris, roofing material or other such material by way of remodeling, renovation, repair or demolition of any residence or other structure shall be responsible for the removal of said trash, rubbish, construction debris or roofing material. (Ord. No. 1726, Sec. 2.)
- C. It shall be unlawful for contractors, for-hire individuals or persons to place trash, rubbish, construction debris, limbs, yard waste, appliances or any other such material or substance at the curb that is not their principal residence for intended removal. (Ord. No. 1726, Sec. 3.)
- D. Enforcement of this Ordinance shall be made by the City's Code Enforcement Office. Any person who shall be found guilty of any violation of this Ordinance shall be fined a sum of not less than twenty-five dollars (\$25.00) with each day being a separate offense. (Ord. No. 1726, Sec. 4.)

**CHAPTER 5.28**

**CONDEMNATION PROCEEDINGS**

Sections:

- 5.28.01 Nuisances prohibited
- 5.28.02 Condemnations
- 5.28.03 Resolution to condemn
- 5.28.04 Contents of resolution
- 5.28.05 Notice
- 5.28.06 Time to correct

|         |                          |
|---------|--------------------------|
| 5.28.07 | Removal by city          |
| 5.28.08 | Proceeds from sale       |
| 5.28.09 | Lien                     |
| 5.28.10 | Penalty after resolution |
| 5.28.11 | Penalty after order      |

5.28.01 Nuisances prohibited That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house building and/or structure within the corporate limits of the City of Blytheville, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council. (Ord. No. 1887, Sec. 1.)

5.28.02 Condemnations That any such house building and/or structure which is found and declared to be a nuisance by Resolution of the City Council will be condemned to insure the removal thereof as herein provided. (Ord. No. 1887, Sec. 2.)

5.28.03 Resolution to condemn

- (a) That prior to the consideration of a Resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lienholder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said Resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lienholder(s) of the right to be heard at the City Council meeting on the proposed Resolution declaring such house, building and/or structure to be a nuisance.
- (b) Should the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown, or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the Mayor or his designee shall make an affidavit setting out the facts as to unknown address; unknown whereabouts and/or non-resident status of said owner(s), mortgagee(s), and lienholder(s). Thereupon service of publication as now provided by law against unknown and/or non-resident defendant(s) may be had and attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business. (Ord. No. 1887, Sec. 3.)

5.28.04 Contents of resolution That the Resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said Resolution an adequate description of the house, building, and/or structure; the name(s), if known, of the owner(s) and mortgagee(s) and/or lienholder(s) thereof; and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance. (Ord. No. 1887, Sec. 4.)

5.28.05 Notice After a house, building and/or structure has been found and declared to be a nuisance add condemned by Resolution as herein provided, a true or certified copy of said Resolution will be mailed to the owner(s) and mortgagee(s) and/or lienholder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lienholder(s) thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided that if the owner(s) and mortgagee(s) and/or lienholder(s) of said house, building and/or structure be unknown, or if his or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice of the condemnation. (Ord. No. 1887, Sec. 5.)

5.28.06 Time to correct If the house, building and/or structure constituting a nuisance has not been torn down or removed, or said nuisance otherwise abated within thirty (30) days after posting the true copy of the Resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Building Inspector or his duly-designated representative.

5.28.07 Removal by city The Building Inspector or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable materials thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the City, to insure its removal and the abatement of the nuisance. (Ord. No. 1887, Sec. 7.)

5.28.08 Proceeds from sale All proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this Ordinance shall be paid by the person or persons collecting the same to the City Collector. If any such house, building and/or structure or the saleable materials thereof be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the City, plus any fine or fines imposed, the balance thereof will be returned by the City Collector to the former owner or owners of such house, building and/or structure constituting the nuisance. (Ord. No. 1887, Sec. 8.)

5.28.09 Lien If the City has any net cost in removal of any house, building or structure, the City shall have a lien on the property as provided by A.C.A. § 14-54-904. (Ord. No. 1887, Sec. 9.)

5.28.10 Penalty after resolution A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Thousand Dollars (\$1000.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance, and

for each day thereafter said nuisance be not abated constitutes a continuing offense punishable by a fine up to Five Hundred Dollars (\$500.00) per day; provided the notice as herein provided in 5.28.05 hereof has been given within ten (10) days after said house, building and/or structure has been by Resolution found and declared to be a nuisance. (Ord. No. 1887, Sec. 10.)

5.28.11 Penalty after order In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the City, and the only notice to be given to the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Circuit Court. When any such house, building, and/or structure has been declared judicially to be a nuisance by a Court of competent jurisdiction; a fine up to One Thousand Dollars (\$1,000.00) is hereby imposed against the owner(s) thereof from the date of said finding is made by the Court and for each day thereafter, said nuisance be not abated constitutes a continuing offense punishable by a fine up to Five Hundred Dollars (\$500.00) per day. (Ord. No. 1887, Sec. 11.)