

## **TITLE 5**

### **HEALTH AND SANITATION**

#### **Chapters:**

- 5.04 Maintenance of Real Property
- 5.08 Burial of the Dead
- 5.12 Littering
- 5.16 Solid Waste Collection
- 5.20 Sanitation Tax
- 5.24 Airport Maintenance

#### **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 property owner
- 5.04.04 Enforcement of lien and collection of cost
- 5.04.05 Inspections
- 5.04.06 Vacant lots
- 5.04.07 Requirement to remove debris after disaster
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- 5.04.10 Excess vegetation growth
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- 5.04.13 Statement
- 5.04.14 Penalty

5.04.01 Unsightly or unsanitary conditions on real property All property owners within the city of Wynne are required to cut weeds and grass, remove garbage, debris, lumber, inoperable appliances, 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.

5.04.02 Notice required If the owner or owners of any lot or other real property within the city, after the giving of twenty (20) days notice in writing by the city, shall refuse or neglect to perform the duties in connection with his or their property as specified in

Section 5.12.01, the city 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.

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 is not known or 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.

5.04.04 Enforcement of lien and collection of cost The lien herein provided for 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 an action in the Chancery Court; or
- B. The amount of the lien herein provided by may be determined at a hearing before the City Council held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then after publication of notice of such hearing in a newspaper having a bona fide circulation in Cross County for one (1) insertion per week for four (4) consecutive weeks and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be certified by the City Council to the Cross County Tax Collector, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the city of Wynne.

STATE LAW REFERENCE-See A.C.A. 14-54-904

5.04.05 Inspections The Health Officer is specifically charged with the enforcement of this chapter and he shall make monthly inspection trips and such other trips as may be necessary throughout the confines of Wynne and for any unsightly or unsanitary condition or conditions that he may find he will have the City Clerk write to the owner or owners of any lot or other real property, stating the date of his inspection, the condition or conditions that must be corrected and if not corrected within twenty (20) days the City Clerk will take steps to remove, abate or eliminate said condition or conditions and the cost will constitute a lien on said lot or other real property.

5.04.06 Vacant lots Property owners are prohibited from permitting the accumulation of debris upon vacant lots in the city of Wynne. It shall be the duty of the property owners to remove all debris or refuse which is unsightly or which may endanger public health if and when notified by the City Clerk.

5.04.07 Requirement to remove debris after disaster If any property owner shall suffer the loss, either total or partial, of a house by fire or tornado, it shall be the duty of the City Clerk to immediately notify, in writing, the property owner to remove all debris from the lot. It shall be the duty of the property owner within fifteen (15) days from receipt of such notice to remove all debris or refuse on said lot.

5.04.08 Notification It shall be the duty of the City Clerk to notify in writing all property owners who own lots on which debris or refuse is situated due to the destruction of houses by fire, and on other lots on which has accumulated such unsightly debris and refuse whether caused by fire or otherwise, and it shall be the duty of the property owner to remove such debris or refuse, within fifteen (15) days after receipt of notice from the City Clerk.

5.04.09 Penalty for Secs. 5.12.06 - 5.12.08 If any property owner shall fail or refuse to remove such debris or refuse as mentioned in Secs. 5.12.06 - 5.12.08 within the time fixed by this chapter after receiving such notice from the City Clerk he shall upon conviction, be fined in the sum of not less than Twenty-Five Dollars (\$25.00) and each day that such property owner refuses to comply with this chapter after the expiration of the time limit provided, shall be considered a separate offense.

5.04.10 Excess vegetation growth The growth of weeds, grass and other noxious vegetation in excess of twelve (12) inches in height within the corporate limits of the city of Wynne, Arkansas, is hereby declared to be a nuisance per se. (Ord. No. 318, Sec. 1)

5.04.11 Nuisance abatement In as much as immediate action is necessary to protect the public health, safety and welfare, it is hereby declared that the aforesaid nuisance can be summarily abated without notice or judicial hearing at any time or place within the city of Wynne, Arkansas, in which the aforesaid growth exceeds twelve (12) inches in height. (Ord. No. 318, Sec. 2)

5.04.12 Charge In the event that the city of Wynne is forced to abate said nuisance because the owner, tenant or occupier of the land permitted such excessive growth, the city of Wynne is hereby ordered and directed to impose upon the owner of the premises a reasonable charge for the cutting and mowing work, performed pursuant to the provisions of this ordinance. (Ord. No. 318, Sec. 3)

5.04.13 Statement In the event the city performs the aforesaid mowing and cutting, the City Clerk is directed to mail a statement for the reasonable amount of charges for said work to the

address of the owner as shown by the current tax rolls of the Tax Collector of Cross County, Arkansas, said statement to be paid at the City Clerk's office within ten (10) days from the date of mailing. In the event the charges are not paid within ten (10) days, the City Clerk shall notify the City Attorney of the fact and if payment is not then made within thirty (30) days, the City Attorney shall secure the necessary court orders pursuant to law so that the property may be subject to such orders of the courts as required to satisfy the cost of abating the nuisance to the city. (Ord. No. 318, Sec. 4)

5.04.14 Penalty It is further declared to be unlawful for any person, firm or corporation to permit the growth of weeds, grass or other noxious vegetation in excess of twelve (12) inches in height and any such person, firm or corporation, whether they be owner, tenant or occupier of the land who shall allow such growth in excess of twelve (12) inches shall be deemed guilty of a misdemeanor and upon conviction therefore shall be fined in any amount not less than Five Dollars (\$5.00) and not more than One Hundred Dollars (\$100.00). Each day that said excessive growth shall be permitted to exist shall constitute a separate offense. (Ord. No. 398, Sec. 1)

## **CHAPTER 5.08**

### **BURIAL OF THE DEAD**

#### Sections:

5.08.01	Regulation
5.08.02	Jurisdiction
5.08.03	Penalty

5.08.01 Regulation It shall be unlawful for any individual, person, firm or corporation to inter the body of any dead person by burying said body in a grave or other soil excavation which is less than five (5) feet and six (6) inches in depth from the surface of the existing grade. (Ord. No. 330, Sec. 1)

5.08.02 Jurisdiction The above burial regulation shall apply to all places for the interment of the dead, whether within or without the corporate limits of the city of Wynne, Arkansas, provided the cemetery is a public burying ground established after the year 1875, and further provided the cemetery is within the jurisdictional limits as provided in Section 19-2323 of the Arkansas Statutes of 1947, Annotated, which permits cities to regulate the burial of the dead. (Ord. No. 330, Sec. 2)

5.08.03 Penalty Any person, individual, firm or corporation who shall inter or cause or direct the interment, of any dead body in any manner which is contrary to the minimum depth regulations as provided herein, shall be guilty of a misdemeanor and shall, upon

conviction in the Municipal Court of Wynne, Arkansas, be fined in any not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), together with court costs. Further, the city of Wynne shall have the power to cause any body, interned contrary to these regulations, to be taken up and properly buried at the cost of the owner or owners of said burial plot. (Ord. No. 330, Sec. 3)

## **CHAPTER 5.12**

### **LITTERING**

#### **Sections:**

5.12.01          Littering illegal

5.12.01 Littering illegal. It shall be unlawful for any person to place, dispose, or otherwise permit to be located upon, in, on, or about any public street, sidewalk, alley or public thoroughfare or any private or public property adjacent thereto, any litter, refuse or debris.

## **CHAPTER 5.16**

### **SOLID WASTE COLLECTION**

#### **Sections:**

5.16.01	Purpose of Act
5.16.02	City to collect garbage
5.16.03	Burning, littering prohibited
5.16.04	Defined
5.16.05	Sanitation Commission abolished; Committee created
5.16.06	Compulsory subscription
5.16.07	Commercial service
5.16.08	Commercial fees
5.16.09	Residential service
5.16.10	Residential fees
5.16.11	Interfering with receptacles
5.16.12	Responsibility for payment
5.16.13	Collection of fees
5.16.14	Good and efficient service required

- 5.16.15 Sanitary landfill required
- 5.16.16 Use of city landfill
- 5.16.17 Penalties
- 5.16.18 Subscribers

5.16.01 Purpose of Act. The city of Wynne does hereby reestablish a trash waste and garbage collection and disposal system, hereinafter referred to as Sanitation Department and a Sanitation Committee of not less than five (5) members. The Sanitation Officer and Committee is to be selected by the Mayor and subject to approval by the City Council.

- A. To provide and furnish trash and garbage collection and disposal service to all residential households and commercial and professional establishments within the city under the terms and conditions set out herein below.
- B. To transport to and deposit in a sanitary landfill owned, operated and maintained by the city all such trash and garbage so collected.
- C. To establish, acquire, maintain and operate a trash and garbage collection and disposal system adequate for such purposes according to the terms and conditions set out herein. (Ord. No. 425, Sec. 1)

5.16.02 City to collect garbage. No other system of collection, person, company or firm may charge for the collection and disposal of trash, waste and garbage within the city of Wynne, Arkansas. (Ord. No. 425, Sec. 2)

5.16.03 Burning, littering prohibited. Placing, burning, etc., of waste paper, trash or garbage on streets and sidewalks or other alleys or city property, prohibited.

It shall be unlawful for any person to place, burn or throw waste paper, trash or other garbage on any street, sidewalk, alley or public place within the city at any time, day or night, except in designated receptacles or areas. Provided further, that the exact location of all receptacles may be under the direction and control of the Sanitation Officer. (Ord. No. 425, Sec. 3)

5.16.04 Defined. For purposes of this ordinance, the terms "trash", "waste" and "garbage" shall be defined so as not to include stones, earth, industrial wastes, materials that accumulate as the result of building construction or alterations, dead animals of a weight in excess of fifty (50) pounds, chemicals or other corrosive, toxic, flammable or otherwise dangerous substances, and all other substances not ordinarily accumulated at and associated with the occupancy and maintenance of the premises. Any grievances arising under this section shall be submitted by the aggrieved party to the Sanitation Committee established hereunder, whose decision shall be binding upon all parties.

Nothing herein shall be construed as prohibiting the Sanitation Department and any subscriber from contracting with each other for the removal of any of those substances set out in this section should they so desire, and the fee agreed upon for such removal will be separate and apart from the fees charged for the collection of trash and garbage.

The term "garbage" is hereby defined to mean all putrescible wastes except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals weighing less than fifty (50) pounds; kitchen garbage which is the animal and vegetable refuse from the kitchen, meat shops, fruit stands, soda fountains, restaurants, hotels and similar places; ashes, cinders, slack, which are the refuse matter from stoves, furnaces, fireplaces; rubbish, which consists of worn out household articles, rags, paper, broken crockery, tin cans and old metal; yard sweepings which are composed of paper, dust, lawn clippings, tree limbs, leaves, weeds, grass, sticks, store waste, which is composed of boxes, barrels, tubs, cartons, floor sweepings and paper. All such items shall hereinafter be referred to as garbage". (Ord. No. 425, Sec. 4)

5.16.05 Sanitation Commission abolished/Committee created The Sanitation Commission established is hereby abolished. The Sanitation Committee appointed by the Mayor is hereby charged to hear all questions and controversies on the fees to be charged and the services provided. (Ord. No. 622, Sec. 1.)

5.16.06 Compulsory subscription. All residential households, businesses and professional firms in the city of Wynne, are hereby required to subscribe to the collection and disposal system for trash and garbage created hereunder. (Ord. No. 425, Sec. 6)

5.16.07 Commercial service. The method, manner and times of commercial trash and garbage collection shall be as agreed upon between the Sanitation Department and subscriber and shall be done in the time, manner and rate of collections as are required to further the intent of this ordinance. Upon failure of the Sanitation Department and the subscriber to agree upon the time, manner and rate of collections, such issue shall be submitted by the aggrieved party to the Sanitation Committee established herein whose decision shall be binding upon all parties.

Wherever possible and appropriate, the Sanitation Department shall furnish to commercial subscribers barrels or other appropriate receptacles for the deposit of trash and garbage. (Ord. No. 425, Sec. 7)

5.16.08 Commercial fees The monthly trash and garbage collection fees to be paid by each commercial subscriber shall be:

<b>Pick Ups per week:</b>	<b>4 yd.</b>	<b>6 yd.</b>	<b>8 yd.</b>
1	\$96	\$144	\$190
2	\$118	\$176	\$234
3	\$139	\$208	\$276
4	\$160	\$240	\$318
5	\$182	\$271	\$362

(Ord. No. 703, Sec. 2.)

**Bins** that are shared by two or more customers will be divided among the customers using the shared bin.

**Customers** that do not use a bin, but have cart service, the new rate will be Fifteen Dollars (\$15.00) per month per for the first cart and Ten Dollars (\$10.00) per month for each additional cart. (Ord. No. 703, Sec. 2.)

Said schedule shall be made available at the City Hall for public inspection, and each commercial subscriber shall be notified, by ordinary mail, of the monthly fee to be charged it for trash, waste and garbage collection service.

All said collection fees shall take effect on January 11, 2006, unless the Sanitation Department or the subscriber shall within twenty (20) days of receipt of notice of the fees to be charged, request a hearing thereon before the Sanitation Committee. Such request shall be in writing, with notice to the other party, and shall be filed with the City Clerk, who shall immediately notify all members of the Committee. The Committee shall meet within thirty (30) days and after opportunity to be heard has been granted to both the Sanitation Department and the subscriber, shall consider said request and shall make its recommendation to the City Council to raise or lower the collection fee to be charged.

All recommendations of the Sanitation Committee on questions concerning the fees to be charged hereunder shall be affirmed or disapproved by resolution of the City Council.

Each new business and professional firm established within the city after the effective date of this ordinance shall at the time of commencing business notify the Sanitation Department who shall immediately commence service. (Ord. No. 685, Sec. 2.)



5.16.09 Residential service The residential trash and garbage collection service to be provided hereunder shall consist of collection one (1) day per week at the premises of each residential subscriber, with all trash and garbage required to be in container provided by the city of Wynne and placed at the curb or at the edge of a passable alley, provided that the exact location of all carts may be under the direction and control of the Department of Public Works Director. Trash carts used by residents are to be placed on street only on scheduled pick-up days. (Ord. No. 718, Sec. 1.)

5.16.10 Residential fees The monthly trash and garbage collection fee to be paid by each residential subscriber shall be the sum of Eighteen Dollars (\$18.00) per month for one cart and Ten Dollars (\$10.00) for each additional cart. A rate adjustment shall be allowed for low or fixed income residential subscribers. Any subscriber desiring to avail himself of such rate adjustment shall notify the Sanitation Committee in writing thirty (30) days after receipt of such notice. The Sanitation Committee shall hear such application for a reduced rate and may, in its discretion, lower or waive the collection fee to be charged. (Ord. No. 718, Sec. 1)

5.16.11 Interfering with receptacles It shall be unlawful for any person other than the garbage collector, person owning the can, garbage bags or other receptacles, or the servant or employee of such person to deposit any garbage, article or substance in the receptacle, or to remove, injure or destroy, uncover or in any manner disturb such receptacle or any portion of the contents, except as herein provided. (Ord. No. 425, Sec. 11)

5.16.12 Responsibility for payment

- A. The fees chargeable against dwelling houses and other establishments are levied on and collectable from the person in whose name the dwelling house or establishment is rented or from the person who is the owner or occupant except in the case of apartment houses or trailer parks. A separate fee is hereby fixed for and shall be collected from and paid by each unit of a multiple family dwelling.
- B. The fees chargeable against each unit of an apartment or trailer park are levied on and collectible from the owner of such apartment house or trailer park for the actual number of occupied units at the beginning of each month.
- C. For purposes of this section, an apartment house is defined as being any dwelling house that is occupied by two or more family groups and trailer park is defined as contiguous property having thereon two or more trailers when said property so contiguous is under one ownership.

- D. All owners of apartment houses or trailer parks as defined in subsection (c) are required to notify the City Sanitation Department of the address of the apartment houses or trailer parks owned by them, the number of units in each apartment house or trailer park, and the name and address of the owner. (Ord. No. 425, Sec. 12)

5.16.13 Collection of fees The collector of the Wynne Municipal Water Company is hereby designated as official collector of all trash and garbage collection fees provided hereunder. Said fees shall be levied on a monthly basis, shall be due and payable in advance, and shall appear on the billing form used by said Water Company as a separate item and mailed to each subscriber; provided, that the collector is authorized to collect on a quarterly or longer term basis if this is the system customarily used by the subscriber for payment of water services. In the event that there shall be more than one residential subscriber, commercial or professional business served by one water meter, the holder of said meter shall be obligated to pay an appropriate fee as set forth in Section 5.16.12 for each such residence or business so served.

The Wynne Municipal Water Company is hereby authorized to retain five percent (5%) of all garbage fees collected with which to finance collection procedures. The balance of all trash and garbage collection fees so collected shall once per month be paid over to the City Treasurer who shall give his receipt therefore.

Upon non-payment of the collection fee within thirty (30) days, the Collector shall notify the Superintendent of the Water Company who shall discontinue water service to said subscriber until all fees and penalties are paid in full. (Ord. No. 425, Sec. 13)

Amendment Substitute first class postage rates per month per meter for all garbage fees collected and five percent (5%) per meter per month for all mosquito fees retained as the amount the Wynne Municipal Water company for services in connection with the collection for residential and commercial fees. (Ord. No. 708, Sec. 1.)

5.16.14 Good and efficient service required The Sanitation Department shall do all those things necessary to the providing of good and efficient service as specified herein and shall acquire, keep and maintain good and sufficient equipment to satisfactorily perform said services. (Ord. No. 425, Sec. 14)

5.16.15 Sanitary landfill required The city shall own, maintain and operate a sanitary landfill for the disposal of trash and garbage and the same shall be kept and maintained in compliance with the State and Federal regulations governing the same. (Ord. No. 425, Sec. 15)

5.16.16 Use of city landfill For disposal at the city sanitary landfill, by private individuals, or any other users, the following charges shall be assessed and collected at the landfill site:

For each car	\$ 1.00
For each pickup truck	\$ 2.00
For each two (2) ton or larger truck	\$10.00

For disposal at the city sanitary landfill by industries, the following charges shall be Assessed and collected at the landfill site or such industry may elect to pay monthly to the Secretary of the Sanitation Commission at City Hall for the total number of loads deposited by such industry at the landfill during the preceding month.

For each two (2) ton truck	\$10.00
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All funds collected shall be accounted for each month and paid over to the City Treasurer who shall issue his receipt therefore. (Ord. No. 425, Sec. 16)

5.16.17 Penalties Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and fined in an amount not to exceed Twenty-Five Dollars (\$25.00), and each day's violation hereof shall constitute a separate offense. (Ord. No. 425, Sec. 17)

5.16.18 Subscribers Subscribers shall be defined as any person, firm or corporation whether residing within or outside the corporate limits of the city of Wynne who has water service from the Wynne Water Utilities.

Upon garbage collection service being made available to any person, firm or corporation outside the corporate limits of the city of Wynne, the Sanitation Officer shall notify the Superintendent of

the Wynne Water Utilities of such subscriber and the monthly billing shall commence. Default in payment shall result in the prescribed penalties herein set forth to be imposed. (Ord. No. 481, Sec. 1)

## **CHAPTER 5.20**

### **SANITATION TAX**

#### **Sections:**

- |         |            |
|---------|------------|
| 5.20.01 | Levied     |
| 5.20.02 | Collection |
| 5.20.03 | Fund usage |

**5.20.01 Levied** There shall be levied a Sanitation Tax for the purpose of mosquito control of Three Dollars and Fifty Cents (\$3.50) per month on each household and business and shall be collected by the Wynne Water Works in its regular monthly statements. (Ord. No. 642, Sec. 1)

**5.20.02 Collection** The Wynne Municipal Water Works is hereby designated as the collector of this Sanitation Tax and shall include said tax as a surcharge on their statements for water and sewer service for the above-mentioned months. (Ord. No. 392, Sec. 2)

**5.20.03 Fund usage** All funds so collected by the Wynne Municipal Water Works shall be kept separate from other receipts and shall be remitted once a month to the City Treasurer to be kept by him in a separate fund designated "Mosquito Control Fund," there to be used solely for the control and eradication of mosquitoes and their breeding places. (Ord. No. 392, Sec. 3)

## **CHAPTER 5.24**

### **AIRPORT MAINTENANCE**

#### **Sections:**

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|---------|-------------------------|
| 5.24.01 | Unlawful entry          |
| 5.24.02 | Unlawful operators      |
| 5.24.03 | Unlawful dumping        |
| 5.24.04 | Destruction of property |
| 5.24.05 | Penalty                 |

**5.24.01 Unlawful entry** It is hereby declared to be unlawful for any person not authorized by the manager of the Wynne Municipal Airport to enter the area set aside for parking of aircraft, on the runway, or any taxiway of the Wynne Municipal Airport. (Ord.No. 348, Sec.1)

5.24.02 Unlawful operations It is hereby declared to be unlawful for any person not authorized by the manager of the Wynne Municipal Airport to operate any type of vehicle on the runway, aircraft parking ramp area or area set aside for parking of aircraft and taxiways of the Wynne Municipal Airport. (Ord. No. 348, Sec. 2)

5.24.03 Unlawful dumping It is hereby declared to be unlawful to dump any trash or litter on Wynne Municipal Airport property. (Ord. No. 348, Sec. 3)

5.24.04 Destruction of property It is hereby declared to be unlawful to destroy or attempt to destroy in any manner the runway lights, beacon light, windsock light, building or buildings, equipment or aircraft at Wynne Municipal Airport. (Ord. No. 348, Sec. 4)

5.24.05 Penalty Penalty for violation of the ordinance upon conviction shall be a fine of not less than Twenty-Five Dollars (\$25.00) and not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment in the Wynne City Jail, not to exceed six (6) months, or by both fine and imprisonment. (Ord. No. 348, Sec. 5)