

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Board of Health
- 5.08 Health Officer
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CHAPTER 5.04

BOARD OF HEALTH

Sections:

- 5.04.01 Appointment - Qualifications
- 5.04.02 Jurisdiction - Duties - organization
- 5.04.03 Bylaws, rules, regulations

5.04.01 Appointment - Qualifications The Board of Health shall consist of five (5) appointed members, two (2) of whom shall be practicing physicians residing in the city, all of whom shall be appointed by the Mayor. The Mayor shall be ex-officio a member of the Board and the appointed members shall hold their office during the term of office of the appointing Mayor. The Board of Health shall have and exercise the power conferred upon such boards by State Law and by the ordinances of this city.

5.04.02 Jurisdiction - Duties - Organization The Board of Health shall have jurisdiction for one (1) mile beyond the city limits; for quarantine purposes in case of epidemics, such Board shall have jurisdiction for five (5) miles beyond the city limits;. The Board is invested with the power to declare, establish and maintain any and all necessary or desirable bylaws, rules and regulations to secure the city and its inhabitants from contagious, malignant or infectious disease. It may establish hospitals for the reception and treatment of contagious, infectious or epidemic disease. It shall have the duty to discover, declare and abate or cause to be abated any and all nuisances prejudicial to the health of the city and its inhabitants. The Board of Health shall elect a President and a Secretary, each of whom shall hold their office for one (1) year or until their successors are elected and qualified.

5.04.03 Bylaws, rules, regulations All bylaws, rules and regulations of the board in the exercise of the jurisdiction, powers and duties conferred shall be in writing and violation of any such bylaw, rule or regulation shall be deemed a violation and punishable as set forth. The Marshal shall serve, execute and enforce all such written bylaws, rules and regulations.

CHAPTER 5.08

HEALTH OFFICER

Sections:

- 5.08.01 Appointment, Qualifications
- 5.08.02 Powers and Duties

5.08.01 Appointment, Qualifications It shall be the duty of the Mayor to appoint a 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 A.C.A. 14-262-103

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 therefore 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.

STATE LAW REFERENCE-see A.C.A. 14-262-103

CHAPTER 5.12

MAINTENANCE OF REAL PROPERTY

Sections:

5.12.01	Unsightly or unsanitary conditions on real property
5.12.02	Notice required
5.12.03	Notification of unknown real property owner
5.12.04	Enforcement of lien and collection of costs
5.12.05	Inspections
5.12.06	Vacant lots
5.12.07	Requirement to remove debris after disaster
5.12.08	Notification
5.12.09	Penalty

5.12.01 Unsightly or unsanitary conditions on real property All property owners within the city of West Fork, Arkansas, are required to cut weeds, grass, remove garbage, rubbish and other unsanitary and unsightly articles and things from their property and to eliminate, fill up or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. (Ord. No. 400, Sec. 1.)

5.12.02 Notice required If the owner or owners of any lot or other real property within the city of West Fork, Arkansas, after the giving of seven (7) days' notice in writing by the Chief of Police, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 5.12.01, the Chief of Police is hereby authorized to enter upon the property and have said weeds, rank grass or other vegetation cut and removed or eliminate any unsanitary and unsightly condition and the cost shall be charged against the premises and shall constitute a lien thereon. (Ord. No. 400, Sec. 2.)

5.12.03 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 Clerk of the city of West Fork shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents and service of publication as now provided for by law against nonresident defendant may be had and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found. (Ord. No. 400, Sec. 3.)

5.12.04 Enforcement of lien and collection of costs 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 action in the District Court; or
- B. The amount of the lien herein provided for 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 or 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 Washington County for one (1) insertion per week for four (4) consecutive weeks and the amount so determined at said hearing plus ten percentum (10%) penalty for collection shall be certified by the City Council to the County Tax Collector and by him placed on the tax books as delinquent taxes and collected accordingly and the amount, less three percentum (3%) thereof when so collected, shall be paid to the city of West Fork. (Ord. No. 400, Sec. 4.)

STATE LAW REFERENCE-See A.C.A. 14-54-901 - 14-54-904; Hdbk. 15-1.2 - 15-1.5

5.12.05 Inspections The Marshal 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 the city and for any unsightly or unsanitary condition or conditions that he may find he will have the 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 seven (7) days, the 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.

5.12.06 Vacant lots Property owners are prohibited from permitting the accumulation of debris upon vacant lots in the city. 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 Clerk.

5.12.07 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 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.

5.12.08 Notification It shall be the duty of the Clerk or such other person as designated by the governing body of the city of West Fork 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. (Ord. No. 89-199)

5.12.09 Penalty In addition to the remedies contained in 5.12.02 and 5.12.04 herein, the city shall have the authority to prosecute any violators of this ordinance in the West Fork District Court as follows:

If any real property owner shall fail or refuse to comply with the requirements of 5.12.01 herein, within the time fixed in 5.12.02 herein, after having received such notice from the Chief of Police or such other person as may be designated by the governing body of the city of West fork, shall upon conviction, be subject to an additional penalty in the sum of not less than Fifty Dollars (\$50.00) for each day that such property owner refused to comply with this ordinance after the expiration of the time limit provided. Each day shall be considered a separate offense. (Ord. No. 400, Sec. 5.)

CHAPTER 5.16

SEPTIC TANKS

Sections:

- 5.16.01 Water Superintendent shall be inspector
- 5.16.02 Overflow unlawful

5.16.01 Water Superintendent shall be inspector The Water Superintendent shall be the inspector and shall regulate the erection, building and maintenance of all septic tanks now in use or to be put into 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 recommendations of the State Board of Health.

5.16.02 Overflow 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 5.20

LITTERING

Sections:

- 5.20.01 Littering illegal

5.20.01 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 5.24

SOLID WASTE COLLECTION

Sections:

5.24.01	Definitions
5.24.02	Dump closed
5.24.03	Collection service and contract
5.24.04	Rate
5.24.05	Rules
5.24.06	Equipment
5.24.07	Penalty
5.24.08	Competitive bids

5.24.01 Definitions

Collector shall apply to the contractor franchised by contract to the city of West Fork as determined by the City Council to pick up all solid waste in the corporate limits of the city of West Fork.

Premises shall be taken to mean business houses, offices, motels, restaurants, cafes, tourist camps, apartments, schools, private residences, vacant lots and other places within the city limits of the city of West Fork where either garbage or rubbish accumulates.

Refuse mean all solid wastes, including garbage and rubbish.

Garbage shall be construed to include all rejected food wastes and refuse, accumulation animal, fruit, or vegetable matter used or intended for food, or intended for the preparation, use in cooking, dealing in, or storing of meat, fish, fowl, fruits, and/or vegetables,.

Rubbish or trash shall include refuse other than foodstuffs, such as paper, cardboard, clothing, grass, leaves, ashes, and tin cans, all ashes must be dead cold to avoid fire hazard. The term "Trash" shall include the term "Rubbish".

(Ord. No. 117, Sec. 1)

5.24.02 Dump closed Inasmuch as the operation of an open dump such as used in the past by the city of West Fork is in violation of Federal E.P.A. regulations and also in violation of the State of Arkansas Pollution And Ecology laws, the present city dump shall be closed and cease operation as of February 3, 1979. (Ord. No. 117, Sec. 2)

5.24.03 Collection service and contract A city wide collection service will be established to pick up garbage and rubbish a minimum of once a week from all residences and from commercial establishments as required.

The collection service will be contracted by the city as a franchise under competitive bidding to a single contractor who will be responsible to the City Council for fulfilling the terms of the contract. The garbage and waste picked up will be transported to a State of Arkansas Department of Pollution Control and Ecology permitted and approved disposal site of the contractor's choosing. (Ord. No. 117, Sec. 3)

5.24.04 Rate In order to provide for trash pickup and disposal in a orderly manner and at a fair rate, this ordinance provides for a single franchised trash pickup service for the city of West Fork.

Inasmuch as the city dump will be closed, everyone is urged to subscribe to the service for the protection of the health and welfare of the community.

The franchised contractor will be the only contractor permitted to pick up trash within the city limits of the city of West Fork. Residences will be charged a flat monthly rate set by the contractor subject to approval of the City Council. Commercial establishments will negotiate a fee depending on their individual needs subject to review and approval of the City Council. All fees shall be paid directly to the contractor. (Ord. No. 117, Sec. 4)

5.24.05 Rules

- A. Dwellers in private residences will put all garbage and refuse in suitable plastic bags securely tied and place the bags at the edge of the road at their property for pickup on the morning of the day for their pickup.
- B. Dry rubbish may be placed in a cardboard box of such size and weight that it can be readily handled by one person for loading.
- C. Empty cartons may be flattened and tied in bundles of such size as to be able to be handled by one person.
- D. Commercial establishments shall work out a suitable means of packaging for handling their wastes with the contractor.
- E. It shall be unlawful for any person or firm or corporation to burn any garbage, trash, or brush.
- F. It shall be unlawful for any person, firm or corporation to dump, throw, or deposit garbage, refuse, trash, leaves, or any accumulation of same on any vacant lot, ditches, streets, or alleys in the city of West Fork.
- G. It shall be unlawful for any person, firm or corporation to permit the accumulation of garbage or refuse on their own property except in suitable covered sanitary containers.

- H. The meddling with refuse containers or their contents or in any way pilfering, scattering contents or junking in any alley or street or on private property within the city limits is prohibited. (Ord. No. 117, Sec. 5)

5.24.06 Equipment

- A. Equipment used in the transportation of all refuse shall meet approval of Arkansas State Health Department and be designed to prevent spillage of contents.
- B. All trucks used by the contractor shall be compacting type truck body. (Ord. No. 117, Sec. 6)

5.24.07 Penalty Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00) for each day of violation of the provisions of this ordinance shall constitute a separate offense and punishable as such. (Ord. No. 117, Sec. 7)

5.24.08 Competitive bids The City Council is empowered to submit specifications for competitive bids to the general public, to accept such bid as the Council, in its discretion, may deem advisable for the best interest of the city and to thereafter engage in a written contract with such successful bidder for collection, removal and disposal of garbage and trash as contemplated by this ordinance and in keeping with said specifications. (Ord. No. 117, Sec. 8)

CHAPTER 5.28

NORTHWEST ARKANSAS RESOURCE RECOVERY AUTHORITY

Sections:

- 5.28.01 Created
- 5.28.02 Membership
- 5.28.03 Powers
- 5.28.04 Directors
- 5.28.05 Acceptance of waste
- 5.28.06 Definition
- 5.28.07 Fine
- 5.28.08 Effective date

5.28.01 Created That the city of West Fork, Arkansas, shall join in the creation of a Northwest Arkansas Resource Recovery Authority along with the city of Fayetteville.

5.28.02 Membership The city of West Fork, Arkansas, is hereby authorized to become an initial member of the Northwest Arkansas Resource Recovery Authority.

5.28.03 Powers That the powers of such Authority shall be as follows:

- A. To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning or otherwise deal in or dispose of any real property, personal property or mixed property of any and every kind that can be used or that will be useful in the controlling, collecting, storing, removing, handling, reducing, disposing of, treating and otherwise dealing in the concerning solid wastes, including, without limitation, property that can be used or that will be useful in extracting, converting to steam (including the acquisition, handling, storage and utilization of coal, lignite or other fuels of any kind or water that can be used or that will be useful in converting solid waste to steam) and distributing such steam to users thereof or otherwise separating and preparing solid wastes for reuse.
- B. To have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of the affairs and the conduct of its business, and to prescribe rules, regulations and policies in connection with the performance of its functions and duties.
- C. To adopt an official seal and alter the same at pleasure.
- D. To maintain an office at such place or places as it may determine.
- E. To sue and be sued in its own name and to plead and be impleaded.
- F. To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the Authority under Act 699 of 1979, including contracts with persons, firms, corporations and others.
- G. To apply to the appropriate agencies of the state, the United States or any state thereof, and to any other proper agency for such permits, license, certificates or approvals as may be necessary and to construct, maintain and operate projects in accordance with and to obtain, hold and use such licenses, permits, certificates or approvals in the same manner as any other person or operating unit of any other person.
- H. To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors and such other consultants and employees as may be required in the judgment of the Authority and to fix and pay their compensation from funds available to the Authority therefore.

- I. To purchase all kinds of insurance including, but not limited to, insurance against tort liability, business interruption, and/or risks of damage of property.
- J. To fix, charge and collect rents, fees and charges for the use of any project or portion thereof or for steam produced therefrom.
- K. To accomplish projects as authorized by Act 699 of 1979 and the ordinances creating the Authority.
- L. To distribute steam produced by a project to any person, municipality or county.
- M. To buy, sell, exchange, own and generally deal in real property, improved and unimproved and buildings of every class and description.
- N. To pledge or hypothecate any and all property of the Authority, both real, personal or mixed, owned or leased by the Authority for cash, on credit and time payment and to generally finance any property, both real, personal and mixed, sold or leased by this Authority.
- O. To issue tax-exempt bonds pursuant to the terms and provisions authorized in Act 699 of 1979 and amendments thereto.
- P. To do any and all other acts and things necessary, convenient or desirable to carry out the proposed and to exercise the powers granted to the Authority herein.

5.28.04 Directors The number of directors of said Authority shall be nine (9). Seven (7) directors shall be those individuals comprising the Fayetteville Board of Directors or individuals appointed by said Board of Directors. One (1) director shall be appointed by the governing body of Washington County, Arkansas and one (1) director shall be appointed by the governing body of West fork, Arkansas. In voting to take any action or to pass any resolution, each director shall be entitled to cast one (1) vote. Five (5) affirmative votes shall be required to approve a motion or to pass a resolution. (Ord. No. 159, Sec. 1)

5.28.05 Acceptance of waste All acceptable solid waste generated or collected within the corporate boundaries of the city shall be delivered to the solid waste disposal and resource recovery facility (the "Facility") owned by the Northwest Arkansas Resource Recovery Authority for disposal, treatment or other handling. (Ord. No. 169, Sec. 1)

5.28.06 Definition The term acceptable solid waste shall mean all garbage, trash, rubbish, refuse and offal that is normally disposed of by a residential household, commercial business or industrial facility; provided that acceptable waste shall not include non-acceptable waste and shall not include waste containing more than occasional rubber tires as would normally be disposed of by household or commercial establishments which are not engaged in the manufacture, sale or exchange of rubber tires and tubes. (Ord. No. 169, Sec. 2)

5.28.07 Fine Any person delivering solid waste generated or collected within the corporate boundaries of the city to a site other than the Facility site shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine of up to Five Hundred Dollars (\$500.00) for the first offense and up to One Thousand Dollars (\$1,000.00) for each subsequent offense. (Ord. No. 169, Sec. 3)

5.28.08 Effective date This ordinance shall become effective on the commencement date of the Facility. The term "commencement date" shall mean the date on which the operator commences commercial operation of the Facility following the start-up process and notifies the Authority in writing that it is prepared to receive acceptable waste at the facility on a regular basis, and the authority notifies the city in writing that the facility is prepared to receive acceptable waste from the city. (Ord. No. 169, Sec. 4)

CHAPTER 5.32

RENEWABLE RESOURCE CENTER

Sections:

5.32.01 City enterprise

5.32.01 City enterprise The West Fork Renewable Resource Center is hereby proclaimed to be a city enterprise and all W.F.R.R.C. organizers and committee members are deemed agents of the city of West Fort, Arkansas in the performance of their duties, and they shall, to the extent allowed by law, be afforded tort immunity for their actions performed in furtherance of West Fork Renewable Resource Center. (Ord. No. 2008-408, Sec. 1.)