

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Solid Waste Collection
- 5.12 Water Wells
- 5.16 Hog and Chicken Houses
- 5.20 Food Handlers

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 real property owner
- 5.04.04 Enforcement of lien and collection of costs
- 5.04.05 Recovering fees

5.04.01 Unsightly or unsanitary conditions on real property. All property owners located within the city of Foreman, Arkansas, are required to cut weeds and 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 things, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. (Ord. No. 147, Sec. 1.)

5.04.02 Notice required. If the owner or owners of any lot or other real property within the city of Foreman, after the giving of twenty (20) days notice in writing by the Mayor of the city of Foreman, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 5.04.01, the City Marshal 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. Further, the city of Foreman, Arkansas, shall have the authority to impose a fine of up to Twenty-Five Dollars (\$25.00) per day for each and every day, after twenty (20) days' notice is given to the landowner, for each day which the landowner shall refuse or

neglect to perform the duties in connection with his or their property as specified in 5.04.01 hereof. Said fines shall likewise constitute a lien on such premises. (Ord. No. 147, Sec. 2.)

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 are not known or he 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 or Recorder 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. 147, Sec. 3.)

5.04.04 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 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 Little River County, Arkansas, 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 Little River 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 Foreman, Arkansas. (Ord. No. 147, Sec. 4.)

STATE LAW REFERENCE - See A.C.A. 14-54-901 - 14-54-904

5.04.05 Recovering fees The city of Foreman, Arkansas, shall be entitled to recover any and all attorney's fees and/or court costs incurred in enforcement of this ordinance. (Ord. No. 147 amended, Sec. 5.)

CHAPTER 5.08

SOLID WASTE COLLECTION

Sections:

5.08.01	Contract
5.08.02	Definitions
5.08.03	Schedule
5.08.04	Fees
5.08.05	Penalty
5.08.06	Garbage bags
5.08.07	Placement of garbage
5.08.08	Construction sites
5.08.09	Exclusions
5.08.10	Penalty

5.08.01 Contract The city of Foreman, its agents or employees, or independent contractors as authorized by the city of Foreman, shall collect and remove all garbage and waste in the city of Foreman, from residential dwellings, residential units, commercial units or industrial dwellings, residential units, commercial units or industrial units as hereinafter provided. No other person, firm or corporation shall be permitted to collect and remove garbage and waste from residential dwellings, residential units, commercial units, or industrial units from a fee unless approved by the City Council. (Ord. No. 249, Sec. 1.)

5.08.02 Definitions Garbage and waste within the meaning of this ordinance shall mean and be construed to include all rejected food waste, every refuse accumulation of animal, fruit or vegetable, grass, tin cans, glass, leaves, rubbish from hoes, and other substances which are detrimental to the beauty and sanitation of the city of Foreman. The terms garbage and waste shall not in any way include or apply to large appliances, car bodies, dead animals, wood limbs, brush and other such items which cannot be placed in suitable plastic garbage bags as hereinafter provided. (Ord. No. 249, Sec. 2.)

5.08.03 Schedule The city of Foreman shall cause the garbage and waste from all residences, commercial and industrial units to be collected at least twice each week and removed from the city of Foreman, Arkansas, and bury said garbage and waste in the Upper Southwest Regional Solid Waste Authority disposal area. (Ord. No. 249, Sec. 3.)

5.08.04 Fees For the sanitation services rendered under this ordinance, the following fees will be levied:

- A. The fees set forth in this section are levied on and are collectable from the person *in whose name the water meter is registered, or who is the owner/occupier of such premises, or who is the person in charge.*
- B. A separate fee is hereby fixed for and shall be collected from and paid by each family unit of a multiple family dwelling house occupied as a residence, every commercial establishment, and every industrial unit.
- C. The fees herein levied are on a monthly basis and shall be due and payable each month and shall be added to the monthly water bill.
- D. Fees to be collected and paid for the collection and disposal of solid waste as herein provided are fixed as follows:
 - 1. Each family unit shall pay a fee of Ten Dollars (\$10.00) per month.
 - 2. Each commercial or industrial unit shall pay a fee ranging between \$10.00 and up per month, based upon volume of solid waste negotiated by collector. (Ord. No. 296, Sec. 1.)

5.08.05 Penalty The fees provided for herein shall be paid within ten (10) days from billing date. In the event a sanitation charge is not paid within ten (10) days from billing date, a penalty of ten percent (10%) of each delinquent fee is hereby levied upon the person delinquent in payment, and said penalty shall become a part of and be collected with the regular fee heretofore levied. In the event that any fee levied herein remains unpaid for a period in excess of twenty (20) days, the city of Foreman is hereby authorized to institute a civil suit for the recovery of said fee with any penalties that may be attached thereto, together with all court costs and attorneys' fees. (Ord. No. 249, Sec. 5.)

5.08.06 Garbage bags All residential customers shall place garbage and waste in suitable plastic garbage bags, which are made for the purpose of waste disposal, no more than 30 gallons in size or 50 pounds in weight. All garbage must be drained of liquid substances before being placed in said plastic bags. (Ord. No. 249, Sec. 6.)

5.08.07 Placement of garbage Solid waste and garbage shall be placed at street side in front of each residential dwelling or unit to be served or in such other location or place as the sanitation department may direct. No unauthorized person or persons shall disturb, remove or collect any garbage or waste situated in plastic garbage bags or containers located within the city limits of the city of Foreman, Arkansas. (Ord. No. 249, Sec. 7.)

5.08.08 Construction sites This ordinance shall not in any way obligate the city, its agents or employees, or independent contractors, to clean up or pick up refuse or debris resulting from demolition or construction on property where buildings are being removed, constructed or repaired, or wood or limbs resulting from removal of trees on private property. (Ord. No. 249, Sec. 8.)

5.08.09 Exclusions The Sanitation Department may require solid waste or garbage that is impractical for the city to collect and dispose of to be removed and disposed of by and at the expense of the individual owner or tenant. (Ord. No. 249, Sec. 9.)

5.08.10 Penalty This ordinance will be mandatory upon all citizens of Foreman, Arkansas. It is further provided that any person found to not be abiding by the terms of this ordinance shall be fined in an amount up to One Hundred Dollars (\$100.00) for each and every month that said person shall fail to abide by terms of this ordinance. It is further found that in the event that any payment due under the terms of this ordinance shall remain delinquent for a period in excess of 60 days, the city shall have the authority to terminate any municipal services being provided to such citizen upon twenty-four (24) hours notice of such delinquency. Such notice of such delinquency shall be hand-delivered to such citizen by the Marshal's Department of the city of Foreman, Arkansas, or by mail, certified mail, return receipt requested, addressed to the addressee only. It is further provided that in the event that there shall be termination of any municipal services as a result of the failure of any citizen to abide by the terms of this ordinance, that said citizen shall likewise be responsible and shall pay any reconnect fees which shall be assessable under any other ordinance in effect in the city of Foreman, Arkansas. Such city services to include but not be limited to water, sewer or any other municipality service. (Ord. No. 249, Sec. 10.)

CHAPTER 5.12

WATER WELLS

Sections:

- 5.12.01 Maintaining wells
- 5.12.02 Enforcement

5.12.01 Maintaining wells It shall be the duty of any property owners within the city limits of Foreman, Arkansas, having a water well or wells upon said property to maintain said wells in the following manner, to-wit:

Said water wells shall have erected a permanent type curbing surrounding said well having a minimum height above ground level of thirty-six inches (36") and a covering over the opening of said well weighing a minimum of one hundred (100) pounds or a covering over said water well opening which is permanently attached to the aforementioned curbing, or shall be filled in to ground level to alleviate any potential hazard. (Ord. No. 106, Sec. 1.)

5.12.02 Enforcement The City Marshal, or any other person authorized by the City Council, is hereby authorized and directed to enforce the above-described restrictions in the following manner, to-wit:

- A. Written notice shall be given to any owners of non-complying water wells stating that compliance with this ordinance must be obtained within thirty (30) days after receipt of said notice; and,
- B. If at the expiration of the thirty (30) days, compliance has not been obtained by the property owner, then the city of Foreman will proceed to said property and correct the non-complying condition of said water well, and the cost of such work shall be charged to the owner of such property; and
- C. In order to secure payment of such charges a lien is hereby declared to exist upon such property in favor of the city and the city is hereby authorized to enforce all liens arising under this ordinance by appropriate action in the Chancery Court of Little River County, Arkansas. If the owner of such property is unknown or if his whereabouts are unknown, or if he is a non-resident of this state, the notice provided for in this ordinance may be given by posting the same upon such property. If such property is occupied by a person other than the owner thereof, such person shall be deemed the agent of such owner for the purpose of accepting service of the notice provided for by this ordinance and service upon such occupant shall be deemed service upon the owner. (Ord. No. 106, Sec. 2.)

CHAPTER 5.16

HOG AND CHICKEN HOUSES

Sections:

- 5.16.01 Unlawful
- 5.16.02 Permits
- 5.16.03 Water or sewer service

5.16.01 Unlawful It shall be unlawful for any hog house, chicken house or other such structure to be built within the city limits of the city of Foreman, Arkansas. (Ord. No. 253, Sec.

1.)

5.16.02 Permits There shall be no building permits issued for the construction of hog houses, chicken houses or other such structures within the city limits of the city of Foreman, Arkansas. (Ord. No. 253, Sec. 2.)

5.16.03 Water or sewer service There shall be no water or sewer service permitted or installed for hog houses, chicken houses or other such structures within the city limits of the city of Foreman, Arkansas. (Ord. No. 253, Sec. 3.)

CHAPTER 5.20

FOOD HANDLERS

Sections:

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| 5.20.01 | Examinations |
| 5.20.02 | Severability |
| 5.20.03 | Fine |

5.20.01 Examinations From and after the passage of this ordinance, every person handling food in public places within the city of Foreman, Arkansas, shall be required to have a yearly, or at such intervals as deemed necessary by the City Health Officer, an X-Ray examination for tuberculosis, and be issued a health certificate by the City Health Officer of the city of Foreman. (Ord. No. 37, Sec. 1.)

5.20.02 Severability All ordinances and parts of ordinances in conflict herewith are hereby repealed. (Ord. No. 37, Sec. 2.)

5.20.03 Fine Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00), and each day's violation shall constitute a separate offense. (Ord. No. 37, Sec. 3.)