

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Septic Tanks
- 5.12 Littering
- 5.16 Solid Waste Collection
- 5.20 Source Water Protection

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 Requirements
- 5.04.02 Weeds and grass
- 5.04.03 Unsightly or unsanitary
- 5.04.04 Notification of unknown real property owner
- 5.04.05 Enforcement of lien and collection of costs
- 5.04.06 Inspections
- 5.04.07 Vacant lots
- 5.04.08 Requirement to remove debris after disaster
- 5.04.09 Notification
- 5.04.10 Penalty for Sections 5.04.06 - 5.04.08

5.04.01 Requirements All tenants or owners within the city of Briarcliff, Arkansas, are hereby required to cut weeds and grass twelve (12) inches or higher, remove garbage, rubbish and other unsightly conditions at their property, and to eliminate stagnant pools of water standing seven (7) days or longer, or any other condition which might be harmful to the health of the community. Exception: Nothing in this ordinance shall be interpreted to keep a person from allowing any adjoining lot or lots to remain in their natural state or wooded condition. These lots must be kept free of trash, household waste and vehicles as specified in ordinances 8.12.01 through 8.12.06. (Ord. No. 9-13-2001, Sec. 1.)

5.04.02 Weeds and grass Any owner/tenant whose property contains grass and weeds in excess of twelve (12) inches high shall be in violation of this ordinance.

- A. The owner/tenant will be notified by certified mail or by the Mayor or by the City Marshal that they have ten (10) days to correct the situation. If the situation is not corrected in ten (10) days, the owner/tenant will be issued a citation for violation of this ordinance and scheduled for appearance in the Briarcliff City District Court, and a fine of up to Fifty dollars (\$50.00) shall be imposed.
- B. If the owner/tenant cannot be located in ten (10) days, the city is authorized to enter upon the property and have the weeds or grass cut. The cost plus a Fifty Dollar (\$50.00) processing fee will be charged for each incident. A lien in accordance with 5.04.04 and 5.04.05 shall be placed on said property for the cost incurred by the city. (Ord. No. 6-11-2011, Sec. 1.)

5.04.03 Unsightly or unsanitary Any owner/tenant whose property is not maintained, and is in a unsightly condition or contains unsightly articles, debris, rubbish, stagnant pools of water that have been standing seven (7) days or longer, or any other unsanitary condition that is harmful to the health of the community shall be in violation of this ordinance.

- A. The owner shall be notified by certified mail or by the Mayor or by the City Marshal that they have ten (10) days to remedy the condition. If the condition is not remedied within ten (10) days, the owner/tenant will be issued a citation for violation of this ordinance and scheduled for appearance in the Briarcliff City District Court, and a fine of up to Two Hundred Dollars (\$200.000 shall be imposed. (Ord. No. 2-1-2003, Sec. 1.)
- B. If the owner/tenant cannot be located in ten (10) days, the city is authorized to enter upon the property and correct the offending condition. A lien, in accordance with 5.04.04 and 5.04.05 shall be placed on said property for the cost incurred by the city. (Ord. No. 2-1-2003, Sec. 1.)

5.04.04 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 Mayor 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.

5.04.05 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 of the city of Briarcliff, Arkansas, 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 Baxter 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 of the city of Briarcliff, Arkansas, to the Baxter 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 Briarcliff, Arkansas.

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

5.04.06 Inspections The Health Officer 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 of Briarcliff, Arkansas, and for any unsightly or unsanitary condition or conditions that he may find he will have the Mayor 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 twenty (20) days the Mayor 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.

5.04.07 Vacant lots Property owners are prohibited from permitting the accumulation of unsightly debris upon vacant lots in the city of Briarcliff, Arkansas. 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 Mayor.

5.04.08 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 Mayor 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 sixty (60) days from receipt of such notice to remove all debris or refuse on said lot.

5.04.09 Notification It shall be the duty of the Mayor 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 thirty (30) days after receipt of notice from the Mayor.

5.04.10 Penalty for Sections 5.04.07 - 5.04.09 If any property owner shall fail or refuse to remove such debris or refuse as mentioned in Sections 5.04.07 - 5.04.09 within the time fixed by this chapter after receiving such notice from the Mayor, he shall upon conviction be fined in the sum of not less than Twenty-Five Dollars (\$25.00) and each day that such property owner refuses to comply with this chapter after the expiration of the time limit provided, shall be considered a separate offense.

CHAPTER 5.08

SEPTIC TANKS

Sections:

- 5.08.01 Water Superintendent shall be inspector
- 5.08.02 Overflows unlawful

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

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

CHAPTER 5.12

LITTERING

Sections:

- 5.12.01 Littering illegal
- 5.12.02 Illegal dumping

- 5.12.03 Privately owned property
5.12.04 Reward

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, such as, paper cups, beer/soda cans, fast food containers, etc., weighing less than one (1) pound.

A fine of One Hundred Dollars (\$100.00) shall be imposed for first offense. A fine of up to Five Hundred Dollars (\$500.00) may be imposed for second or succeeding offense.

5.12.02 Illegal dumping It shall be unlawful for any person to throw, place, dump or otherwise permit to be located upon, in, on or about any public street, sidewalk, alley or public thoroughfare, or public property adjacent thereto, any litter, refuse, or debris, such as, garbage, trash, papers, auto parts, appliances, furniture, etc. weighing more than one pound or more than one cubic foot in size.

A fine of up to One Thousand Dollars (\$1,000.00) may be imposed for each offense.
(Ord. No. 12-17-2003)

5.12.03 Private owned property Questions of cleanliness of privately owned property will be considered under city of Briarcliff Ordinance No. 5.04.01.

5.12.04 Reward A reward of One Hundred Dollars (\$100.00) will be awarded to anyone who reports an illegal dumper to the city office which leads to the arrest and conviction of that person. (Ord. No. 5-4-2002)

CHAPTER 5.16

SOLID WASTE COLLECTION

Sections:

- 5.16.01 Essential services
5.16.02 Contractor
5.16.03 Billing
5.16.04 Containers
5.16.05 City dumpster
5.16.06 Fine

5.16.01 Essential services Trash and garbage pick-up services shall be declared to be “essential services” in which the city has a proper interest and which must be furnished to the citizens of the city of Briarcliff, Arkansas, in order to protect said citizens health, safety, and welfare. (Ord. No. 11-13-2007, Sec. 1.)

5.16.02 Contractor It shall be and is hereby declared to be unlawful for any person, firm, or corporation owning, possessing, or having control or custody over trash, garbage, or refuse within the city of Briarcliff, to dispose of same other than by contracting for such disposal with either the city of Briarcliff, Arkansas, or with such private contractor or contractors to which the city shall have awarded a garbage, trash and refuse pick-up franchise. The present franchises holder is IESI Home Corp. located at CR 510, Box 10, in Midway, Arkansas 72651 and whose telephone number is 481-8600. The name, address and telephone number of the franchise holder, or holders, and the rates which they may charge shall be filed with the City Clerk of Briarcliff, Arkansas, and such filing shall be due notice of the agency or agencies with which a subscriber must contract. (Ord. No. 11-13-2007, Sec. 2.)

5.16.03 Billing Billing for trash and garbage pick-up will be accomplished on a monthly basis. A late fee of Three Dollars (\$3.00) monthly will be charged if not paid by the 15th day of the month. One notice of reminder will be sent out after the 15th day of each month with the late fee added. If bill is in arrears for ninety days (90) or more, the account will be subject to a citation. (Ord. No. 11-10-2007)

5.16.04 Containers

- A. Trash containers shall be placed roadside no earlier than one (1) day prior to the day of collection.
- B. Trash containers shall be removed from roadside and placed as close to residence as soon as possible.
- C. The exception to the above conditions will be those residences with permanent cart placement to facilitate ease of trash service. Exception will be handled on a individual basis if requested. (Ord. No. 11-10-2007)

5.16.05 City dumpster Customers of the city of Briarcliff, Arkansas, who have contracted for trash and garbage pick-up will be allowed use of the city dumpster on an infrequent, non-routine basis. Such use will be restricted only to material that the city’s refuse contractor would otherwise pick up during the routine scheduled route. However, discretionary use of the dumpster will help customers with travel plans or disposal of larger items that would

otherwise be picked up curbside during the annual large trash pick-up. Misuse of the dumpster by over filing, filling with restricted materials, placing trash or garbage on city property, or use by individuals who are not current customers will not be allowed and will be subject to a fine. (Ord. No. 12-8-2012)

5.16.06 Fine Anyone found guilty of violating this ordinance shall be issued a citation to appear in court. If found guilty, a fine of up to One Hundred Dollars (\$100.00) plus court costs shall be imposed for the first offense. A fine of up to Two Hundred Dollars (\$200.00) plus court costs shall be imposed for the second and succeeding offense. (Ord. No. 12-8-12)

CHAPTER 5.20

SOURCE WATER PROTECTION

Sections:

5.20.01	Statement of purpose
5.20.02	Implementation of Source Water Protection Program
5.20.03	Land to which this ordinance applies
5.20.04	Administration
5.20.05	Conflict

5.20.01 Statement of purpose It is the purpose of this ordinance to:

- A. Promote the public health, safety, and general welfare of the citizens of Briarcliff.
- B. Minimize the financial and other losses which would be incurred by contamination of the public water supply.
- C. Implement a Source Water Protection Program following guidelines of the Arkansas Department of Health that will help insure the provision of potable groundwater to our citizens now and in the future.
- D. Contribute to the general public effort of protecting and conserving the natural resource of our state for future generations. (Ord. No. 10-10-2009, Sec. B.)

5.20.02 Implementation of Source Water Protection Program Implementation of the Source Water Protection Program shall consist of several parts which may be phased in at the discretion of the city and over the time period deemed reasonable and adequate for the city. The parts shall include:

- A. Establishment of a Source Water Protection Area around the deemed source.
- B. Inventory of the potential sources of contamination within the Source Water Protection Area on a periodic basis.
- C. Restriction, prohibitions, or other kinds of controls of these potential sources as well as activities that could cause source water to become contaminated within the Source Water Protection Area.
- D. Periodic monitoring of selected chemical parameters of the water from selected locations within the Source Water Protection Area to provide early warning of contaminated ground or surface water moving towards the water intake.
- E. Establishment of an Emergency Action Plan to be implemented if a contamination event should occur. (Ord. No. 10-10-2009, Sec. C.)

5.20.03 Land to which this ordinance applies This ordinance shall apply to all lands located within Section 5 and 6 as adopted by the City Council, and within the jurisdiction of the city of Briarcliff. (Ord. No. 10-10-2009, Sec. D.)

5.20.04 Administration The policies and procedures for the administration of the Source Water Protection Area established in pursuance of the ordinance, including application, variances, enforcement, and penalties shall be determined by the City Council. (Ord. No. 10-10-2009, Sec. E.)

5.20.05 Conflict In the event that any provision, standard, or requirement of this ordinance is found to be in conflict with any provision of any other ordinance or code of the city, the provision which established the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents shall prevail. (Ord. No. 10-10-2009, Sec. F.)

49.2