

TITLE 5

HEALTH AND SANITATION

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- 5.06 Establishing a Tree Ordinance
- 5.08 Septic Tanks
- 5.12 Littering
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CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 General intent and purpose
- 5.04.02 Interpretation
- 5.04.03 Definitions
- 5.04.04 Minimum property maintenance requirements and standards
- 5.04.05 Enforcement
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5.04.01 General intent and purpose The intent of this Ordinance is to protect the public health, safety and welfare of the residents of Mountain Home, Arkansas with regard to non-wooded residential and nonresidential properties within the city limits of Mountain Home by establishing minimum property maintenance requirements and standards to prevent blight, crime and disease, to preserve property values, to increase public confidence in safety, to increase tourism, to facilitate the basic rights of adjacent property owners and citizens to enjoy their surroundings, to fix the responsibility of owners and occupants and to provide for administration, enforcement and penalties. (Ord. No. 2020-20, Sec. 1.)

5.04.02 Interpretation This ordinance shall be construed liberally and justly to ensure public health, safety and welfare insofar as they are affected by the continual use and maintenance of residential and non-residential properties. (Ord. No. 2020-20, Sec. 2.)

5.04.03 Definitions

Code Official Any person employed on a full-time basis with the City of Mountain Home Building Inspection Department, Police Department or Fire Department with the authority to issue noncompliance citations. (Ord. No. 2020-20, Sec. 3)

Nuisance property A nuisance property is one that unreasonably interferes with the use and enjoyment of lands of another, including the use of a structure which disturbs the peaceful, quiet, undisturbed use and enjoyment of nearby property. The definition of nuisance property shall also include but not be limited to, those properties found to be dilapidated, unsightly, unsafe, unsanitary, obnoxious, unfit for human occupancy, unlawful or detrimental to the public welfare. (Ord. No. 2020-20, Sec. 3)

Owners, occupants Any person(s) whether owner(s) or occupants (s) under a lease agreement, shall be responsible for the care, maintenance and upkeep of the property owned or occupied. (Ord. No. 2020-20, Sec. 3)

Property For the intent and purpose of this ordinance, "property" or "properties" shall be defined as any non-wooded lot or parcel and its existing structures or buildings whether residential, commercial or industrial. (Ord. No. 2020-20, Sec. 3)

Unfit for Human Occupancy A structure is unfit for human occupancy or use whenever the Code Official determines that such structure is unsafe, unlawful or because of the degree in which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination or lacks water and sewer service or other utility services making the structure a hazard. (Ord. No. 2020-20, Sec. 3)

Unlawful structure A structure found in whole or in part to be a harbor for criminal activity, or one that constitutes a blighting problem due to a consistent lack of regular property maintenance or is in such a structural state that the building constitutes a danger to anyone in, on or near said structure.

Unsafe equipment Equipment that is unsafe means any machinery that no longer functions in a manner consistent with its make and is openly and obviously displayed on property within the city limits.

Unsafe property An unsafe property is one in which all or part of the premises thereof is found to be dangerous to life, health, property, or the safety of the public or the occupants of the structure due to a state of non-repair, damage, decay, dilapidation, trash or fire hazard of such faulty construction or unstable foundation that would make the structure unsafe with partial or complete collapse likely.

Unsanitary property An unsanitary property is one in which the condition of the premises allows for infestation by rodents, vermin, pestiferous insects, mosquitoes or flies. An unsanitary property will include, but not be limited to, those allowing stagnant pools of water causing the breeding of mosquitoes.

Unsightly property Any non-wooded residential, commercial or industrial lot, business, residential yard property within the city limits of Mountain Home that allows weeds or grass to grow over 9 inches high. Unsightly properties shall include those allowing bagged or un-bagged trash, garbage or refuse of any kind to accumulate on the premises. Unsightly properties shall include those allowing overgrown vegetation or conditions to exist that would have a potential to cause rat infestation or other vermin to occupy and breed on the property thereby causing infestation to spread to neighboring properties. Unsightly properties shall include those allowing inoperable, wrecked or "junked" vehicles, or vehicles on blocks, to remain on the property. Unsightly properties shall include those allowing non-trash items of any kind to accumulate on and around the premises, including but not limited to appliances, furniture or other household items. (Ord. No. 2020-20, Sec. 3)

5.04.04 Minimum Property Maintenance Requirements And Standards

Properties and structures: It shall be unlawful for any person to keep, own or maintain any property, house, building, or other structure within the corporate limits of the city of Mountain Home that constitutes a nuisance or that is unsightly, unsanitary, unsafe, unlawful or unfit for human occupancy. Property owners/occupants shall be held responsible for compliance to this Ordinance as follows:

1. Any equipment that is unsafe, inoperative, unfit for human use, or unlawful shall not be kept, owned or displayed on properties.
2. All accessory structures, including but not limited to detached garages, fences and walls shall be kept in good repair and free from vines or other vegetation that may grow into or onto an adjoining property.
3. A vacant structure unfit for human habitation, occupancy or use shall not be allowed to remain standing.
4. Long-term offensive odors to emanate from the property that unreasonably interfere with the ordinary use and enjoyment of neighboring property owners' land shall not be permitted. This excludes naturally occurring odors beyond the control of the property owner.

5. Premises and exterior property shall be kept free from all used or dismantled household appliances, furniture, vehicle parts, discarded personal property, garbage, junk, scrap, or refuse excepting those structures in building, remodeling or demolition process.
6. Unregistered, dismantled, inoperable, untagged, or stripped vehicles shall not be kept or stored outside on any premises, commercial or residential and will be enforced in accordance with Ordinance Number 96-019.
7. All structures and exterior property shall be kept clean and sanitary and free from rat/vermin infestation.
8. Stagnant water shall not be permitted. This provision shall not apply to private lakes or ponds.
9. Weeds, grasses or other vegetation growth exceeding nine (9) inches shall not be permitted. This provision shall not apply to ornamental trees, shrubs and flowers.
10. Nothing contained herein shall be interpreted or construed to prevent a person from using acreage for pastureland, wooded lots or for cutting of hay. Hay acreage shall be cut by June 30th and October 15th.

(Ord. No. 2020-20, Sec. 4)

5.04.05 Enforcement Any tenant and/or owner of real property within the city of Mountain Home, Arkansas, whose property violates this ordinance shall be notified of the violation by the city of Mountain Home and shall be given seven (7) days' notice to correct the ordinance violation. Said notice shall be sent by regular and certified mail and shall be sent to the following:

- A. The occupant, if any, of the property, with notice sent to the physical address of the property;
- B. The owner of the property, with notice sent to the owner's address of record at the office of Baxter County Collector; and
- C. Any lien holders of the property as reflected in the office of the Clerk and Ex-Officio Recorder for Baxter County, Arkansas.

Refusal of Owner to Comply:

If the owner, occupant or lien holder shall, after being sent notice as provided hereinabove, shall neglect or refuse to remove, abate or eliminate any condition as may be

provided for in this Ordinance or fails to correct the Ordinance violation, then the City may take any and all action necessary to correct the Ordinance violation and shall charge the costs thereof to the owner of the real property. As used herein, the term “costs” shall include the actual cost to correct the Ordinance violation, as well as any administrative and collection costs incurred by the City. The City shall be entitled to a lien against the property for all such costs, provided that the lien shall be perfected, imposed and collected in the time and manner set forth in Arkansas Code Annotated §§14-54-903 and 14-54-904. (Ord. No. 2020-20, Sec. 5.)

5.04.06 Penalties Any person in violation of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) per day. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. (Ord. No. 2020-22, Sec. 6.)

That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. (Ord. No. 2020-20, Sec. 9)

CHAPTER 5.06 **ESTABLISHING A TREE ORDINANCE**

Sections:

- 5.06.01 Definitions
- 5.06.02 Creation & Establishment of a City Tree Board
- 5.06.03 Term of Office
- 5.06.04 Compensation
- 5.06.05 Duties & Responsibilities
- 5.06.06 Operation
- 5.06.07 Tree Species to be planted
- 5.06.08 Spacing
- 5.06.09 Public Tree Care
- 5.06.10 Interference with City Tree Board
- 5.06.11 Prohibition Against Harming Park Trees
- 5.06.12 Public Right-of-Way
- 5.06.13 Public Right-of-Way Maintenance
- 5.06.14 Review by City Council
- 5.06.15 Penalty

5.06.01 Definitions **Park Trees:** are herein defined as trees, shrubs, bushes, and all other wood vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park. (Ord. No. 2019-20, Sec. 1)

5.06.02 Creation & Establishment of a City Tree Board There is hereby created and established a City Tree Board for the City of Mountain Home, Arkansas which shall consist of five members. Members of the board shall be residents of Baxter County and shall be appointed by the Mayor. (Ord. No. 2019-20, Sec. 2)

5.06.03 Term of Office The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term. (Ord. No. 2019-20, Sec. 3)

5.06.04 Compensation Members of the board shall serve without compensation. (Ord. No. 2019-20, Sec. 4)

5.06.05 Duties & Responsibilities It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in public parks. (Ord. No. 2019-20, Sec. 5)

5.06.06 Operation The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. No. 2019-20, Sec. 6)

5.06.07 Tree Species to be planted The Board shall maintain a list of trees approved for planting on public property. No species other than those approved by the Board may be planted in Mountain Home City Parks. (Ord. No. 2019-20, Sec. 7)

5.06.08 Spacing Spacing of "Park Trees" will be in accordance with the three species size classes in list of trees approved for planning on public property. No trees may be planted closer than the following: Small Trees, 30 feet; Medium Trees, 40 feet; Large Trees, 50 feet; except in special plantings designed or approved by the City Tree Board. (Ord. No. 2019-20, Sec. 8)

5.06.09 Public Tree Care The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the public parks, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. (Ord. No. 2019-20, Sec. 9)

5.06.10 Interference with City Tree Board It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Park Trees, as authorized in this ordinance. (Ord. No. 2019-20, Sec. 10)

5.06.11 Prohibition Against Harming Park Trees It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the City Tree Board. It shall be unlawful for any person, firm or corporation to attach any cable, wire or signs or any other object to any Park Tree. (Ord. No. 2019-20, Sec. 11)

5.06.12 Public Right-of-Way It shall be the responsibility of every homeowner, business, or corporation to adequately maintain public right-of-way within the corporate limits of Mountain Home. The City of Mountain Home reserves the right to trim and remove anything located on or hanging above the right-of-way. Including but not limited to trees, shrubs, trees, brush, branches, debris, and rocks. (Ord. No. 2019-20, Sec. 12)

5.06.13 Public Right-of-Way Maintenance Maintenance and removal of trees, shrubs, and other vegetation shall count towards tree care hours. (Ord. No. 2019-20, Sec. 13)

5.06.14 Review by City Council City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Commission who may hear the matter and make a final decision. (Ord. No. 2019-20, Sec. 14)

5.06.15 Penalty Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty subject to a fine not to exceed \$1,000.00 per offense. (Ord. No. 2019-20, Sec. 15)

CHAPTER 5.08

SEPTIC TANKS

Sections:

- 5.08.01 Water Superintendent shall be Inspector
- 5.08.02 Overflows unlawful

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

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

CHAPTER 5.12

LITTERING

Sections:

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 Exceptional circumstances
 5.16.02 Exclusive contract
 5.16.03 Waiver of bidding requirements
 5.16.04 The contract
 5.16.05 Existing contract
 5.16.06 Authorization
 5.16.07 Rates
 5.16.08 Franchisee's obligations

5.16.01 Exceptional circumstances The City Council of the city of Mountain Home, Arkansas, deems there to exist exceptional circumstances in that the city is interested in continuing and increasing its recycling and composting efforts and to ensure obedience of all applicable federal, state, and local laws and regulations and R.L.H., Inc. is interested in, and has for some time been, assisting the city of Mountain Home, Arkansas, in its attempt to increase its recycling and composting efforts; from prior experience, extending for a continuous period of over 30 years, the City Council has knowledge that R.L. H., Inc. has the knowledge, skill, resources, and experience to perform the contracted services in a thorough, competent and efficient manner; further, R.L.H., Inc. is already doing business in and assisting the city of Mountain Home in the collection, recycling, composting, transfer, and disposal of solid wastes; and testing and implementing programs for the mutual benefit of the city of Mountain Home and R.L. H, Inc. and that the City Council is aware of no other person or entity located or situated so as to so adequately provide the landfill services and priorities which are provided in the attached contract; in the latter regard, R.L.H., Inc. owns and operated the most accessible and only permitted solid waste disposal facility located in the five (5) county Regional Solid Waste

Management District existing pursuant to Arkansas Act 752 of 1991; the R.L.H., Inc. landfill situated near Three Brothers in Baxter County, Arkansas, is a Class I landfill, Class IV landfill and composting permit from the applicable Arkansas authorities; and R.L. H., Inc. is in the best position to contract for uninterrupted and contracted first priority disposal services to the city and its contractors to ensure payment of all solid waste collection, recycling, composting, transfer, and disposal fees to the state of Arkansas, including but not limited to all post-closure trust fund fees, disposal fees, and recycling fees required pursuant to Arkansas Acts 747,754 and 755 of 1991, and Arkansas Act 1127 of 1993, and any and all other existing and future fee and operating requirements by United States, Arkansas, and local laws, ordinances, and regulations including, but not limited to, the Resource Conservation and Recovery Act of 1976, as amended, accordingly, the City Council of the city of Mountain Home, Arkansas, deems it not feasible and not practical to submit this matter for a competitive bidding procedure; and that is in the best interests of the citizens and residents of the city of Mountain Home, Arkansas, to forego such competitive bidding procedure. (Ord. No. 02-17, Sec. 1.)

5.16.02 Exclusive contract It is in the best interest of the city of Mountain Home, as well as being mandated by existing ordinances, that the city enter and now to extend an exclusive contract with a person or entity well-qualified to provide Solid Waste Disposal services for the city and that such services not be provided by more than one such provider at any time. (Ord. No. 02-17, Sec. 2.)

5.16.03 Waiver of bidding requirements Because of the exceptional situation involved in Solid Waste Disposal, the substantial capital cost involved, the need for experienced and qualified operators, the continuation of trial and test programs which benefit the city, the potential for damage to the environment, health and welfare of the citizens of the city, and the difficulty in establishing completely objective specifications by citizens of Mountain Home, and the City Council is hereby authorized to negotiate through its Mayor and other employees and ultimately approve and confirm a contract or contracts, particularly that Franchise Agreement dated January 8, 2001; such extension to run through midnight on December 31, 2007, on an exclusive basis, with R.L.H., Inc. for Solid Waste Disposal. (Ord. No. 02-17, Sec. 3.)

5.16.04 The contract The terms and conditions of an extension of a contract with R.L.H., Inc. for the provision of collection, recycling, composting, transfer, and disposal of solid waste, a copy of which is attached hereto and incorporated herein as if set forth word for word, are hereby approved. (Ord. No. 02-18, Sec. 1.)

5.16.05 Existing contract The extended and renewed contract for collection, recycling and disposal of solid waste between the city of Mountain Home, Arkansas, and R.L.H. Sanitation, Inc., was executed on January 8, 2001; and the same is hereby extended upon the valid execution, effective date, and operation of the attached form contract. The term of the renewed contract shall extend beyond its present expiration date of December 31, 2005, to December 31, 2007. (Ord. No. 02-18, Sec. 2.)

5.16.06 Authorization The Mayor, Joe Dillard, is hereby authorized and directed to execute the contract on behalf of the city of Mountain Home, Arkansas. (Ord. No. 02-18, Sec. 3.)

5.16.07 Rates R.L.H., Inc. be and hereby is authorized to increase its fees by 5% for commercial and households; that the new monthly household rate be increased by a rounded down 35 cents per month, for a total monthly charge of \$8.10 for residential household regular pickups, and that such increases may take effect immediately, or as soon hereafter as the billing agent may effect the changes. (Ord. No. 02-31, Sec. 1.)

5.16.08 Franchisee's Obligations. R.L.H. Sanitation, Inc., agrees to the following:

- A. Applicant shall furnish: suitable leak-proof pickup and carrying equipment and design, and shall provide the city with a list of all such equipment.
- B. The applicant will provide metal sanitary containers for use by business and commercial customers.
- C. Applicant shall furnish suitable personnel and equipment to insure that the sanitary disposal locations, operations and/or facilities will continue in an approved status with the Department of Pollution Control and Ecology of the State of Arkansas.
- D. The applicant agrees that each separate apartment shall be considered as household in determining the amount to be charged for service to an apartment unit, unless service is by commercial containers.
- E. That upon written request by the applicant, the City Council shall negotiate to the applicant fee increases equal to any increases in the consumer price index, using as a base October 31, 1993. Such increases shall not be granted nor requested more often than semi-annually.
- F. The applicant agrees that upon written request by the city, the applicant shall negotiate to the residents of the city of Mountain Home, Arkansas, (whether such be residential, industrial or commercial) fee decreases in the consumer price index, using as a base October 31, 1993. Such decreases shall not be granted nor requested more often than semi-annually.
- G. The applicant and the city agree that all the provisions of Ordinance 421 shall be made a part of this agreement.

- H. The applicant shall maintain a full-staffed office conveniently located in Mountain Home which shall be open between 7:00 a.m. and 4:00 p.m. with the exception of a one (1) hour lunch period and on holidays.
- I. The applicant agrees that he has and will maintain and improve Federal Communications Commission (FCC) licensed two (2) way radio systems in every pickup and packer unit and in applicant's office so the office will be in constant contact with the pickup routes and the citizens served.
- J. The applicant agrees that no answering service shall be allowed during office hours except during the lunch period.
- K. The applicant agrees that upon the expiration of this contract, the city shall have an automatic right to renew for one (1) additional month upon its notification by the city.
- L. The applicant shall make available a sanitary landfill which shall conform to all state and federal requirements concerning sanitary landfills.
- M. The applicant shall furnish suitable equipment and personnel to perform all obligations under this agreement.
- N. The applicant agrees that in addition to its regular pickups, applicant will have a twice yearly "general cleanup" at which times all types of trash and refuse will be picked up at no additional charge for this service.
- O. For the protection of the city and applicant, applicant will provide liability insurance coverage for its vehicles and employees in the sum of One Hundred Thousand Dollars (\$100,000.00) per person for bodily injury liability, Three Hundred Thousand Dollars (\$300,000.00) per accident for bodily injury and Twenty-Five Thousand Dollars (\$25,000.00) property coverage per occurrence.
- P. The franchise may be terminated by the city for cause at any time.
- Q. This franchise shall become effective January 1, 1995 and shall continue for a term of five (5) years, subject to the provisions of this agreement.
- R. The applicant shall furnish to the city a list of all accounts, the size and number of containers at each account, and the fees charged on each of the commercial and industrial accounts. Said list shall be delivered to the city on the first Tuesday of December and the first Tuesday in May of each year during this agreement.

- S. The applicant shall maintain the accounts located in Mountain Home prior to any other accounts which it may have.
- T. The applicant agrees to pledge his personal assets to the operation of the business. (Ord. No. 92-001, as amended by Ord. No. 94-017, Franchise Agreement)

CHAPTER 5.20

ABANDONED CONTAINERS

Sections:

- 5.20.01 Abandoned containers with locking devices prohibited
- 5.20.02 Penalty

5.20.01 Abandoned containers with locking devices prohibited. It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his or its control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an air-tight door or lid, snaplock or other locking device, without first removing the door or lid, snaplock or other locking device from the icebox, refrigerator or container. (Ord. No. 820, Sec. 1)

5.20.02 Penalty.

- A. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not to exceed Fifty Dollars (\$50.00).
- B. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. No. 820, Sec. 2)

CHAPTER 5.24

SANITATION DEPARTMENT

Sections:

- 5.24.01 City Council designates solid waste collectors
- 5.24.02 Penalty for Section 5.24.01
- 5.24.03 Definitions
- 5.24.04 Plastic bags and containers
- 5.24.05 Specifications
- 5.24.06 Vehicles
- 5.24.07 Loose refuse
- 5.24.08 Receptacles
- 5.24.09 Sharp objects
- 5.24.10 Bundles
- 5.24.11 Dumping
- 5.24.12 Mandatory pickup
- 5.24.13 Maintenance
- 5.24.14 Tied bags
- 5.24.15 Corrugated paper
- 5.24.16 Hazardous waste
- 5.24.17 Public receptacles
- 5.24.18 Inspections
- 5.24.19 Abatement
- 5.24.20 Notice
- 5.24.21 Penalty for Sections 5.24.19 and 5.24.20
- 5.24.22 Solid waste accumulation
- 5.24.23 Service delays
- 5.24.24 Container placement
- 5.24.25 Contract limits
- 5.24.26 Fees
- 5.24.27 Fee exceptions
- 5.24.28 General Penalty
- 5.24.29 Recycling

5.24.01 City Council designates solid waste collectors

From and after the passage, approval and publication of this chapter, all garbage, waste, tin cans, trash and refuse in the city of Mountain Home, Arkansas, shall be collected as designated

by the City Council with the passage of a resolution, and no other person, firm or corporation shall be allowed to collect said garbage, waste, trash and refuse, except as designated by the City Council with the passage of a resolution. (Ord. No. 431, Sec. 1)

5.24.02 Penalty for Section 5.24.01 Any person, firm or corporation violating the provisions of Section 5.24.01 shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and each day that such person is found guilty of collecting and hauling such garbage, waste, tin cans, trash and refuse for another shall be deemed a separate offense (unless sold by retailer). (Ord. No. 431, Sec. 2)

5.24.03 Definitions The following terms, as defined herein, shall mean the following:

- A. Refuse. The term "refuse" shall mean refuse, garbage, trash, rubbish, debris of any nature, including, without limitation, food waste, rejected animal or vegetable matter (whether or not intended for or resulting from the preparation of food), paper, clothing, grease, leaves, ashes, tin cans, bottles and solid waste of any nature whatsoever.
- B. Residential Refuse. The term "residential refuse" shall include any refuse generated by occupants of houses, buildings and premises used exclusively for residential purposes.
- C. Commercial Refuse. The term "commercial refuse" shall include any refuse generated as a by-product of any commercial and/or industrial operation.
- D. Commissioner. The term "commissioner" shall mean the person occupying the top managerial position of the system (Council Member). (Ord. No. 431, Sec. 3)

5.24.04 Plastic bags and containers Every residential user shall utilize plastic bags or containers of sufficient size, strength and number to hold the refuse which accumulates on the premises. Commercial customers shall use metal and/or plastic containers of their own choice no more than fifty (50) pounds each and no more than two (2) containers per pickup. (Ord. No. 431, Sec. 4)

5.24.05 Specifications The total weight of any contents of a container shall not exceed fifty (50) pounds. (Ord. No. 431, Sec. 5)

5.24.06 Vehicles No pickups or hauling of refuse shall be made except by authorized vehicles; except that large bulk loads such as refrigerators, trees, etc., may be hauled to dump grounds by individual owners or contractors. Authorized vehicles shall be those as to which the owner has a written contract with the city. (Ord. No. 431, Sec. 6)

5.24.07 Loose refuse Pickup crews shall not be required to pick up any loose refuse, except that caused by their own negligence. (Ord. No. 431, Sec. 7)

5.24.08 Receptacles

- A. It shall be unlawful for any person, other than one legally authorized to do so, to remove, displace, injure, deface, destroy, uncover or in any manner move or disturb any solid waste receptacle or in any manner withdraw or disturb any part or portion of the contents thereof.
- B. Furthermore, it shall be unlawful for any person, other than one legally authorized to do so, to dispose of waste in said receptacle. In all cases, the person who is "legally authorized to do so" shall be the person paying for such trash receptacle and service or an agent of that person. (Ord. No. 90-032, Sec. 1)

5.24.09 Sharp objects All broken glass and other sharp objects shall be wrapped in paper or other material to prevent punching holes in the bags. (Ord. No. 431, Sec. 9)

5.24.10 Bundles All residential refuse shall be placed in plastic bags and/or containers; however, limbs not over two inches (2") in diameter and not more than six feet (6') in length, may be tied in bundles of not more than two feet (2') in diameter. (Ord. No. 431, Sec. 10)

5.24.11 Dumping No person shall dump or allow to accumulate, either directly or through an employee, agent or licensee, any refuse in or upon any street, sidewalk, park or other public place, vacant lot or other vacant space or in or upon any premises, waterway, drainage basin or sewer within the city. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof in the Municipal Court of the city of Mountain Home, Arkansas, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and each and every day of said violation shall be deemed a separate offense. (Ord. No. 431, Sec. 11)

5.24.12 Mandatory pickup The occupant of all structures located within the corporate limits of the city of Mountain Home, Arkansas, whether or not said structure be used for residential, business, industrial, commercial or other use, shall use the refuse pickup services provided for by this chapter and pay the charges specified by the resolution fixing the rates for such services and amendments thereto. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof in the District Court of the city of Mountain Home, Arkansas, shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) and each and every day of said violation shall be deemed a separate offense. (Ord. No. 431, Sec. 12)

5.24.13 Maintenance All trash pickup points and containers shall be kept in a neat and sanitary condition. (Ord. No. 431, Sec. 13)

5.24.14 Tied bags All plastic bags placed for collection shall be tied with wire tie closures or their equivalent before being placed at a location for pickup. (Ord. No. 431, Sec. 14)

5.24.15 Corrugated paper Cardboard boxes may be placed for residential collection in bundles, provided they are flattened and securely tied. Bundles shall be of such size as to be easily handled by one (1) man and the bundles shall not exceed fifty (50) pounds in weight or maximum dimensions of four feet (4') square. (Ord. No. 431, Sec. 15)

5.24.16 Hazardous waste All waste materials, such as pesticides, acids, caustics, pathological waste, radioactive materials, ammunition, explosive materials, similar chemicals and harmful wastes which require special handling and disposal to protect and conserve the environment and disposal equipment shall be disposed of as provided by the regulations of the agencies of the United States and the state of Arkansas. (Ord. No. 431, Sec. 16)

5.24.17 Public receptacles The city may place trash receptacles upon the sidewalks and in the parks and other places for the reception of trash, and it shall be unlawful for any unauthorized persons to tamper with, damage or deface any public trash receptacle for solid waste in the city. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in any sum not to exceed One Hundred Dollars (\$100.00). (Ord. No. 431, Sec. 17)

5.24.18 Inspections The City Council shall have the right to designate and employ some person or designate any officer of the city or any person in its employ, who shall make regular inspections of all premises, alleys, vacant lots and/or properties of the city, who shall have the power and is hereby empowered to order the owner of lots and other real property within the city of Mountain Home, Arkansas, to remove garbage, rubbish and other unsightly and unsanitary articles and things upon said property; and to eliminate, fill up or remove stagnant pools of water or other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community or city. (Ord. No. 431, Sec. 18)

5.24.19 Abatement If the owner of any lot or other real property within the city shall neglect or refuse to remove, abate or eliminate any such condition or conditions as contained in the preceding paragraph, after notice is given in accordance with Section 5.24.20 of this chapter and the time required under such notice has expired, then the city is hereby authorized to do whatever is necessary to correct said condition or conditions and to charge the reasonable costs thereof to the owner or owners of said lot, lots or other real property and the city is hereby given a lien against such property for such costs. (Ord. No. 431, Sec. 19)

5.24.20 Notice The notice required in Section 5.24.19 shall be given in the same manner and form as in cases requiring notice to nonresident defendants in circuit court cases in the State of Arkansas. (Ord. No. 431, Sec. 20)

5.24.21 Penalty for Sections 5.24.19 and 5.24.20 In addition thereto, any person, firm or corporation failing to obey the notice hereinabove referred to in Section 5.24.20 shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not to exceed Ten Dollars (\$10.00). (Ord. No. 431, Sec. 21)

5.24.22 Solid waste accumulation Any person, firm or corporation who shall permit garbage, tin cans, broken glass, bottles, trash, rubbish or refuse to accumulate on their premises, except for the purpose of facilitating the collection of same by the garbage collector, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Twenty Dollars (\$20.00) and each day such accumulation of garbage and refuse is permitted to remain on said premises shall constitute a separate offense. (Ord. No. 431, Sec. 22)

5.24.23 Service delays If the person, firm or corporation who is authorized to pick up refuse does not pick up the refuse within twenty-four (24) hours from the time of regularly scheduled pickup, the person, firm or corporation shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Dollars (\$5.00) and each and every day shall constitute a separate offense. (Ord. No. 431, Sec. 23)

5.24.24 Container placement If the person, firm or corporation who is authorized to pick up refuse damages containers or does not return containers to the place they were picked up from, the person, firm or corporation shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Dollars (\$5.00). (Ord. No. 431, Sec. 24)

5.24.25 Contract limits It is distinctly provided that this chapter does not in any way obligate the party awarded the contract to clean or pick up refuse or debris resulting from construction, nor wood nor limbs resulting from removal of trees on private property. (Ord. No. 431, Sec. 25)

5.24.26 Fees The City Council shall have the power to reduce or increase the fees listed in the resolution fixing the rates for garbage pickup services. (Ord. No. 431, Sec. 26)

5.24.27 Fee exceptions If any person is too poor to pay the fee listed for said service, the person, firm, corporation or entity designated by the City Council to collect garbage, waste, trash and refuse within the city may relieve such person or persons from such payments. Provided, that in no event shall said person or persons be allowed to dispose of his/her garbage, waste, trash and refuse by his/her own means. (Ord. No. 2008-34, Sec. 1)

5.24.28 General penalty Any person, firm or corporation violating any of the provisions of this chapter, excepting where penalties are otherwise stated, shall be deemed, upon conviction thereof in the District Court of the city of Mountain Home, Arkansas, guilty of a misdemeanor and shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) and each and every day of said violation shall be deemed a separate offense. (Ord. No. 431, Sec. 28)

5.24.29 Recycling Nothing contained in Mountain Home City Ordinances 431, 432, 92-1 and 94-17 or any other ordinances or regulations of the city shall be construed to limit the ability of the city of Mountain Home, Arkansas, to establish or authorize "source separation" type recyclable materials collection services; or to establish or authorize mulching, chipping or grinding of such organic matter as leaves, grass clippings and limbs and to control all forms and stages of recycling within the city or within the city's jurisdiction. Provided, that, in establishing or authorizing such recycling activities, the city shall coordinate and counsel with the solid waste collection service then holding the franchise for the city of Mountain Home. (Ord. No. 92-6)

CHAPTER 5.28

LAND CONTAMINATION BY DRUGS

Sections:

5.28.01	Contamination violation
5.28.02	Adoption of the Clean-Up Guideline Booklet
5.28.03	Contamination site defined
5.28.04	Penalty
5.28.05	Restitution

5.28.01 Contamination violation It shall be a violation of this ordinance for any person to contaminate any property, land, air or water within the city of Mountain Home, Arkansas, by means of manufacturing (cooking) Methamphetamine or any similar illegal drug. Upon discovery of the manufacture (cooking) of Methamphetamine or any similar drug, it shall be the responsibility of the Chief of Police, or his designate, to take control of the property to determine if the property has been contaminated.

If the Chief of Police or his designate should find evidence of property contamination, the owner shall be advised to have the property vacated, and institute a proper decontamination according to the city adopted "Guideline Booklet for Cleaning Up Former Methamphetamine Lab." After the clean-up has been completed, the Chief of Police, or his designate, shall be provided confirmation of the property clean-up. (Ord. No. 01-11, Sec. 1.)

5.28.02 Adoption of the Clean-Up Guideline Booklet The city agrees to adopt the attached Mountain Home Police Department Guidelines booklet for the "Cleaning Up of Former Methamphetamine Labs," for the enforcement of this ordinance. (Ord. No. 01-11, Sec. 2.)

5.28.03 Contamination site defined Many of the ingredients used in the manufacture of Methamphetamine, or similar drugs, are known to be hazardous substance. These substances are, but not limited to, hydrochloric acid, ephedrine, anhydrous ammonia, acetone, paint thinner, sodium hydroxide, lithium from batteries, and phosphorous from matches and flares. Physical evidence that a combination of these substances have been mixed and heated, and that hazardous vapors and residue are present in the structure, constitute a contaminated site. (Ord. No. 01-11, Sec. 3.)

5.28.04 Penalty Any person violating any provision of this ordinance, shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or confinement in jail for not more than one (1) year, or both. (Ord. No. 01-11, Sec. 4.)

5.28.05 Restitution Any person deemed guilty of any provision of this ordinance, may be ordered to make restitution to aggrieved parties for the contamination and/or damage to this property by this offense. (Ord. No. 2001-11, Sec. 5.)

CHAPTER 5.32

NORTHWEST ARKANSAS SOLID WASTE MANAGEMENT DISTRICT

Sections:

- | | |
|---------|--------------------------------|
| 5.32.01 | Exclusive contract |
| 5.32.02 | Waiver of bidding requirements |
| 5.32.03 | Rate increase |

5.32.01 Exclusive contract It is in the best interest of the city of Mountain Home, as well as being mandated by existing ordinances, that the city enter and now to extend an exclusive contract with a person or entity well-qualified to provide Solid Waste Disposal services for the city and that such services not be provided by more than one such provider at any time. (Ord. No. 2006-32, Sec. 2.)

5.32.02 Waiver of bidding requirements Because of the exceptional situation involved in Solid Waste Disposal, the substantial capital cost involved, the need for experienced and qualified operators, the continuation of trial and test programs which benefit the city, the potential for damage to the environment, health and welfare of the citizens of the city, and the difficulty in establishing completely objective specifications by citizens of Mountain Home, and the City Council is hereby authorized to negotiate through its Mayor and other employees and ultimately approve and confirm a contract or contracts, particularly that Interlocal Agreement dated 12-7-2006; such extension to run through midnight on 12-31-2011, on an exclusive basis, with Northwest Arkansas Regional Solid Waste Management District, Inc. for Solid Waste Disposal. (Ord. No. 2006-32, Sec. 3.)

Mountain Home Commercial Rate Sheet

15% increase

Bin	1 per wk.	2 per wk.	3 per wk.	4 per wk.	5 per wk.	Spec P/U
1 ½ yd	54.15	93.52	134.64	174.72	215.04	13.54
2 yds.	64.03	103.88	143.67	183.52	222.69	16.01
3 yds.	87.57	146.68	205.66	264.80	324.01	21.89
4 yds.	110.93	189.57	268.62	347.93	434.68	27.73
5 yds.	134.77	232.24	329.61	427.17	524.35	33.69
6 yds.	155.78	272.27	388.26	505.17	621.61	38.95
7 yds.	181.17	317.03	452.78	581.83	724.65	45.29
8 yds.	207.91	363.00	518.01	673.31	828.15	51.98

Small Commercial

	Monthly	Quarterly
2 cans	10.87	32.80
3 cans	18.90	56.60
4 cans	26.94	80.83
5 cans	34.08	104.95
6 cans	43.02	129.07
7 cans	51.05	153.15
8 cans	59.23	177.68
9 cans	67.13	201.39
10 cans	75.17	225.50
1 cart	26.70	80.11
2 carts	53.41	160.22
3 carts	80.11	240.33

Residential in City Rates

Code	Service Type	Monthly	Quarterly
1	Residential wkly P/N	9.72	29.16
3	1 P/U per month	4.03	12.09
4	Residential 1 cart	12.88	38.64
5	Duplex	19.44	58.32
6	Residential 2 carts	16.04	48.12
7	Residential 3 carts	19.21	57.63
8	Duplex 1 cart	22.60	67.80
9	Duplex 2 carts	25.76	77.28

Roll-off rates/ in city

Delivery fee: \$34.50
20 yd. \$264.55 Pull Fee
30 yd. \$374.50 Pull Fee
40 yd. \$484.50 Pull Fee
(Ord. No. 2008-23, Sec. 1.)

CHAPTER 5.36

REGULATING UNSANITARY CONDITIONS

Sections:

5.36.01	Definitions
5.36.02	Abatement of Unsightly or Unsanitary Conditions on Real Property
5.36.03	Abatement of Unsightly or Unsanitary Conditions on Real Property which create an imminent health or safety hazard
5.36.04	Lien Against Real Property/Notice for Abandoned, Inoperable Vehicle
5.36.05	Notice by Publication
5.36.06	Penalties

5.36.01 Definitions

- A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- 1) “Garbage” means all normal kitchen waste, such as vegetable and animal wastes and their byproducts, but does not include sewage and human body wastes.
 - 2) “Rubbish” means brush, grass, and other normal yard refuse, paper, cans, bottles and empty food and drink containers.
 - 3) “Things” mean, but are not limited to, the following items: inoperative motor vehicles and boats, inoperative household or commercial appliances, furniture, building materials, building rubbish, human or animal excrement, metal, plastic or paper containers.
 - 4) “Abandoned” means that property to which no person claims or exercises the rights of ownership.
 - 5) “Appliances” means, but is not limited to, refrigerators, deep freezes, stoves, ovens, air conditioners, washers, dryers, trash compactors, dishwashers, televisions, radios, hot water heaters and plumbing fixtures.
 - 6) “Building Material” means, but is not limited to, items such as boards, bricks, cement, nails, pipe, sheet metal, siding, tar paper and windows

which have never been incorporated into a structure or which have been removed from a structure and may be readily incorporated into another structure. This article applies only to building material which lies in public view and with respect to which its owner has no definite immediate plans for its use.

- 7) “Building Rubbish” means any postconstruction solid waste which, because of its quantity, quality or condition, cannot be readily and immediately put to a beneficial use.
- 8) “Inoperative” means an item which, by mechanical or physical defect, can no longer be used for its intended purpose and which is not serving a functional purpose. Inoperative, when applied to motor vehicles or boats, refers to any motor vehicle or boat which is inoperable, dismantled, damaged or is unable to start or move under its own power. A vehicle shall be presumed to be inoperative when:
 - a. It has not been moved for more than ten days;
 - b. One or more tires are flat;
 - c. One or more wheels are missing;
 - d. The hood or trunk is raised or missing and has appeared to remain so for more than three days;
 - e. Weeds or grass have grown up around the vehicle;
 - f. The engine is missing;
 - g. The vehicle has no current vehicle tags or registration;
 - h. The doors or fenders are removed or missing; or
 - i. The front or rear windshield is broken, removed or missing, or the side windows are broken or removed or missing.

A boat shall be presumed inoperable when:

- a. It does not appear to be operational;
 - b. The boat has no current registration.
- 9) “Motor Vehicle” means every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.
 - 10) “Unsanitary” means that a place, condition or thing is unsanitary when it might become a breeding place for flies, mosquitoes and germs harmful to the health of the community.

- 11) “Unsightly” means that a place, condition or thing is unsightly when it is in public view and offends the then-prevailing standard of the community as a whole, and not limited to a specific area, as to aesthetics or order.
- 12) “Weeds” means any vegetation, lush or decayed, regardless of its beauty or utility and regardless of the fact that it might serve as a sanctuary for animals beneficial to man, which, because of its natural condition or lack of maintenance by the owner or occupant of the property, threatens the health or safety of the community or creates an unsightly condition thereon.
(Ord. No. 2022-29, Sec. 1)

5.36.02 Abatement of Unsightly or Unsanitary Conditions on Real Property

- (A) Owners or occupants of real property within the corporate limits of the city are hereby required to cut grass and weeds; they shall not exceed 9 inches in height, remove garbage, rubbish, inoperative motor vehicles, boats or other unsightly or unsanitary things; and eliminate, fill up or remove stagnant pools of water or any other unsanitary thing, place or condition upon their real property.
- (B) It shall be unlawful for the owner or occupant of real property to permit the accumulation or development of weeds, garbage, rubbish, inoperative motor vehicles, boats or other unsightly or unsanitary things or conditions on real property within the city.
(Ord. No. 2022-29, Sec. 2)

5.36.03 Abatement of Unsightly or Unsanitary Conditions on Real Property which create an imminent health or safety hazard

- (A) Whenever a real and imminent health or safety hazard stemming from a condition or thing described exists such that the notice provisions provided for cannot be complied with without jeopardizing the health and safety of the community, the city shall give notice, as is practical under the circumstances, to the affected property owner. If the property owner does not act immediately to correct the condition or thing complained of, the city shall, pursuant to A.C.A. §14-54-103 do whatever is necessary to abate the hazard stemming from the condition or thing.
- (B) Alternate procedure. Upon the written application of two or more of the individuals described in this section, the city attorney is authorized to immediately seek a temporary restraining order or preliminary injunction regarding the condition or thing complained of. The initial determination of what condition or

thing constitutes a real and imminent health or safety hazard must be made by at least two of the following individuals: the mayor, the county health officer, the fire chief, the assistant fire chief, police chief, the assistant police chief, and the city inspector. If three of the above individuals agree that a real and imminent health or safety hazard does not exist, no action shall be taken under this section. If the named individuals are equally divided in their opinions, action may be taken under this section. It is not necessary that all of the named individuals participate in the determination.

(Ord. No. 2022-29, Sec. 3)

5.36.04 Lien Against Real Property/Notice for Abandoned, Inoperable Vehicle

- (A) If the owner or occupant of any real property within the corporative limits of the city neglects or refuses, after being given seven days' written notice by the mayor or his designee to remove, abate or eliminate any condition, the city will do whatever is necessary to correct the condition and will charge the cost of the correction to the property owner to secure its costs; the city will perfect a lien against the affected property pursuant to A.C.A. §14-54-903 et seq. A.C.A. §14-54-901 et seq. is hereby adopted by reference as if set out word for word herein.
- (B) Before any abandoned or inoperative motor vehicle or boat is taken into custody and possession from private property, the city shall give the private property owner or occupant and the owner of the motor vehicle, if ascertainable, 30 days' notice by registered or certified mail that such action will be taken unless the motor vehicle is restored to a functional use, disposed of in a manner not prohibited by A.C.A. §8-6-401 et seq. or placed in an enclosed building. The 30-day notice may be waived by the owner or occupants of the property jointly or severally.

(Ord. No. 2022-29, Sec. 4)

5.36.05 Notice by Publication

- (A) In case the owner is unknown or his whereabouts is not known, a copy of the written notice shall be posted upon the premises; and before any action to enforce the lien shall be had, the clerk-treasurer shall make an affidavit setting out the facts as to the unknown address or whereabouts or non-residence; and, thereupon, service by publication as now provided by law against nonresident defendants 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 it can be found.

(Ord. No. 2022-29, Sec. 5)

5.36.06 Penalties

- (A) Any person or ownership entity violating the terms of this Ordinance shall be deemed guilty of a misdemeanor with each day of violation being deemed a separate offense. The fine for each violation shall be not less than \$50.00 nor more than \$500.00. (Ord. No. 2022-29, Sec. 6)