

ORDINANCE NO. 122

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AN ORDINANCE REGULATING LAND CLEARANCE, SOLID WASTE AND ABANDONED OR INOPERATIVE MOTOR VEHICLES, TO CLARIFY LANGUAGE AND TIME REQUIREMENTS, AND TO ADD PENALTIES, PROCEDURES FOR OBTAINING AND ENFORCING LIENS FOR COSTS, AND TO DECLARE AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, the removal of unsafe, unsanitary or unsightly conditions on property within the City is necessary to protect the citizens from fire, health, and safety hazards as well as to protect the aesthetic values within the City of Greenland for the benefit of surrounding property owners and all citizens; and

WHEREAS, it is further necessary to make certain provisions governing the collection of residential and commercial solid waste within the City of Greenland, to assure efficient, healthful and aesthetic operation of collection and disposal of solid waste for the residents and business establishments of the City of Greenland.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENLAND, ARKANSAS.

SECTION 1: LAND CLEARANCE

Section 1-A: Intent and purpose.

This ordinance is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes hereof, which are public safety, health, aesthetics and general welfare of the residents of the City of Greenland through prevention and alleviation of unsafe, unsanitary and unsightly conditions; risk to safety of life and property from fire, bodily injury and other hazards incident to such conditions existing upon real property within the City, whether upon empty lots, in driveways, yards, or open spaces, within or about structures of any and all types, or any other manner of existence; and to preserve the aesthetic values of the residents of the City of Greenland.

Section 1-B: Unsanitary, unsightly or unsafe condition defined.

An unsanitary, unsightly or unsafe condition is defined as any such condition deemed such in the discretion of the Mayor or his authorized representative, including but not limited to stagnant pools of water, an accumulation of trash or garbage, other than solid waste, waste products from commercial activity; or the refuse accumulations of animal, fruit or vegetable matter, rubbish, leaves, limbs, weeds, metal, plastic, paper, or other substances which may accumulate and/or which emit vile, offensive odors, or provide a harborage for insects, flies or rodents, or increase the risk or hazard of fire, or constitute a public nuisance, or created a condition offensive or dangerous to health, safety, aesthetics or public welfare generally.

Section 1-C: Duty of property owners and persons holding a possessory interest in the property.

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(a) All property owners and those person holding a possessory interest in property within the City of Greenland, such as leasehold tenants, are hereby 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 things, places or conditions which might become a breeding place for mosquitoes, flies, rodents or germs harmful to the health of the community, or which otherwise constitute a condition offensive or dangerous to the public aesthetics or welfare.

Section 1-D: entitled "Notice; correction by city; lien"

"If the owner of any lot or other real property, within the City of Greenland, shall neglect or refuse to remove, abate, or eliminate any condition provided for in this chapter (pursuant to an ordinance passed by the City of Greenland, then the City of Greenland, after giving the owner seven (7) days notice in writing to do so, is authorized to do whatever is necessary to correct the condition and to charge the cost thereof to the owner of the lots or other real property."

State law reference A.C.A. 14--54--903 (A).

Section 1-E: "Service of notice"

"Owners of property in violation of this chapter shall be notified in writing at their current or last known address. In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a non-resident of this State, then a copy of the written notice shall be posted upon the premises. Before any action to enforce the lien shall be had, the City Clerk shall make an Affidavit setting out the facts as to unknown address or whereabouts of the non-resident. Thereupon, service of the of the publication as provided for by law against non-resident defendants, may be had. 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.

Section 1-F: Enforcement of lien.

The amount of the lien may be determined at a hearing before the City Council held after thirty (30) days' written notice by certified mail to the owner of the property if the name and whereabouts of the owner is known. If the name of the owner cannot be determined, then the amount will be determined only after publication of notice of the hearing once a week for four (4) consecutive weeks. The determination of the city council is subject to appeal by the property owner to the chancery court. The amount so determined at the hearing, plus ten percent (10%) penalty for collection, shall be certified by the city council by ordinance to the tax collector of the county in which the property is located, to be placed on the tax books as delinquent taxes, and collected accordingly. The amount, less three percent (3%) thereof, when so collected shall be paid to the City by the county tax collector. In the alternative, the lien provided for pursuant to this chapter and state law may be enforced in chancery court at any time within eighteen (18) months after work has been done.

Section 1-G: Additional Penalties.

"In addition to any liens provided for in Section I-F, any violation of this Chapter by a property owner and/or person holding a possessory interest in the property, such as a leasehold tenant), are punishable by: to pay a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), and double that amount for a repeated and willful violation of the same ordinance; and/or a fine for not less than one dollar (\$1.00) nor more than two hundred fifty dollars (\$250.00) for each day of continuance.

Persons failing or refusing to pay a fine and cost of prosecution for violation of a city ordinance shall be committed until same is paid, or the party discharged by due process of law. Provided, punishment for an offense made a misdemeanor by state law shall be neither more or less than that provided by state law.

## CHAPTER 2: SOLID WASTE

### Section 2-A: Definitions.

1. Approved Container - any container for solid waste, such as plastic or metal garbage cans with tops, or plastic garbage bags properly ties shut, which will hold solid waste, protect it from the elements, and keep it contained for hand dumping into collector trucks. Containers when full should not exceed fifty (50) pounds in weight.
2. Commercial/Industrial - places of commerce or industry generating solid waste streams generally and typically .5 cubic yards or more per week; and also multiple residential units or business units occupying premises under common ownership, such a shopping centers, apartments, and trailer parks, when a common owner has elected to consolidate the solid waste stream thereby generating solid waste typically and generally .5 cubic yards or more per week.
3. Contractor or Private Solid Waste Contractor - that sanitation company to which the City's bid was let for the Residential Solid Waste Contract, for units which generate less than 2 cubic yards of solid waste per week.
4. Extraordinary Materials - hazardous wastes, body wastes, dead animals, abandoned vehicles, vehicle parts, large equipment and parts thereto.
5. Garbage - shall mean the same as and be defined as solid waste.
6. Hazardous Materials - shall mean wastes that are hazardous by reason of their pathological, explosive, radiological or toxic characteristics, or by virtue of their being defined as hazardous by any state or federal law or regulation.
7. Private Collector - any person or business entity which meets City qualifications and has a contract with the City to convey or transport solid waste within the City of Greenland for units which generate .5 cubic yards or more of solid waste per week.
8. Rubbish or Yard Trash - shall mean the same as and be defined as solid waste.
9. Solid Waste - shall mean all putrescible and non-putrescible waste in solid or semi-solid form including, but not limited to, garbage, rubbish, ashes or incinerator residue, or street refuse, but excluding "extraordinary materials" and "hazardous materials" and defined herein, except large branches, trees, or bulky or non-combustible materials not susceptible to normal loading and collection in "loadpacker" type sanitation equipment used for regular collections from domestic households (tree trimmings shall be tied in bundles not exceeding four (4) feet in length or weighing over fifty (50) pounds and placed at the curb for pickup).
10. Special Materials - shall mean those bulky materials or other special wastes that are not stored in approved containers and cannot be picked up by hand.
11. Trash - shall mean the same as and be defined as solid waste.
12. Units - places of residences or businesses within the

City of Greenland which generally and typically generate no more than .5 cubic yards of solid waste per week. With respect to residences, a single unit is a dwelling place in which a single family or group of individuals regularly live and share common bath and kitchen facilities. With respect to businesses, a single unit is a single place of business owned and operated for the benefit of the owner of the business. Combined units of residences or businesses, such as apartments, trailer parks, or shopping centers, if the waste stream is separated for each such unit, are considered as "Units" hereunder, unless the common owner of all such units elects to combine said waste stream into consolidated containers, thereby generating .5 cubic yards or more per week, in which case, these units shall not be serviced hereunder, but shall be serviced through the common owner by a commercial/industrial contractor.

#### Section 2-B: Authorized collectors.

All residents and business establishments of the City of Greenland who generate no more than .5 cubic yards of solid waste per week shall use the residential contract service that has been awarded by the City. Those who generate .5 cubic yards or more of solid waste per week shall contract with a licensed private collector for industrial and commercial collection who meets all city requirements. Residents shall not negotiate solid waste services other than those arranged by the City and shall not opt to assume the responsibility of disposal for themselves.

1. Residential and Business Establishments Which Generate Less Than .5 Cubic Yards of Solid Waste Per Week: The City of Greenland grants to the Private Solid Waste Contractor the exclusive right and obligation to provide solid waste collection services for residential and business establishments within the City boundaries, present and future, which generally and typically generate no more than .5 cubic yards of solid waste per week (such establishments being referred to as "units"). The terms of such exclusive franchise shall be in accordance with the provisions of such sanitation contract between the Private Solid Waste Contractor and the City. No other person or entity except said Contractor shall be permitted to convey or transport solid waste for Units generating no more than .5 cubic yards of solid waste per week, within the City of Greenland. Said Contractor shall pay the City a franchise fee for the privilege of doing business in the City pursuant to said contract.

2. Commercial/Industrial Contracts. Private collectors may execute agreements for the collection of solid waste from any unit in the City where the generator typically and generally generates .5 cubic yards or more of solid waste per week. Any such Private Collector must meet City qualifications, execute a contract with the City, and pay the required license fee pursuant to said contract prior to entering into any such agreements with Commercial/Industrial units for the collection of such solid waste.

#### Section 2-C: Frequency of collection.

The Contractor shall furnish solid waste collection services in the City to all residential and business establishments generating no more than .5 cubic yards of solid waste per week on a weekly basis. The Contractor shall provide the City with schedules of residential collection routes and keep such information current at all times. In the event of changes in routes or schedules that will alter the day of pickup, the Contractor shall notify each customer affected by mail or news media not less than one week prior to the change.

#### Section 2-D: Conditions for collection.

Weekly collections are to be made under the following conditions:

1. Containers Required. Each residential or business establishment shall provide approved containers, as defined by

this ordinance.

2. Yard and Other Trash. When the resident finds it necessary to dispose of yard or other trash, excluding garbage and empty containers, all such trash shall be placed in disposable containers or tied in bundles not longer than four (4) feet in length and weighing not more than fifty (50) pounds each and shall be placed at the street curb by the residents on the pickup date.

3. Location. All solid waste shall be placed in approved containers at a location, prior to scheduled collection, that is readily accessible to the Contractor's personnel.

Residential - Solid waste shall be placed at a single collection point within six (6) feet of the curb.

Business - Solid waste shall be kept on the premises in approved containers and placed at a single collection point in a place near the street or alley, readily accessible to the collection vehicles.

Section 2-E: Accumulation or placement of containers so as to create public nuisance.

(a) It shall be unlawful for the owner, occupant, tenant or lessee of any dwelling or place of business to allow solid waste to accumulate on his premises, or to place or cause to be placed the containers therefore in such a manner as to cause unsanitary or unreasonably unsightly conditions in the city.

If the owner of any dwelling or place of business, after having been given 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 this chapter, the chief of police is hereby authorized to enter upon the property and have said solid waste removed and the costs shall be charged against said premises. Any person city shall be guilty of a violation of this ordinance and punished as provided by Section 1-G.

(b) It shall be a violation of this section for such owner, occupant, tenant or lessee to place more than twenty-four (24) hours before, or to allow to remain more than twenty-four (24) hours after, the scheduled collection date said trash or garbage containers at the curbside pickup point except for a showing of just cause. The collection date and curbside collection point shall be established by the authorized agent, or his authorized representative, who shall give adequate notice thereof to each owner, occupant, tenant or lessee.

(c) The curbside collection point is established only for efficient and economical collection service, and it shall be the duty of each premises' occupant to keep the containers at all times other than as allowed by this section at a location on his premises which is suitable and consistent with the standard set forth in subsection (a) above.

Section 2-F: Removal of construction refuse and debris, old appliances, etc.

The authorized Private Solid Waste Contractor shall not in any way be required or obligated to collect or remove from private property refuse or debris resulting from the repair, razing or construction of buildings, nor to collect or remove old stoves, refrigerators, etc., or wood or limbs resulting from the removal of trees, nor to render any other service unless specifically provided for in this chapter. The removal of such items is the responsibility of the owner, occupant, tenant or lessee of the property.

Section 2-G: Penalty.

Any person, business or other entity refusing or failing to pay any charge assessed pursuant to the provisions of this

chapter, including both the failure to pay for private solid waste collection and the failure to pay commercial or industrial contracts, shall be guilty of violation of this ordinance and punished as provided by Section 1-G. Each act of violation and each day upon which a violation occurs constitutes a separate punishable offense.

Section 3: Abandoned or Inoperative Motor Vehicles.

Section 3 A: Leaving on public streets.

It is unlawful for any person to in any way abandon a motor vehicle or leave an inoperative motor vehicle on any public street or in any public place for a period of more than forty-eight (48) hours.

Section 3 B: Leaving on property of another.

It is unlawful to leave any inoperative or unattended motor vehicle on the property of any other person without that person's consent.

Section 3-C: Leaving for excessive time on private premises.

It is unlawful to have any abandoned, unlicensed, inoperative, or unsightly motor vehicle exposed to public view on any private premises for a period of more than thirty (30) days.

Section 3-D: Violations; procedures.

Enforcement of this article shall be as follows:

(1) Any motor vehicle left abandoned, unlicensed or unattended in violation of sections 3-A or 3-B shall be towed away and stored at the expense of the owner of the motor vehicle.

(2) The owner or occupier of premises upon which any motor vehicle is left exposed to public view in violation of section 3-C shall be charged with such violation and punished accordingly to Section 1-G.

Section 3-E: Enforcement.

The responsibility for enforcement of this article shall be with the Greenland Police Department which shall make investigations, serve notices, make arrests, arrange for towing and storage, and dispose of motor vehicles and perform such other duties as are necessary or incidental thereto.

WHEREAS, it is necessary for the efficient operation of the Greenland Municipal Government that the regulation of land clearance, solid waste removal and abandoned and/or inoperative motor vehicles be planned and adopted;

NOW, THEREFORE, an emergency is hereby declared to exist and this ordinance being necessary for the preservation of the public peace, health, and safety, shall take effect and be in force from and after its passage and approval.

DATED this 11 day of March, 1991.

Ray Bennett  
MAYOR

ATTEST:

Dorinda Cheevers  
RECORDER