

## **TITLE 5**

### **HEALTH AND SANITATION**

Chapters:

- 5.04 Maintenance of Real Property and Land Clearance
- 5.06 Maintenance of Houses, Buildings and Structures
- 5.08 Solid Waste
- 5.12 Littering
- 5.16 Junkyards and Salvage Operations
- 5.20 Hazardous Materials Service

#### **CHAPTER 5.04**

### **MAINTENANCE OF REAL PROPERTY AND LAND CLEARANCE**

Sections:

- 5.04.01 Intent and purpose
- 5.04.02 Unsanitary, unsightly or unsafe conditions defined
- 5.04.03 Duty of property owners and holders
- 5.04.04 Entitled "Notice; Correction by City; Lien"
- 5.04.05 Service of notice
- 5.04.06 Enforcement of lien
- 5.04.07 Additional penalties

5.04.01 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, Arkansas, 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 value of the residents of the city of Greenland. (Ord. No. 122, Sec. 1-A)

5.04.02 Unsanitary, unsightly or unsafe conditions define. An unsanitary, unsightly or unsafe condition is defined as a condition 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 emit vile,

offensive odors, or provide other harborage for insects, flies or rodents, or increase the risk or hazard of fire, or constitute a public nuisance, or create a condition offensive or dangerous to health, safety, aesthetics, or public welfare generally. (Ord. No. 322, Sec. 1.)

5.04.03 Duty of property owners and holders All property owners and those persons holding a possessory interest in property within the corporate limits of the city of Greenland, Arkansas, such as leasehold tenants or lienholders, are hereby required to cut weeds, grass, remove garbage, rubbish and other such unsanitary and unsightly articles and things from their property, and to eliminate, fill up or fill in and 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 which are harmful to the health and safety of the community or which otherwise constitute a condition offensive or dangerous to the public aesthetics or welfare. (Ord. No. 322, Sec. 2.)

5.04.04 Entitled "Notice; Correction by City; Lien"

- A. If the owner of any lot or other real property within the City of Greenland, Arkansas shall neglect or refuse to remove, abate or eliminate any condition provided for in this chapter, 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 charge the costs thereof to the owner of the lots or other real property. STATE LAW REFERENCE A.C.A. 14-54-903(b)
- B. The City of Greenland is hereby granted a lien against the lot(s) or other real property for the costs of the City in correcting the violation. However, this lien shall not be construed as having priority over any other lien secured by a mortgage on the real property, except as provided in Paragraph C herein. STATE LAW REFERENCE A.C.A. 14-54-9030)
- C. If there is a mortgage or other lien upon real property at issue within the City, the City shall provide written notice to any lienholders a minimum of ten (10) business days prior to beginning any work on the property. Notice shall be sent to the lienholder's address as indicated in the relevant land records. If the lienholder responds within that period of ten (10) business days that the property owner is in default under the terms of the note or mortgage, the City employee or other agent charged with abating the unsanitary or unsightly condition shall not undertake any monetarily significant work on the property without the prior approval of the City Attorney. STATE LAW REFERENCE A.C.A. 14-54-903(b). (Ord. No. 322, Sec. 3.)

5.04.05 Service of notice Owners of property in violation of this chapter shall be notified in writing at their current or last known address. In the event 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 Recorder/Treasurer shall make an affidavit setting out the facts as to

unknown address or whereabouts of the non-resident. Thereupon, service as provided for by law against non-resident defendants, may be had. An attorney ad litem shall be appointed to notify the defendant by certified letter, addressed to his last known place of residence, if it can be found. (Ord. No. 322, Sec. 4.)

Except as provided in the preceding paragraph, notices required by this Section shall be published, mailed or delivered by the municipal recorder or other person as designated by the City Council. (Ord. No. 322, Sec. 4.)

After a notice for a specific violation of an order under 5.04.04 directing an owner to eliminate a condition on the owner's property, an additional notice for a subsequent violation of that specific violation within the same calendar year shall not be required before the issuance of a citation. (Ord. No. 322, Sec. 4.)

5.04.06 Enforcement of lien The amount of the lien may be determined at a public hearing before the City Council held after thirty (30) days' written notice by mail, return receipt requested, to the owner of the property if the name and whereabouts of the owner is known, and to the lienholders of record. If the name of the owner or the whereabouts of the owner cannot be determined, then the amount will be determined only after newspaper publication, as required by law, of notice of the public hearing once a week for four (4) consecutive weeks. The determination of the City Council is subject to appeal to the Circuit Court within the time specified by law, The amount so determined at the hearing, plus ten percent (10%) penalty for collection in accordance with A.C.A. 14-54-904 (a)(2)(A), may be certified by the City Council by resolution 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 ordinance and state law may be enforced in Circuit Court at any time within ten (10) years after lien has been filed pursuant to A.C.A. 14-54-904(a). (Ord. No. 322, Sec. 5.)

5.04.07 Additional penalties In addition to any liens provided for in Section 5.04.04 and 5.04.06, any violation of this chapter by a property owner or any person holding a possessory interest in the property, such as a leasehold tenant or lienholder following notice as provided in 5.04.05, may be issued a citation for violation of 5.04.03 and upon conviction such violation is punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00), and up to four times that amount for repeated and willful violations of the same ordinance and/or a fine for not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) for each day of continuance. (Ord. No. 322, Sec. 6.)

## **CHAPTER 5.06**

### **MAINTENANCE OF HOUSES, BUILDINGS AND STRUCTURES**

Sections:

- 5.06.01 Prohibited conduct
- 5.06.02 Condemnation authorized
- 5.06.03 Resolution of City Council
- 5.06.04 Notice to owner/others
- 5.06.05 Abatement of nuisance; removal by city
- 5.06.06 Vacating premises
- 5.06.07 Allowing occupation of premises
- 5.06.08 Occupying premises
- 5.06.09 Parts of structures as nuisances
- 5.06.10 Disposal of removed premises
- 5.06.11 Proceeds of sale
- 5.06.12 Failure to follow court order

5.06.01 Prohibited conduct It shall be unlawful for any person or legal entity to own, keep or maintain any house, mobile home trailer, building and/or structure, or portion thereof,

within the corporate limits of the city which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. A portion of a building or structure shall mean and include, but shall not be limited to, parts or areas served by a separate utility meter or meters, or having a separate entrance thereto. (Ord. No. 247, Sec. 1.)

5.06.02 Condemnation authorized Any house, mobile home, trailer, building and/or structure, or portion thereof, which is found and declared to be a nuisance by resolution of the City Council will be condemned and vacated, or be vacated, torn down and removed as provided in this code section. (Ord. No. 247, Sec. 2.)

5.06.03 Resolution of City Council The resolution of the City Council condemning any house, mobile home, trailer, building and/or structure, or portion thereof, which constitutes a nuisance, will include in the resolution an adequate description of the house, mobile home, trailer, building and/or structure, or portion thereof, the name, if known, of the owner thereof, and shall set forth the reason the house, mobile home, trailer, building and/or structure, or portion thereof, is or has been condemned as a nuisance. At least ten (10) days prior to the City Council meeting at which the condemnation resolution is to be considered, the Building Inspector/Official shall provide the same notice to the property owner, any lien holders, and mortgage holders, as required in 5.06.04. (Ord. No. 247, Sec. 3.)

5.06.04 Notice to owner/others After a house, mobile home, trailer, building and/or structure, or portion thereof, has been found and declared to be a nuisance and condemned by resolution as provided in this code section, a true and certified copy of the resolution will be sent, by the Greenland Building Inspector/Official, certified mail, addressee or addressee's agent only, and by first class mail, postage prepaid, to the owner thereof if the whereabouts of the owner thereof are known. A true and certified copy of the resolution shall also be sent, by the Greenland Building Inspector/Official, by first class mail, postage prepaid to any recorded mortgage or lien holders with an interest in the subject property. A true and certified copy of the resolution shall also be posted thereof regardless of whether the whereabouts of the owner are known. If the owner of the house, mobile home, trailer, building and/or structure or portion thereof is unknown, or if his whereabouts or last address is unknown, the posting of the copy of the resolution as provided in this section will suffice as notice. (Ord. No. 247, Sec. 4.)

5.06.05 Abatement of nuisance; removal by city If the house, mobile home, trailer, building and/or structure, or portion thereof, constituting a nuisance, has not been torn down and removed, or the nuisance otherwise abated within thirty (30) days after the posting of the true and certified copy of the resolution at a conspicuous place on the house, mobile home, trailer, building and/or structure, as aforesaid, the Fayetteville Water Department shall be directed to cut off and stop water service to the house, mobile home, trailer, building and/or structure, or portion thereof, constituting a nuisance, if the house, mobile home, trailer, building and/or structure, or portion thereof, is served by the Fayetteville Water Department. If the house, mobile home, trailer, building and/or structure, or portion thereof, constituting a nuisance, has not been

vacated, or not torn down and removed if the house, mobile, home, trailer, building and/or structure is condemned in its entirety, or said nuisance otherwise abated, within thirty (30) days after the posting of the resolution of condemnation as aforesaid, the house, mobile home, trailer, building and/or structure, so condemned in its entirety shall be torn down and/or removed as directed by the Mayor, or by such other official, person or persons as shall be designated by the City Council.

Provided however, that prior to the actual tearing down and removal of the nuisance structure, the City Building Inspector/Official shall place on the City Council agenda, a second hearing on the matter to afford the owner, or any mortgage or lien holders of record, the opportunity to present evidence that the nuisance violations which precipitated the condemnation have been brought into compliance. This second hearing shall be placed on the City Council agenda for the first City Council meeting which occurs at least thirty (30) days after the initial condemnation resolution was passed.

The Council, after reviewing said evidence, shall then vote on whether the structure in question shall be demolished. The vote shall be determined by simple majority. The vote at the second meeting to determine the demolition of the structure shall constitute the final action of the City Council regarding that condemnation. If the City Council should vote in favor of demolishing the structure in question, the City Building Inspector/Official shall wait thirty (30) days from the date of the final vote by the City Council before beginning actual demolition. The sole purpose of this thirty (30) day waiting period, is to allow the property owner, mortgage holder, or lien holder an opportunity to appeal the decision of the City Council pursuant to A.C.A. 14-56-425 or Ark. District Court Rule No. 9. No further arguments or appeals will be heard before the Council after the final vote. This code provision shall in no way act to limit any individuals' rights or privileges to appeal such decision under A.C.A. 14-56-425 or Ark. District Court Rule No. 9. (Ord. No. 247, Sec. 5.)

5.06.06 Vacating premises If any house, mobile home, trailer, building and/or structure or portion thereof is occupied at the time of the posting of the notice declaring a nuisance as provided in this code section, the occupant or occupants thereof shall have thirty (30) days in which to vacate the premises after the posting, and any occupancy or holding over from and after the mentioned thirty (30) days from the posting shall constitute a misdemeanor. (Ord. No. 247, Sec. 6.)

5.06.07 Allowing occupation of premises It shall be unlawful for the owner of any house, mobile home, trailer, building and/or structure, or portion thereof, posted as a nuisance under this code section, to lease, let or otherwise allow to be occupied any such house, mobile home, trailer, building and/or structure, or portion thereof, after it shall have been vacated pursuant to the provisions of this code section. (Ord. No. 247, Sec. 7.)

5.06.08 Occupying premises It shall be unlawful for any person to occupy, by lease or otherwise, any house, mobile home, trailer, building and/or structure, or portion thereof, after it shall have been vacated pursuant to the posting of the notice of condemnation under this code section, and any person so occupying it shall be guilty of a misdemeanor. (Ord. No. 247, Sec. 8.)

5.06.09 Parts of structures as nuisances It is the express purpose and intent of the City Council that if any house, mobile home, trailer, building and/or structure containing a portion thereof which constitutes a nuisance is not subject to tearing down and removing in its entirety, then the portion thereof so constituting a nuisance shall be vacated and kept vacated. (Ord. No. 247, Sec. 9.)

5.06.10 Disposal of removed structure The City Building Inspector or such other official or person as shall be designated by the City Council to tear down and remove any house, mobile home, trailer, building and/or structure constituting a nuisance will accomplish and effect the removal thereof and dispose of it in such a manner as deemed appropriate in the circumstances, and to that end, if it has substantial value, shall sell the house, mobile home, trailer, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice of the sale being first given by one publication in some newspaper having a general circulation in the city to accomplish and effect its removal and the abatement of the nuisance. (Ord. No. 247, Sec. 10.)

5.06.11 Proceeds of sale All proceeds of the sale under this code section of any house, mobile home, trailer, building and/or structure, of the proceeds of the sale of saleable materials therefrom, and all fines collected from the provisions of this code section, shall be paid by the person collecting them to the City Recorder/Treasurer. If any such house, mobile home, trailer, building and/or structure or the saleable materials thereof are sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the city, plus any fine imposed, the balance will be returned by the City Recorder/Treasurer to the former owner of the house, mobile, home, trailer, building and/or structure constituting the nuisance if the owner can be located, otherwise the excess sale proceeds will be held by the Recorder/Treasurer for the demand of the owner. (Ord. No. 247, Sec. 11.)

5.06.12 Failure to follow court order If the owner of any house, mobile home, trailer, building and/or structure judicially found to be a nuisance under this code section fails or refuses to abide by the orders of the court, the City Building Inspector or such other official or person referred to in 5.06.05 and 5.06.10 will take such action as provided in 5.06.05 and 5.06.10 as will be applicable to such owner. The provision contained in the immediately preceding sentence applies independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 247, Sec. 12.)

## CHAPTER 5.08

### SOLID WASTE

Sections:

5.08.01	Definitions
5.08.02	Authorized collectors
5.08.03	Frequency of collection
5.08.04	Conditions for collection
5.08.05	Accumulation of solid waste
5.08.06	Removal of construction waste, old appliances, etc.
5.08.07	Penalty

5.08.01 Definitions

**Approved container** - any container for solid waste, such as plastic or metal garbage cans with tops, or plastic garbage bags properly tied 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.

**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 as 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.

**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 .5 cubic yards of solid waste per week.

**Extraordinary materials** - hazardous wastes, body wastes, dead animals, abandoned vehicles, vehicle parts, large equipment and parts thereto.

**Garbage** - shall mean the same as and be defined as solid waste.

**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.

**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.



**Rubbish or yard trash** - shall mean the same as and be defined as solid waste.

**Solid waste** - shall mean all putrescible and nonputrescible waste in solid or a semisolid 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 that in bundles not exceeding four (4) feet in length or weighing over fifty (50) pounds and placed at the curb for pickup).

**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.

**Trash** - shall mean the same as and be defined as solid waste.

**Units** - shall mean places of residences or businesses located within city of Greenland, Arkansas, 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 considered to be 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. (Ord. No. 122, Sec. 2-A)

5.08.02 Authorized collectors All residences and business establishments located within the corporate limits of the city of Greenland, Arkansas, who generates 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 applicable 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.

- A. Residential and business establishments which generate less than .5 cubic yards of solid waste per week. The city of Greenland, Arkansas, grants to the private solid waste contractor the exclusive right, privilege and obligation to provide solid waste collection services for residential as well as 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 hereafter 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.

- B. 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 of solid waste per week. Such private collector must meet city qualifications, execute a contract with the city of Greenland, Arkansas, and pay the required license fee pursuant to said contract prior to entering into such agreement with commercial/industrial units for the collection of such solid waste. (Ord. No. 122, Sec. 2-B)

5.08.03 Frequency of collection The private contractor shall furnish solid waste collection services within the city of Greenland to all residential and business establishments which are 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 collection 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 (1) week prior to the change. (Ord. No. 122, Sec. 2-C)

5.08.04 Conditions for collection Weekly collections are to be made under the following conditions:

- A. Containers required Each residential or business establishment shall provide approved containers as defined by this ordinance.
- B. 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 resident on the pickup date.
- C. 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. (Ord. No. 122, Sec. 2-D)

5.08.04 Accumulation of solid waste

- 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 therefor 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 shall be guilty of a violation of this ordinance and punished as provided by Section 5.04.03.

- 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. (Ord. No. 122, Sec. 2-E)

5.08.06 Removal of construction waste, 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., 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. (Ord. No. 122, Sec. 2-F)

5.08.07 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 a violation of this ordinance and shall be punished as provided by Section 5.04.07. Each act of violation and each day upon which a violation occurs constitutes a separate punishable offense. (Ord. No. 122, Sec. 2-G)

## **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**

### **JUNKYARDS AND SALVAGE OPERATIONS**

Sections:

5.16.01 Definitions  
5.16.02 Expansion, screening  
5.16.03 Adopted by reference  
5.16.04 Building Inspector's certificate  
5.16.05 Inspection, certification  
5.16.06 Denial of certificate  
5.16.07 Nuisances  
5.16.08 Penalty

5.16.01 Definitions For purposes of this ordinance, the following definitions shall apply unless a different meaning is plainly required:

**Junk** shall mean old or scrap copper,, grass" rope, rags, batteries, discarded home appliances, paper, trash, rubber debris and waste or junked, dismantled or wrecked automobiles or parts thereof or iron, steel and other old or scrap ferrous or nonferrous materials, which has only scrap, salvage or no value.

**Automobile graveyard** shall mean any establishment or place of business which is maintained, used or operated for storing, keeping, trading, buying or selling junk or for the maintenance or operation of an automobile graveyard, whether or not for profit.

**Junkyard** shall mean any establishment or place of business which is maintained, used, or operated for storing, keeping, trading, buying, or selling junk or for the maintenance or operation of an automobile graveyard, whether or not for profit.

**Expansion** shall mean any increase in the land area of an existing junkyard or automobile graveyard beyond the physical boundaries to use at the effective date of this ordinance. (Ord. No. 91, Art. 1)

#### 5.16.02 Expansion, screening

- A. No junkyard or automobile graveyard shall be established or expanded after the effective date of this ordinance, and any portion of the right-of-way of any state secondary highway or other public road not regulated by Act 640 of 1967, unless such junkyard or automobile graveyard shall be screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main travel way of any such highway or road. (Ord. No. 91, Art. 2)
- B. All salvage operations conducted in the city of Greenland, Arkansas, shall, on every side which adjoins residential property, erect a fence of a minimum height of six (6) feet; the fence shall be topped by a minimum of two (2) strands of barbed wire; the fence shall be of such design that it effectively screens from view the activities conducted inside the salvage yard. (Ord. No. 60, Sec. 2)
- C. Cars or other vehicles stored in any salvage yard shall not be stacked more than one (1) vehicle high in any area which is located within one hundred fifty (150) feet of any residential property line. (Ord. No. 60, Sec. 3)

5.16.03 Adopted by reference Any rules and regulations adopted by the Arkansas Highway Commission governing the location, planting, construction and/or maintenance of the screening and fencing of junkyards and automobile graveyards on primary or other state highways are hereby adopted by reference and shall apply to junkyards and automobile graveyards governed by this ordinance. (Ord. No. 91, Art. 3)

5.16.04 Building Inspector's certificate No junkyard or automobile graveyard shall be established or expanded after the effective date of this ordinance unless the owner or operator of such junkyard or automobile graveyard shall first obtain a Certificate of Operation from the city of Greenland Building Inspector's office which shall certify that the junkyard or automobile graveyard is in compliance with the provisions of this ordinance or of applicable state law. (Ord. No. 91, Art. 4)

5.16.05 Inspection, certification The City Building Inspector is hereby authorized to develop procedures governing the inspection and certification of junkyards and automobile graveyards governed by this ordinance. (Ord. No. 91, Art. 5)

5.16.06 Denial of certificate The City Building Inspector's office is authorized and empowered to deny a Certificate of Operation to any proposed establishment or expansion of a junkyard or automobile graveyard which cannot be adequately screened due to the topography of the land. (Ord. No. 91, Art. 6)

5.16.07 Nuisances Junkyards or automobile graveyards which are not screened as required by this ordinance or by applicable state law shall be deemed a public nuisance. (Ord. No. 91, Art. 7)

5.16.08 Penalty Operation of a junkyard or automobile graveyard in violation of this ordinance or of applicable state law shall be punishable by a fine of One Hundred Dollars (\$100.00) per day. (Ord. No. 91, Art. 8)

## **CHAPTER 5.20**

### **HAZARDOUS MATERIALS SERVICE**

Sections:

- 5.20.01 Interlocal Agreement
- 5.20.02 Organization and administration
- 5.20.03 Purpose
- 5.20.04 Manner of financing
- 5.20.05 Termination and duration
- 5.20.06 Miscellaneous

5.20.01 Interlocal Agreement The Interlocal Agreement for Hazardous Materials Incident Response Services in Washington County, as attached hereto, is approved. The Mayor and Recorder/Treasurer are authorized to sign such and the payments called for therein are authorized to be paid from the funds budgeted for such purposes. (Ord. No. 310, Sec. 1.)

5.20.02 Organization and administration The Hazardous Materials Response Service shall be provided by a Hazmat Response Team (HRT) from the combined resources of the Fire Departments of Springdale and Fayetteville (the HRT). The personnel selection, equipment, capital and other resource needs, as well as the policies and procedures, and all other administrative and operational issues will be determined by the two Fire Departments that comprise the HRT.

Primary response to unincorporated areas in the county and member cities will be provided by a fully-equipped and staffed HRT consisting of a minimum of six (6) personnel; additional resources will be provided by the HRT based on incident requirements. This agreement will be administered by the Director of the Washington County Department of Emergency Management. Other Fire Departments of the members to this agreement, including Volunteer Fire Departments, may act as first responders. (Ord. No. 310, Art. 1.)

5.20.03 Purpose The purpose of this agreement is to allow Washington County and the cities within the county to provide an economical and efficient response to hazardous materials incidents. (Ord. No. 310, Art. 2.)

5.20.04 Manner of financing The Hazardous Materials Response System shall be financed by a per capita fee of Thirty-Eight Cents (\$.38) based on the 2010 census to be paid by Washington County and member cities based on their respective populations (except for the cities of Fayetteville and Springdale). All such appropriations to the Hazardous Materials Response System shall be deposited with the Washington County Treasurer in a Hazmat Fund and thereafter equally distributed to the Fire Departments of Fayetteville and Springdale.

In addition, training will be provided for Fire Departments in the county by the HRT or its designee to enhance their level of hazmat response and incident management coordination. The Washington County Department of Emergency Management will also participate in training coordination and hazmat emergency operations. Persons or entities responsible for any discharge as defined in A.C.A. 8-7-101 or otherwise responsible for a hazardous material emergency incident as well as non-member cities, will be billed through Washington County to recover costs incurred by the HRT and first responders, such to be distributed by the Washington County Treasurer in accordance with this agreement.

Revenue recovered from the above billing process will be placed in the Hazmat Fund and used to recover the costs as invoiced by the Fire Departments comprising the HRT and/or other Fire Departments acting as first responders. Washington County shall bill each member (except Fayetteville and Springdale) annually, for the per capita fee as setout above which shall be due and payable within thirty (30) days from the date of mailing. (Ord. No. 310, Art. 3.)

5.20.05 Termination and duration Any party to this Agreement may withdraw their participation by giving six (6) month's written notice to the Director of the Washington County Department of Emergency Management by resolution enacted by respective governing bodies. Refunds of per capita fees will not be given. The Director shall promptly notify the other members. The entire Agreement may be terminated by a majority vote of the parties to the Agreement by written resolution of their respective governing bodies; otherwise, the duration of this Agreement shall be perpetual. (Ord. No. 310, Art. 4.)

5.20.06 Miscellaneous Any property acquired by the HRT which is composed of the Fire Departments of Fayetteville and Springdale shall remain property of the Fire Departments of Fayetteville and Springdale. In the event of a complete termination all property purchased by other parties to this Agreement shall remain the property of the purchasing party. This Agreement shall be submitted to legal counsel for each party pursuant to A.C.A. 14-14-910(d). The HRT shall provide a report at each quarterly meeting of the Washington County Fire Association. (Ord. No. 310, Art. 5.)