

**TITLE 5**

**HEALTH AND SANITATION**

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**CHAPTER 5.04**

**SOLID WASTE MANAGEMENT SYSTEM**

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5.04.01 Established A Solid Waste Management System (herein called the “System”) is established. (Ord. No. 745).

5.04.02 Rates Immediately upon the effective date of this ordinance the following rates shall be charged for the services performed as indicated by the Stuttgart Solid Waste Management System:

### **GARBAGE PICKUP**

Residential	\$12.00/month
Residential apartments (All)	\$12.00/month
Residential & business combined	\$17.00/month
Business minimum	\$18.00/month
Residence and separate business	\$27.00/month
2 yd. container @1 pickup per week	\$43.00/month
3 yd. container @1 pickup per week	\$63.00/month
6 yd container @1 pickup per week	\$123.00/month
20 yd open top roll off container	\$9.00/yard per dump
20 yd open top roll off container	\$45.00/month rental
40 yd open top roll off container	\$90.00/month rental
40 yd closed top roll off container	\$110.00/month rental
40 yd open roll top container	\$9.00/yard per dump
40 yd closed top roll off container	\$13.00/yard per dump

### **BUSINESS LANDFILL CHARGES**

Cubic yard of TV sets, misc. furniture	\$10.00
Pickup load of trash	\$15.00
5 yards load of trash	\$25.00
10 yards load of trash	\$50.00
15 yards load of trash	\$75.00
20 yards load of trash	\$100.00
25 yards load of trash	\$125.00
30 yards load of trash	\$150.00
40 yards load of trash	\$200.00

**TRANSFER STATION CHARGES**

<b><u>Yards</u></b>	<b><u>Sub Totals</u></b>	<b><u>State Tax 6 ½%</u></b>	<b><u>Prairie County Tax 1%</u></b>	<b><u>Totals</u></b>
Minimum Charge	10.00	.65	.10	10.75
5 yds.	35.00	2.28	.35	37.63
10 yds.	70.00	4.55	.70	75.25
15 yds.	105.00	6.83	1.05	112.88
20 yds.	140.00	9.10	1.40	150.50
25 yds.	175.00	11.38	1.75	188.13
30 yds.	210.00	13.65	2.10	225.75
35 yds.	245.00	15.93	2.45	263.38
40 yds.	280.00	18.20	2.80	301.00
45 yds.	315.00	20.48	3.15	338.63
50 yds.	350.00	22.75	3.50	376.25

(Ord. No. 1898, Sec. 1.)

Residents will be entitled to one free load of limbs and landfill debris per pickup. Thereafter, they will be charged an additional fee as follows: \$8.00 per cubic yard; one-fourth of a load - \$30.00; one-half of a load - \$60.00; and a full load - \$120. (Ord. No. 1782, Sec. 2.)

**5.04.03 Bags** There shall be no exceptions or exclusions based upon job classification. All garbage picked up at residential sites, whether residential or residential/business shall be in bags of the same type and specification as provided by SWMS to residential customers. Any trash, garbage or refuse not placed in bags will be hauled as trash and the property owner/occupant shall be required to make payment of such additional fee or rate as may be in effect at the time for special

pickups as set forth in Section 5.04.18. (Ord. No. 1332, Sec. I)

5.04.04 Bills Bills for services of the System shall be rendered monthly with the monthly bills for water service. At no time shall a customer be allowed to discontinue garbage collection fees while continuing to subscribe to the water service unless approved by the Public Works Committee of the City Council. (Ord. No. 745, Sec. 3 as amended by Ord. No. 1306)

5.04.05 Containers All solid waste to be picked up by the System shall be packaged in plastic bags to be furnished by the city at the rate of two (2) plastic bags per week for each unit served by the System, with all necessary additional plastic bags of the same type to be provided by the unit served by the System which plastic bags may be purchased from the city. This section does not apply to commercial wastes included in Section 5.04.16. (Ord. No. 745, Sec. 4)

5.04.06 Placement of containers: The solid waste in plastic bags to be picked up by the system shall be placed on the curb line in front of each unit to be served by the System no later than 7 a.m. on the scheduled date of pick up. All waste shall be in 1.5 mil plastic bags and tied at the top. This section does not apply to commercial wastes included in Section 5.04.16. (Ord. No. 1438, Sec. 2.)

5.04.07 Adjustment of rates The rates established shall never be reduced below an amount sufficient to provide for the operation and maintenance of the System and the payment of the principal of and interest on the bonds to be issued to finance the construction of the System. (Ord. No. 745, Sec. 6)

5.04.08 No free service No free facilities or services shall be furnished by the System. (Ord. No. 745, Sec. 7)

5.04.09 Collection All garbage, waste, tin cans, trash and refuse in the city shall be collected regularly by employees of the city and no other person, firm or corporation shall be allowed to collect garbage, waste, trash and refuse; provided that table scraps and other food refuse commonly known as wet garbage may be sold by the occupant of any dwelling house or business as hereafter defined to persons engaged in the business of purchasing food refuse, but the person purchasing and removing food refuse shall provide suitable containers to remove the same so no garbage is spilled out of any of the containers onto the streets and such person shall obtain a permit and license in the amount hereafter provided. (Ord. No. 405, Sec. 1)

5.04.10 Permit to transport It shall be unlawful for any person, firm or corporation to purchase, collect or move wet garbage in the city unless and until they first secure a written permit for such purposes from the System at the license fee of Twenty-Five Dollars (\$25.00) per year or fractional part thereof for each conveyance or vehicle used in the collection of such wet garbage or food refuse, which fee shall be paid in advance on or before the first day of each year. (Ord. No. 405, Sec. 7)

5.04.11 Payment required, lien, penalty In the event the fee provided for is not paid promptly when due, a penalty of Fifty Cents (\$.50) for each delinquent fee is levied upon the persons delinquent in payment and said penalty shall become a part of and be collected with regular fees levied. In the event that any fee levied remains unpaid for a period in excess of thirty (30) days from the time the fee first becomes due, the city is authorized to institute civil suit for the recovery of said fees with any penalty plus court costs. Any person, firm or corporation failing to pay any of the fees provided shall be, upon conviction, fined in any sum not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00). (Ord. No. 405, Sec. 6)

5.04.12 Responsibility It is made the duty of the occupants of every dwelling and every business house, commercial house and office building in the city to have all garbage, waste, tin cans, trash and refuse on their respective premises properly placed in approved containers as defined and described, and available for regular collections; and it shall be unlawful for any person, firm or corporation or its servants to haul away its own garbage, waste, tin cans, trash or refuse, without first filing with the City Clerk a sworn statement, showing what facilities and equipment such persons have for transporting items of waste, the place where it is proposed to dump or burn items of waste and setting forth their reasons for not desiring the services of the System and obtaining from the city Council a permit and authorization to haul away such items and upon the granting of a permit the person, firm or corporation shall not be subject to the fee levied. The City Council may impose such reasonable conditions on any applicant seeking a permit to haul its own waste as it may deem necessary and proper to maintain the sanitary standards sought to be imposed by this chapter and may refuse to grant or may revoke such permit upon failure of any person seeking or holding a permit to comply with the conditions. Nothing herein contained shall forbid any person from collecting and hauling scrap metal or refuse or debris resulting from house or building construction or repair or wood and limbs resulting from the trimming or removal of trees or shrubbery on private property or haul and dispose of wet garbage purchased when properly licensed. This chapter shall have no application to the hauling or disposal of waste from unsewered privies. (Ord. No. 405, Sec. 4)

5.04.13 Accumulation Any person, firm or corporation who shall permit garbage, tin cans, broken glass, bottles, trash, rubbish or refuse to accumulate on their premises, except for the purpose of facilitating the collection by the System shall upon conviction be punished by a fine. And each day such accumulation of garbage and refuse is permitted to remain on said premises shall constitute a separate offense. (Ord. No. 395, Sec. 10)

5.04.14 Limitation of city This ordinance does not obligate city employees to remove wood, limbs, leaves, grass, furniture, appliances, roofing material, concrete, household garbage, plastic, cardboard, and tires. Tires are to be taken to the Tire Collection Center at 1700 East Second Street. All household garbage and debris must be moved from the alley ways and placed on the curb line in front of each unit to be picked up. Debris must not cover the water meters and shall not be placed in the ditches or in the streets. All waste and debris needs to be separated. The following items which are classified as household garbage shall be placed together: cardboard, paper, plastic, and glass. These items shall be bagged and tied. Yard waste such as limbs (no longer than five feet in length), leaves and grass shall be placed separate from the household garbage and landfill items including, but not limited to, concrete, insulation, bed mattresses, wood, pvc pipe, roofing material, and furniture. Recycling items such as refrigerators, stoves, washing machines, air conditioners, freezers, fans, metal, and steel shall be placed together. All freon must be removed from the appliances. Anyone violating the ordinance by placing waste and debris in the alley ways or by placing waste and debris that has not been separated correctly will be subject to the following fines: 1<sup>st</sup> offense – warning; 2<sup>nd</sup> offense - \$25.00; 3<sup>rd</sup> offense - \$50.00; and 4<sup>th</sup> offense - \$150.00. (Ord. No. 395, Sec. 11.)

5.04.15 Purchase of equipment The Mayor, with the approval of the City Council, is authorized to purchase such equipment as may be necessary for carrying into effect the objects of this chapter. (Ord. No. 395, Sec. 13)

5.04.16 Non-residential containers Any commercial business or industrial establishment in the city shall be required, upon orders of the Solid Waste Management System Committee of the City Council, to use metal containers of standard specifications and furnished by the System of the city for handling all solid waste. The rates for pick-up of such containers shall at all times remain on file and available for inspection at the office of the City Clerk. The rate schedule dated December, 1989, is hereby approved and a copy of such rate schedule shall be placed on file in accordance with this section. (Ord. No. 1306)

5.04.17 Review of non-residential rates The monthly charge for Solid Waste Management System services shall be subject to periodic review and adjustment on the basis of services required by each such commercial, business or industrial establishment. Such charge shall be revised when ordered by the Solid Waste Management System Committee of the City Council, but the minimum charge established in Section 5.04.02 shall be retained. (Ord. No. 774, Sec. 2.)

5.04.18 Special pick-ups: Residents or businesses who wish to have limbs, shrubs, furniture, appliances, etc. (items that go to the landfill) picked up may contract the SWMS Department and request a special pick up. All limbs should be no longer than five (5) feet in length. Rates to be charged for such pick-ups are as follows: Truckload, \$30.00; Half-load, \$15.00; Minimum rate (one-fourth load or less), \$5.00. (Ord. No. 1486, Sec. 3.)

## **CHAPTER 5.08**

### **BURNING**

Sections:

- |         |  |
|---------|--|
| 5.08.01 | Open burning of trash or debris prohibited |
| 5.08.02 | Outdoor fires for cooking                  |
| 5.08.03 | Portable outdoor fire pits                 |
| 5.08.04 | Bonfires                                   |
| 5.08.05 | General precautions                        |
| 5.08.06 | Penalty                                    |

5.08.01 Open burning of trash or debris prohibited It shall be unlawful for any person to ignite or cause to be ignited any fire within the city for the purpose of openly burning trash or debris to include, but not limited to, sticks, limbs, leaves, paper, plastic, rubber, and construction materials. (Ord. No. 1810, Sec. 1.)

5.08.02 Outdoor fires for cooking Outdoor fires may be utilized for the purpose of cooking, but must be maintained in a manufactured metal grill or other similar manufactured

device intended for such use and must be utilized strictly in accordance with the manufacturer's requirements. The fire must be fueled by either charcoal or wood suitable for cooking. No trash or debris as specified in 5.08.01 is permitted. (Ord. No. 1810, Sec. 2.)

#### 5.08.03 Portable outdoor fire pits

- A. Construction Outdoor fire pits shall be completely enclosed with a material to contain the combustion process and flames. This shall include a screen or some device to arrest any sparks or embers from leaving the portable fire pit. The portable fire pit may not exceed 36 inches in diameter.
- B. Fuel Only seasoned or dry wood or charcoal may be burned in the portable fire pit. The burning of other fuel, paper, leaves or trash is prohibited. Paper may be utilized initially to start a fire.
- C. Location The outdoor fire pit shall not be placed closer than ten (10) feet from a property line or building of any type, or in the front yard. The portable fire pit shall not be placed on any combustible surface such as wooden deck. (Ord. No. 1810, Sec. 3.)

#### 5.08.04 Bonfires

- A. Approval required Approval for a bonfire shall be given to groups or organizations for purposes such as of pep rallies and public celebration only after obtaining approval from the Fire Official. An application for a bonfire shall be submitted in writing at least ten (10) days before the fire is set and shall be in such form and contain such information as required by the Fire Official.
- B. Prohibition The Fire Official shall prohibit a bonfire that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous. The Fire Official shall order the extinguishment by the permit holder of the Fire Department of any bonfire that creates or adds to a hazardous or objectionable situation.
- C. Location The location for any bonfire shall not be less than fifty (50) feet from any structure, and provisions shall be made to prevent the fire from spreading.
- D. Attendance Any bonfire shall be constantly attended until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two portable fire extinguishers with a minimum of 2-A rating each, or other approved on-site fire extinguishing equipment, such as dirt, sand, garden hose, or water truck, shall be available for immediate utilization.



- E. Bonfire size and duration A bonfire shall not be more than ten (10) feet in height by ten (10) feet diameter and shall not burn longer than three (3) hours. The maximum size and duration of a bonfire shall not be increased by the Fire Official unless it is determined that fire safety requirements of the situation and the desirable duration of burn warrant the increase.
- F. Material Fuel for a bonfire shall consist only of seasoned dry wood and shall be ignited with a small quantity of paper. The fire shall not be utilized for waste disposal purposes, and the fuel shall be chosen to minimize the generation of air contaminants. (Ord. No. 1810, Sec. 4.)

#### 5.08.05 General precautions

- A. A fully functioning fire extinguisher or garden hose that is properly connected to an unlimited water source must be available for fire extinguishment purposes whenever any fire is ongoing.
- B. Should the prevailing winds cause the smoke from any outdoor fire to blow into a neighboring dwelling or property, said fire must be extinguished immediately. The Fire Chief or his designee is authorized to require that any residential outdoor fire be immediately extinguished if he determines that said fire constitutes a hazardous condition. In addition, all members of the Stuttgart Fire Department and Stuttgart Police Department are authorized to require that any outdoor fire be immediately extinguished if smoke emissions are found to be offensive to occupants of surrounding properties.
- C. Outdoor fire must be attended at all times by a competent adult owner or legal resident of the property from the time said fire is commenced through the time said fire is completely extinguished.
- D. The Fire Chief may prohibit all outdoor fires within the city of Stuttgart when weather conditions or other local circumstances make such fires hazardous. (Ord. No. 1810, Sec. 5.)

5.08.06 Penalty Any person violating this ordinance shall, upon conviction, be fined a sum from Twenty-Five Dollars (\$25.00) to Two Hundred Fifty Dollars (\$250.00) depending upon the severity and number of prior offenses. (Ord. No. 1810, Sec. 6.)

## CHAPTER 5.12

### MAINTENANCE OF REAL PROPERTY

Sections:

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5.12.03	Inspections – Administration
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5.12.21	Additional Remedies – Nuisances
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5.12.23	Prohibited Occupancy – Nuisances

5.12.01 Introduction – Administration

1. *General.* These regulations shall be known as the Stuttgart Nuisance Abatement and Property Maintenance Code and may be referred to herein as "the Code " or "this Code ". These regulations are intended to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises within the City of Stuttgart, Arkansas. Code Enforcement Officers may refer to the commentary of similar provisions in the International Property Maintenance Code and other property maintenance codes that are broadly accepted for interpretive guidance. (Ord. No. 1836, Sec. 1.)
2. *Applicability.* The provisions of this Code shall apply to all residential and nonresidential structures and all premises within the City of Stuttgart, Arkansas and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety

from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. Structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the Arkansas State Fire Prevention Code. Where different standards or requirements are imposed by this Code and other competent authority or by different sections of this Code, the most restrictive standard or requirement shall govern. (Ord. No. 1836, Sec. 1.)

3. *Historic Buildings, Structures and Districts.* Existing buildings or structures designated by the City of Stuttgart, the State of Arkansas, or the United States government to be historic or within a designated historic district shall be exempted from the literal requirements of such provisions of this Code that a proper body (such as an Historic Commission or the City Council) determines to infringe upon the historic nature of the building or structure. However, no exemption may be allowed unless the buildings or structures are judged by the Senior Code Enforcement Officer to be safe and in the public interest of health, safety and welfare. (Ord. No. 1836, Sec. 1.)
4. *Maintenance.* Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or required shall be maintained in good working order. No occupant shall cause any required service, facility, equipment or utility to be removed from or shut off from or discontinued for any occupied dwelling, except for temporary interruptions necessitated by repairs or alterations. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises. (Ord. No. 1836, Sec. 1.)
5. *Requirements not covered by code.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official. No citations may be issued based upon an administrative decision under this subsection until interested parties have been informed about the decision and been afforded an opportunity to appeal. The Senior Code Enforcement Officer shall maintain, or cause to be maintained, a file of all administrative rules made pursuant to this subsection which shall be available for copy and inspection by the public. (Ord. No. 1836, Sec. 1.)

#### 5.12.02 Code Enforcement Officers – Administration

1. *General.* This Code shall be enforced by all Code Enforcement Officers of the City of Stuttgart. For the purposes of this Code, a Code Enforcement Officer shall be defined as any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance,

nuisances, inspections, issuances of building permits, certifications and licensing etc., within the municipal boundaries of the City. This Code may also be enforced by any and all duly sworn law enforcement officers of the Stuttgart Police Department. (Ord. No. 1836, Sec. 1.)

2. *Identification.* All Code Enforcement Officers shall carry proper identification and present the same upon request when performing duties under this Code. (Ord. No. 1836, Sec. 1.)
3. *Rule-making authority.* The Senior Code Enforcement Officer shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate administrative and procedural rules and to interpret and implement the provisions of this Code in a manner consistent with the intent thereof. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety. The Senior Code Enforcement Officer shall maintain, or cause to be maintained, a file of all administrative rules made pursuant to this subsection which shall be available for copy and inspection by the public. (Ord. No. 1836, Sec. 1.)
4. *Variances.* Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Senior Code Enforcement Officer shall have the authority to grant variances for individual cases, provided the Senior Code Enforcement Officer shall first make written findings that a special condition or circumstance exists such that the strict letter of this Code is impractical and the variance is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting variances shall be recorded and entered in the department files. (Ord. No. 1836, Sec. 1.)

#### 5.12.03 Inspections – Administration

1. *Right of entry.* Code Enforcement Officers are authorized to enter structures or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the officers may pursue such search authorizations as are provided by law. (Ord. No. 1836, Sec. 1.)
2. *Inspections.* Code Enforcement Officers shall make all of the inspections required by this Code. All reports of such inspections shall be in writing and be certified by the responsible officer. Code Enforcement Officers are authorized to rely upon a responsible expert opinion as the officer deems necessary to report upon unusual technical issues that arise. (Ord. No. 1836, Sec. 1.)
3. *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Senior Code Enforcement Officer shall have the authority to require tests to

be made as evidence of compliance at no expense to the jurisdiction. Reports of tests shall be recorded and entered in the department files. (Ord. No. 1836, Sec. 1.)

4. *Material and equipment reuse.* Materials, equipment and devices shall not be reused unless a Code Enforcement Officer finds that such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved. (Ord. No. 1836, Sec. 1.)

#### 5.12.04 Violations – Administration

1. *Violations declared to be strict liability misdemeanors.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. Any person who is convicted of a violation of this Code shall be guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. (Ord. No. 1836, Sec. 1.)
2. *Fines.* Except as otherwise provided, a person convicted of violating any provision of this Code shall be punished by a fine not to exceed \$1000.00, or double such sum for each repetition thereof. If the violation is continuous in nature, the penalty for allowing the continuance thereof is a fine not to exceed \$500.00 for each day that the violation is unlawfully continued. The judge will determine the actual fine. (Ord. No. 1836, Sec. 1.)
3. *Citations.* Code Enforcement Officers are hereby authorized to issue citations to any person, firm or corporation in conflict with or in violation of any of the provisions of this Code. Issuances of citations must comply with the Arkansas Rules of Criminal Procedures. Stuttgart District Court shall have exclusive jurisdiction over citations issued pursuant to this Code. (Ord. No. 1836, Sec. 1.)
1. *General.* The purpose of this section is to provide a procedure for the revocation of various certificates, licenses and permits issued by the City of Stuttgart to prevent the use of structures described in subsection 5.12.05(2). The certificates, licenses and permits subject to revocation under this Code are those relating to the particular or general use of property; including, without limitation and for the purpose of illustration only: certificates of occupancy, zoning variances, certification of appropriateness, business licenses, sign permits, building permits, electrical and plumbing inspection approvals, conditional use permits, special use permits, and the like. (Ord. No. 1836, Sec. 1.)
2. *Administrative Revocation.* Code Enforcement Officers shall have the authority to initiate administrative revocation of any such certificate, license or permit, if he or she has a reasonable belief that the use of the property or structure:
  - (A) Poses a danger to the health and welfare of the public;
  - (B) Threatens property or safety of any citizen;
  - (C) Violates the terms and or scope of the certificate, license, or permit; or
  - (D) Lacks compliance with applicable State licensing laws and requirements.

The non-emergency administrative revocation of a certificate, license, or permit shall follow the procedures of notice and determination provided in Section 1.6 below. (Ord. No. 1836, Sec. 1.)

3. *Temporary Emergency Orders.* The Senior Code Enforcement Officer shall have the authority to issue a temporary emergency order in conjunction with notice of an administrative revocation as described in subsection 5.12.05(2). The Temporary Emergency Order shall have the effect of prohibiting all activity that may be harmful to the public or any person and suspending any certificate, license, or permit authorizing the same. The Senior Code Enforcement Officer may issue a temporary emergency order when he or she has a reasonable belief that the use of the property or structure:
  - (A) Poses an imminent danger to the health, safety or welfare of the public; or
  - (B) Threatens the life or poses an imminent danger of serious injury to any citizen.
 (Ord. No. 1836, Sec. 1.)
  
4. *Service of Temporary Emergency Orders.* Service of Temporary Emergency Orders may be made by any Code Enforcement Officer upon the owner, manager, employee, or occupant of a structure that is subject to the provisions of subsection 5.12.05(3). If no one is located at the structure, the Temporary Emergency Order shall be affixed to the structure and written notice shall proceed according to subsection 5.12.06(2). All notices for this subsection shall clearly state "Temporary Emergency Order" and conform to the requirements of subsection 5.12.06(1). (Ord. No. 1836, Sec. 1.)
  
5. *Special Uses, Conditional Uses, and Other Authorizations Issued by City Council.* The City Council for the City of Stuttgart may revoke a special use, conditional use, or any other authorization to use property or conduct business that violates the terms of the use or threatens the property or safety of any citizen, or is detrimental to the health, safety or welfare of the public. Such a revocation may be performed at any regular or special meeting of City Council. The revocation shall be based upon the report of a Code Enforcement Officer, complaint of a citizen, or sua sponte action by City Council. (Ord. No. 1836, Sec. 1.)

#### 5.12.06 Administrative Proceedings – Administration

1. *Notice of Violations.* "Notice of Violations" shall be written on standardized or letter form approved by the Senior Code Enforcement Officer that shall include the following information:
  - (A) The name of the owner, if known;
  - (B) An address or description of the real estate sufficient for identification;
  - (C) A description of the violation or violations;
  - (D) A statement that citations may be issued and fines assessed in addition to any administrative remedy imposed by the City.
  - (E) Include a statement that the City has a right to cause repairs or demolition to be made and that the costs may be assessed against the owner and the property of the owner; and

- (F) The information required by Ark. Code Ann. 14-54-903, if applicable. (Ord. No. 1836, Sec. 1.)
2. *Method of service.* Administrative notices (such as a Notice of Violation) may be issued by any person authorized under Ark. Code Ann. 14-54-903 by posting on the subject property and:
- (A) By personal service; (i.e. a red tag)
  - (B) By regular mail or certified mail, return receipt requested; or
  - (C) When the identity or whereabouts of a person is unknown, by weekly publication in a newspaper having general circulation throughout the City for two (2) consecutive weeks. (Ord. No. 1836, Sec. 1.)
- 2.1 *Notice by Mail.* Notice by mail shall be sent to the owner's address of record with the applicable county treasurer or collector. When sent to the proper address with proper postage, notice by mail shall be deemed properly served without regard as to whether the owner or occupant accepted the mail or the mail was otherwise returned. (Ord. No. 1836, Sec. 1.)
3. *Transfer of ownership.* After receiving a notice of violation, it shall be unlawful for the owner of any property or structure to sell, transfer, mortgage, and lease or otherwise alienate or dispose of the same until :
- (A) The property or structure has been caused to conform with this code; or
  - (B) The owner shall provide the other party a true copy of any notice of violation issued by a Code Enforcement Officer and shall furnish to the Senior Code Enforcement Officer a signed and notarized statement from the other party accepting responsibility for the property or structure.
4. *Exceptions.* The Notice of Violation requirements of this section shall not apply to the issuances of citations. Issuance of citations must comply with the procedures described in subsection 5.12.04(3). (Ord. No. 1836, Sec. 1.)

#### 5.12.07 Condemnation – Administration

1. *Authority.* In addition to other penalties provided herein but not in lieu thereof, the City Council for the City of Stuttgart may condemn structures through the passage of a resolution, which shall include:
- (A) A description of the structures;
  - (B) The owner or owners of the structures;
  - (C) Findings that the structures are unfit for human occupancy, or otherwise detrimental to the life, property or safety of the public. (Ord. No. 1836, Sec. 1.)
2. *Keeping condemned structures prohibited.* It shall be unlawful for any person to own, keep or maintain any structure within the corporate limits of the city which is condemned by resolution of the City Council. (Ord. No. 1836, Sec. 1.)
3. *Notices.* The Code Enforcement Department shall be responsible for publication, mailing

or delivery of all notices required to condemn structures.

3.1 *Prior Notice of Proposed Condemnation.* The owner of the structure will be provided notice of any proposed condemnation action no less than ten (10) calendar days prior to consideration by City Council. If appropriate, any and all lien holders will also be provided notice of any proposed condemnation action no less than ten (10) calendar days prior to consideration by City Council. Notice will be provided by the method described in subsection 5.12.06(2).

3.2 *Notice of Condemnation.* After a structure has been condemned by resolution as provided in this Code, a certified copy of such resolution will be mailed to the owners thereof, by the method described in subsection 5.12.06(2) and if appropriate, may be recorded in the property records of the Arkansas Circuit/County Clerk.

3.3 *Notice of Certification of Costs.* After a condemned structure has been removed at City expense, the owner will be provided no less than ten (10) calendar days' prior notice of any action to certify costs by City. If appropriate, any and all lien holders will also be provided no less than ten (10) calendar days' prior notice of any action to certify costs by City. Notice will be provided by the method described in subsection 5.12.06(2). (Ord. No. 1836, Sec. 1.)

4. *Destruction and Removal.* Condemned structures shall be destroyed and removed from the premises. (Ord. No. 1836, Sec. 1.)

4.1 *Destruction and Removal by Owner.* The owner of any structure that has been condemned by resolution of City Council is permitted to cause, at his or her own expense, to have the same destroyed and removed within 30 days after the City has provided notice under subsection 5.12.07(3.2). No person is allowed to repair or refurbish a condemned structure without an agreement approved by City Council that guarantees repairs will be done in a proper and timely fashion. It is the owner's responsibility to obtain a sponsor for any legislation that would allow the repair or refurbishment of a condemned structure. (Ord. No. 1836, Sec. 1.)

4.5 *Destruction and Removal by City.* If the condemned structure has not been torn down and removed, or otherwise abated, within 30 days after the notice requirements of subsection 5.12.07(3.2) have been met, then the Senior Code Enforcement Officer shall supervise the removal of any such structure in such a manner as deemed appropriate under existing circumstances. If the structure has a substantial value, it or any saleable materials thereof may be sold at public sale to the highest bidder for cash using procedures provided by law. The costs of removal will be presented to the City for certification and collection from the owner. (Ord. No. 1836, Sec. 1.)

5. *Disposition of proceeds of sale or salvage of condemned structures.* All the proceeds of the sale or salvage of any structure, and all fines collected from the provisions of this article shall be paid by the persons collecting the same to the city treasurer. If any such structure, or the saleable materials thereof, be 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 fines imposed, the balance thereof will be returned by the city treasurer to the former owners of such house, building and/or structure constituting the nuisance. (Ord. No. 1836, Sec. 1.)



6. *Lien on property for net costs.* If the city has any net costs in the removal of any condemned house, building or structure, the city shall have a lien on the property as provided by A.C.A. 14-54-903 and 14-54-904. (Ord. No. 1836, Sec. 1.)
7. *Penalty for violation of article.* A penalty as provided by this Code is hereby imposed against the owners of any structure condemned by resolution of the City Council thirty (30) days after such structure has been condemned; and each day thereafter such nuisance be not abated constitutes a separate and distinct offense, provided the notice as provided in subsection 5.12.07(3.2) has been given within ten (10) calendar days after such structure has been condemned. (Ord. No. 1836, Sec. 1.)
8. *Transfer of ownership.* After receiving a notice of condemnation, it shall be unlawful for the owner of any structure to sell, transfer, mortgage, lease, or otherwise alienate or dispose of the same until:
  - (A) The property or structure has been caused to conform with this code; or
  - (B) The owner shall provide the other party a true copy of any notice of violation issued by a Code Enforcement Officer and shall furnish to the Senior Code Enforcement Officer a signed and notarized statement from the other party accepting responsibility for the property or structure. (Ord. No. 1836, Sec. 1.)
9. *Restrictions on utility services to structures declared condemned.*
  - (A) The City shall not provide or permit another to provide public or private utility services, such as water, gas or electricity, to any building or house that has been condemned by the city council pursuant to Ark. Code Ann. 14-56-203.
  - (B) Subsection (l) of this section shall not preclude the temporary use of such utility services as may be deemed necessary during construction, repair or alteration. The Senior Code Enforcement Officer shall be responsible for making the determination as to when such temporary services may be necessary. (Ord. No. 1836, Sec. 1.)
10. *Court action authorized.* If City Council determines that a particular structure be judicially condemned, the City Council shall direct the City Attorney to bring such action in the name of the city; and the only notice to be given to the owners and lien holders will be that as now provided for by law. When any such structure has been declared judicially to be a nuisance by a court of law, a penalty as provided by this Code is hereby imposed against the owners thereof from the date such finding is made by the court; and each day thereafter such nuisance is not abated constitutes a separate and distinct offense. (Ord. No. 1836, Sec. 1.)

#### 5.12.08 Emergency Proceedings – Administration

1. *Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the Senior Code Enforcement Officer, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the

legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency. (Ord. No. 1836, Sec. 1.)

2. *Closing streets.* When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized. (Ord. No. 1836, Sec. 1.)
3. *Emergency repairs.* For the purposes of this section, the Senior Code Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the City. The City Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs. (Ord. No. 1836, Sec. 1.)

#### 5.12.09 Purpose – Definitions

1. *General.* Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof." (Ord. No. 1836, Sec. 1.)

#### 5.12.10 Definitions – Definitions

**ABANDONED MOTOR VEHICLE.** Any motor vehicle which is left on public or private property, as defined in this section, for a period of more than 7 calendar days, regardless of whether wrecked or inoperable.

**APPROVED.** Consented or agreed to in writing by the Senior Code Enforcement Officer, or his proper designee.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes.

**BOAT.** Any vessel initially designed for the carrying of passengers or cargo upon the water, whether currently seaworthy or not, and regardless of size or design, including, without limitation, barges, motorboats whether inboard or outboard, canoes, rowboats, rafts and sailboats.

**CARPORT.** A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

**CODE ENFORCEMENT OFFICER.** Any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing etc., within the municipal boundaries of the City. All duly sworn law enforcement officers of the Stuttgart Police Department are authorized to exercise authority as Code Enforcement Officers.

**CONDEMN.** To adjudge unfit for human occupancy.

**DWELLING UNIT.** Any room or group of rooms located within a structure forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation by a household or family.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by poison spraying, fumigating, and trapping or by any other approved pest elimination methods.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GRAFFITI.** Any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any structural component of any building, structure, or other permanent facility regardless of the nature of the material of that structural component, or the nature of the inscription, to the extent that the same was not authorized in advance by the owner, or otherwise deemed to be a public nuisance.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**HISTORIC.** Any existing buildings or structures designated by the City of Stuttgart, the State of Arkansas, or the United States government to be historic or located within a Stuttgart historic district.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, uninsured, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

**LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**MOTOR VEHICLE.** A machine of conveyance which is self-propelled and designed to travel along the ground, and includes but is not limited to automobiles, buses, electric scooters, mopeds bicycles, motorcycles, trucks, tractors, go-carts, golf carts, campers, motor homes and trailers.

**NUISANCE.** This term is defined in Section 8 of this code.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PRIVATE PROPERTY.** Means any real property within the city which is privately owned and which is not defined as public property in this section.

**PUBLIC PROPERTY.** Means any real property in the city which is owned by a governmental body and includes buildings, parking lots, parks, streets, sidewalks, rights-of-way, easements and other similar property.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**REMOVAL.** The act of clearing all material and debris whenever it becomes necessary to demolish any building that has been condemned and found to be a nuisance by resolution of the city council.

**RESIDENCE.** A structure serving as a dwelling or home. For the purposes of this Code, the term residence includes dwelling units and rooming houses.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation. Bed-and-breakfasts, boarding houses, half-way houses, and hotels, as those terms are defined under the Stuttgart Unified Development Code, are included within the definition of a Rooming House.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper,

rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

UNCUT WEEDS AND GRASS. see Section 5.12.12(4) for definition.

SENIOR CODE ENFORCEMENT OFFICER. The Head of the Code Enforcement Department or, in his or her absence, the person who is directed or appointed to temporarily assume the duties of the Head of the Code Enforcement Department.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TRAILER. Means any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, regardless of whether wrecked or inoperable, and regardless of whether currently inspected and/or registered, including without limitation the following: Boat trailers, camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

WRECKED MOTOR VEHICLE. Any motor vehicle which does not have lawfully affixed thereto an unexpired license plate and the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power on a public street, or from which the wheels, engine, transmission or any substantial part thereof has been removed.

YARD. An open space on the same lot with a structure. (Ord. No. 1836, Sec 1.)

#### 5.12.11 General – General Requirements

1. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. (Ord. No. 1836, Sec. 1.)
2. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises

which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control. (Ord. No. 1836, Sec. 1.)

3. *Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. (Ord. No. 1836, Sec. 1.)

#### 5.12.12 Exterior Property Areas – General Requirements

1. *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. This is all property under their control until it reaches the street. (Ord. No. 1836, Sec. 1.)
2. *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.  
Exception: Approved retention areas and reservoirs. (Ord. No. 1836, Sec. 1.)
3. *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. (Ord. No. 1836, Sec. 1.)
4. *Grass or Weeds.* Grass or weeds shall not exceed eight inches in height on any property within the city limits of the City of Stuttgart; except that the restrictions noted above will not apply to areas specifically designated or recognized by the city, the state or the United States as agricultural, wetlands, open spaces, natural or wild flower areas, or other designated preservation areas. This applies to all property until it reaches the street.  
Exception: Undeveloped land that has been continuously maintained in a natural vegetative state. (Ord. No. 1932, Sec. 1.)
5. *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. (Ord. No. 1836, Sec. 1.)
6. *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant. (Ord. No. 1836,

Sec. 1.)

7. *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. (Ord. No. 1836, Sec. 1.)
8. *Motor vehicles.* Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an approved spray booth. For specific requirements related to the removal of wrecked or inoperable vehicles, refer to subsection 5.12.21(2). (Ord. No. 1836, Sec. 1.)  
Exception: A motor vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. (Ord. No. 1836, Sec. 1.)
9. *Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. (Ord. No. 1836, Sec. 1.)

#### 5.12.13 Swimming Pools, Spas, and Hot Tubs – General Requirements

1. Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. (Ord. No. 1836, Sec. 1.)

#### 5.12.14 Exterior Structure – General Requirements

1. *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. (Ord. No. 1836, Sec. 1.)
2. *Premises identification.* Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch (12.7 mm) on residential structures and shall be a minimum of 6 inches (152.4 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) for commercial structures. (Ord. No. 1836, Sec. 1.)
3. *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. (Ord. No. 1836, Sec. 1.)
4. *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents



and other pests. (Ord. No. 1836, Sec. 1.)

5. *Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. (Ord. No. 1836, Sec. 1.)
6. *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. (Ord. No. 1836, Sec. 1.)
7. *Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. (Ord. No. 1836, Sec. 1.)
8. *Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. (Ord. No. 1836, Sec. 1.)
9. *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. (Ord. No. 1836, Sec. 1.)
10. *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. (Ord. No. 1836, Sec. 1.)
11. *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. (Ord. No. 1836, Sec. 1.)
12. *Insect screens.* Any and all residential property and residential apartments which are not serviced by a central heat and air conditioning unit or units shall be required to have a insect screens to provide for ventilation of habitable areas. Such insect screens shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition. (Ord. No. 1836, Sec. 1.)

13. *Doors.* All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with the latest edition of the Arkansas Fire Prevention Code. (Ord. No. 1836, Sec. 1.)
14. *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. (Ord. No. 1836, Sec. 1.)
15. *Guards for basement windows.* Every basement window that is operable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents. (Ord. No. 1836, Sec. 1.)
16. *Building security.* Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within. (Ord. No. 1836, Sec. 1.)

#### 5.12.15 Interior Structure – General Requirements

1. *General.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. (Ord. No. 1836, Sec. 1.)

#### 5.12.16 Handrails and Guardrails – General Requirements

1. *General.* Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. (Ord. No. 1836, Sec. 1.)
2. *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.  
Exception: Guards shall not be required where exempted by the adopted building code. (Ord. No. 1836, Sec. 1.)

#### 5.12.17 Rubbish and Garbage – General Requirements

1. *Accumulation of rubbish or garbage.* All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. (Ord. No. 1836, Sec. 1.)
2. *Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers as required by the City of Stuttgart Sanitation Department.
  - 2.1 *Rubbish storage facilities.* The occupant of every premises shall keep and maintain covered containers for rubbish and be responsible for the removal of rubbish as directed by the City of Stuttgart Sanitation Department
  - 2.2 *Refrigerators.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors, securing the doors with locks, chain, wire, or rope, or using other reasonable methods to prevent opening. (Ord. No. 1836, Sec. 1.)
3. *Disposal of garbage.* Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or an approved leak-proof garbage containers as approved by the City of Stuttgart Sanitation Department. (Ord. No. 1836, Sec. 1.)

#### 5.12.18 Extermination – General Requirements

1. *Infestation.* All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. (Ord. No. 1836, Sec. 1.)
2. *Owner.* The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure. (Ord. No. 1836, Sec. 1.)
3. *Single occupant.* The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises. (Ord. No. 1836, Sec. 1.)
4. *Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination. (Ord. No. 1836, Sec. 1.)
5. *Occupant.* The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.
 

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination. (Ord. No. 1836, Sec. 1.)

### 5.12.19 General – Nuisances

1. *Intent.* It is the intent of this Code to prevent and abate nuisances within the municipal boundaries of the City of Stuttgart. For the purposes of this Code, the word "nuisance" is defined as any act, omission, or property condition that is detrimental to the health, safety and welfare of the public in that it:
  - (A) Injures or endangers the comfort, repose, health or safety of others;
  - (B) Offends decency;
  - (C) Is offensive to the senses;
  - (D) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
  - (E) In any way renders other persons insecure in life or the use of property; or
  - (F) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others. (Ord. No. 1836, Sec. 1.)
  
2. *Prohibited.* It shall be unlawful for any person or entity to cause, permit, maintain or allow the creation or maintenance of a nuisance. (Ord. No. 1836, Sec. 1.)
  
3. *Illustrative enumeration of a nuisance.* The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:
  - (A) Noxious weeds and other rank vegetation;
  - (B) Accumulations or storage of rubbish, garbage, materials, metals, lumber, and other materials;
  - (C) Any condition which provides harborage for rats, mice, snakes and other vermin;
  - (D) Dilapidated structures;
  - (E) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
  - (F) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
  - (G) The carcasses of animals or fowl not disposed of within a reasonable time after death.
  - (H) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
  - (I) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
  - (J) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
  - (K) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities. (L) Graffiti.
  - (M) Inoperable or abandoned motor vehicles.

- (N) Unsafe equipment, including, but not limited to, any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- (O) The use of tarpaulins, canvas, plastic, oil cloth, sheeting and other similar materials as fencing or to shield or enclose any structure (including, without limitation, openings for windows, doors, walls, roofs, garage doors or carports) except when temporarily necessary to perform repairs under a properly issued building permit.
- (P) Permanent or temporary basketball goals (except those approved by the City) on any public street or on any right-of-way adjacent to a public street. (Ord. No. 1836, Sec. 1.)

#### 5.12.20 Unsightly Appearances – Nuisances

1. *Uncut weeds, grass and other unsightly and unsanitary articles.* All property owners and occupants within the municipal boundaries of the City of Stuttgart are required to cut weeds and grass, remove garbage, rubbish and other unsightly and unsanitary 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. For specific requirements related to the required maintenance of grass and weeds, refer to subsection 5.12.12(4). (Ord. No. 1836, Sec. 1.)
2. *Storage of inoperable or abandoned vehicles.* No person shall park, store, leave or permit the parking, storing or leaving of any vehicle of any kind, which is wrecked or inoperable, whether attended or not, upon any private property within the city, except that, with respect to an inoperable motor vehicle, such vehicle may be parked, stored or left on such property for a period of time not to exceed 7 days, after which time such inoperable or abandoned motor vehicle shall constitute a nuisance subject to removal. (Ord. No. 1836, Sec. 1.)
3. *Nuisance Structures.* Any building or other structure which is in such a dilapidated condition that it is unsafe or unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or safety of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located shall constitute a nuisance.
  - (A) Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

- (B) Unfit structure for human occupancy. A structure is unfit for human occupancy whenever the Code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (C) Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law. (Ord. No. 1836, Sec. 1.)

#### 5.12.21 Additional Remedies – Nuisances

1. *Authorized abatement.* If the owner of any lot or other real property within the city shall neglect or refuse to remove, abate or eliminate any condition as may be provided for under subsection (a) of this section, after having been given a Notice of Violation with seven days' notice in writing to do so by the appropriate city official, the city is hereby authorized to do whatever is necessary to correct the condition, including but not limited to entering upon the property and having such weeds, rank grass or other vegetation cut and removed, or eliminating any unsanitary and unsightly condition, or causing necessary repairs to be made and charging the cost thereof to the owner of such premises, which shall constitute a lien thereon. The abovementioned seven days' notice shall be calculated by counting the first day of the seven day period as the day after written notice is given to the owner, by counting every calendar day, including weekends and holidays, and by establishing the deadline to take the above required actions as 11:59 p.m. on the seventh day. Condemnations shall follow the procedures established in Section 7 of Article I. The City reserves the right to secure a priority clean-up lien pursuant to Ark Code Ann 14-54-903. (Ord. No. 1836, Sec. 1.)
2. *Authorized removal of inoperable motor vehicles.* Code Enforcement Officers shall have the authority to remove inoperable motor vehicles provided that Notice of Violation is given. Before a Code Enforcement Officers removes an inoperable motor vehicle three days written notice must be affixed to the subject item. Such notice shall state that the subject item is a nuisance and order whoever has an interest in the subject item to remove the item from the property. If such nuisance is found upon private property, in addition to the foregoing notice, a copy of such shall be placed on the residence or business. The presence of such subject items on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this article. (Ord. No. 1836, Sec. 1.)
3. *Authorized removal of basketball goals.* Code Enforcement Officers shall have the authority to order the immediate removal of any permanent or temporary basketball goal (unless approved by the City) that is on any public street or on any right-of-way adjacent to a public street. If the apparent owner of the basketball goal is unknown, unavailable, or

unwilling to remove the basketball goal, a Code Enforcement Officer may cause the goal to be removed. Any person who is aggrieved by the actions of a Code Enforcement Officer under this subsection may appeal the same pursuant to Section 5.12.09 of Article 1. (Ord. No. 1836, Sec. 1.)

4. *Vacating of Unfit or Unsafe Structures and Utility Services.* Any dwelling or dwelling unit declared as unfit for human habitation or unsafe by the Stuttgart Code Enforcement Department as so designated and placarded by a Code Enforcement Officer, shall be vacated within seven (7) days after notice of such action has been given by the housing official to both the owner and occupant of the building. On the eighth (8th) day after said notice the Code Enforcement Department shall notify all utility services that no such services shall be provided to the dwelling or dwelling unit. After utilities services are cutoff no further services shall be made available until a rehabilitation permit is obtained or until the Director of Code Enforcement notifies utilities that services may be provided to the dwelling or dwelling unit. (Ord. No. 1836, Sec. 1.)

#### 5.12.22 Placarding – Nuisances

1. *Placarding.* Upon failure of the owner or person responsible to comply with the Notice of Violation for a nuisance structure or equipment within the time given, the Code official shall then post on the premises or on defective equipment a placard bearing the word "NUISANCE" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
  - 1.1 *Placard removal.* The Code Official shall remove unfit for human habitation or unsafe structure placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code. (Ord. No. 1836, Sec. 1.)

5.12.23 Prohibited Occupancy – Nuisances Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code. (Ord. No. 1836, Sec. 1.)

## **CHAPTER 5.16**

### **CLEANUP PERIOD**

#### **Sections:**

5.16.01	Mayor to designate
5.16.02	Use of city equipment
5.16.03	Charge
5.16.04	Exceptions

5.16.01 Mayor to designate. The Mayor is empowered to designate periods for cleanup in the city as he may find to be necessary or desirable from time to time. (Ord. No. 699, Sec. 1)

5.16.02 Use of city equipment. During cleanup periods, city equipment may be used to provide hauling of trash, debris and other materials for private individuals, firms or corporations under regulations hereinafter set out. (Ord. No. 699, Sec. 2)

5.16.03 Charge. The hauling provided for in Section 5.16.02 shall be done at no charge to private individuals, firms or corporations provided these regulations are complied with. This chapter does not relieve any person, firm or corporation from the obligation to pay the usual and ordinary garbage and trash disposal tax provided by other ordinances of this city, nor shall any person, firm or corporation be entitled to claim any relief under the terms of this chapter unless such a cleanup period has been ordered by the Mayor and then only during the duration of such cleanup period. (Ord. No. 699, Sec. 3)



5.16.04 Exceptions. The following regulations shall apply to any such cleanup period ordered by the Mayor:

- A. No trees, tree limbs, hulls or agricultural by-products shall be hauled unless the usual and ordinary charge is made by the City and paid by the person, firm or corporation responsible.
- B. Excessive hedge trimmings or other vegetation and materials too heavy or too bulky to be placed in standard sized refuse cans will be hauled only if the usual and ordinary charge is made by the City and paid by the person, firm or corporation responsible.
- C. No such cleanup period shall become effective unless and until such period has actually been set by the Mayor, and any failure by the City to conduct such cleanup period at any time shall not excuse, abridge or amend any of the terms hereof or compliance herewith. (Ord. No. 699, Sec. 4)

## **CHAPTER 5.20**

### **MOSQUITO CONTROL**

Sections:

5.20.01	Established
5.20.02	Authority
5.20.03	Employees
5.20.04	Specialized employees
5.20.05	Specialized employees, function
5.20.06	Fee for services
5.20.07	Collection of fee, fine
5.20.08	Penalty
5.20.09	Separation of collections
5.20.10	Irrigating
5.20.11	Exception
5.20.12	Penalty
5.20.13	Damage
5.20.14	Intent

5.20.01 Established. The activity formerly known as the Insect Control Unit of the Sanitation Department is hereby designated as the Insect Control Department, the Superintendent of the Solid Waste Management System shall also be the Superintendent of the Insect Control Department and said Department shall have all the powers and duties formerly assigned by city ordinance to the Insect Control Unit of the Sanitation Department. (Ord. No. 839, Sec. 1)

5.20.02 Authority. The Insect Control Department shall be vested with the duty and authority to engage in all necessary activities, separately or in cooperation with appropriate health and sanitation agencies of Arkansas County, the state of Arkansas, and the Federal Government of the United States, for the control and eradication of mosquitoes and other germ carrying insects by the use of chemical sprays or other chemical agents and such other approved methods of eradication and control which may be practical in accomplishing such purposes in the city. (Ord. No. 424, Sec. 2)

5.20.03 Employees. The personnel of the Insect Control Department shall consist of any regular employees of the Solid Waste Management System assigned regularly or temporarily to such Department and such other regular or temporary employees as the City Council may authorize and direct. (Ord. No. 424, Sec. 3)

5.20.04 Specialize employees. The Mayor is authorized and empowered to employ personnel to perform specialized work in the control of rice field mosquitoes for the city. The personnel shall work under the direction of the Mayor and shall perform such duties as directed in addition to those duties herein specifically prescribed. (Ord. No. 585, Sec. 1)

5.20.05 Specialized employees, function. The personnel shall study, evaluate, report on and assist in the rice field mosquito control program; such personnel shall familiarize themselves with the proper use and handling of insecticide chemicals, and all other phases of the program and shall keep themselves available to advise and assist in such program; such personnel are specifically required and directed to make periodic reports to the Mayor and City Council at any time they may be requested to do so, on the effectiveness of the Mosquito Control Program as to the city and an area within a one (1) mile radius. (Concept from Ord. No. 565, Sec. 2)

5.20.06 Fee for service.

- A. In order to defray the necessary expenses associated with the Mosquito Control Program within the city of Stuttgart, there shall be assessed the following fees:
1. For each residential unit within the City, there shall be assessed a fee of Seven Dollars (\$7.00) per household per month.
  2. For each business located within the city, there shall be assessed a fee of Ten Dollars (\$10.00) per month with the exception of those

- B. All fees as described in paragraph (1) shall be paid in monthly billing statements issued by the Water Department. (Ord. No. 1692, Sec. 1)

5.20.07 Collection of fee, fine. The fees provided herein shall be collected in such a manner as the City Council may from time to time prescribe. In the event any fee is not paid promptly when due, a penalty of One Dollar (\$1.00) for each delinquent fee is levied. When any fee levied is delinquent for more than sixty (60) days, the city is authorized to institute civil suit for the recovery of the fee, (in addition to the Council action above) with any penalties and court costs. (Ord. No. 424, Sec. 5)

5.20.08 Penalty. Any person failing or refusing to pay the fee levied shall upon conviction be fined in any sum not to exceed Ten Dollars (\$10.00). (Ord. No. 424, Sec. 6)

5.20.09 Separation of collections. The fees collected under the authority of this chapter shall be used only in paying expenses of the Insect Control Department and shall be segregated into a separate fund for insect control, to be paid out only for chemicals, expenses of application, and for labor and other employment directly connected with insect control. (Ord. No. 424, Sec. 7)

5.20.10 Irrigation. It shall be unlawful for any person, firm or corporation to engage in the raising, cultivating or irrigating of a rice crop of any size or dimension within the limits of the city of Stuttgart. (Ord. No. 1270, Sec. I)

It shall be unlawful for any person, firm or corporation to irrigate any crop in the city of Stuttgart in such a manner that it will be necessary for water to stand on the ground upon which the said crop is raised. (Ord. No. 1270, Sec. II)

5.20.11 Exception. The foregoing sections shall not apply to any person, firm or corporation raising or irrigating a crop within the city limits of the city of Stuttgart when said person, firm or corporation has agreed in writing to cooperate with the Stuttgart Mosquito Control Department in a mosquito larva control research project and provided further that such person, firm or corporation shall strictly comply with all requirements and standards imposed by such Department, including inspections, larva counts, applications of larva control chemicals in the required amounts and reporting requirements established by the Department or other appropriate authorities working in conjunction with the Department. (Ord. No. 1270, Sec. III)

5.20.12 Penalty. Any person, firm or corporation raising or irrigating a crop within the limits of the city of Stuttgart which fails or refuses to strictly comply with the requirements imposed by this ordinance shall be deemed guilty of a violation of this ordinance and, upon conviction, shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) with each day such violation is continued constituting a separate

offense. (Ord. No. 1270, Sec. IV)

5.20.13 Damage. In the event that any water or sewer installations are damaged by the cultivation of said crop or crops or by any other operation connected with the raising or harvesting of any such crop or crops, the person, firm or corporation carrying on such farming operation shall reimburse the Stuttgart Water Commission and/or the Stuttgart Sewer Committee for the full amount of the repairs to said water or sewer installations. (Ord. No. 1270, Sec. V)

5.20.14 Intent. It is the intent and purpose of this ordinance to provide for a means by which owners of undeveloped agricultural land located within the City of Stuttgart to continue to use such lands for agricultural purposes until such time as said lands are developed without hindering the goals and objectives of the Stuttgart Mosquito Control Department and other appropriate authorities working in conjunction with the Department. (Ord. No. 1270, Sec. VI)

## **Chapter 5.24**

### **SEPTIC TANKS**

#### **Sections:**

5.24.01	Plumbing Inspector
5.24.02	Overflows unlawful
5.24.03	Installation
5.24.04	Penalty

5.24.01 Plumbing Inspector. The City Plumbing Inspector shall regulate the erection, building and maintenance of all septic tanks now in use, or to be put in use, and it shall be the duty of any person, persons, firm or corporation, intending to build or erect a septic tank within the city limits to first make application to the Plumbing Inspector. It shall be the duty of the Inspector to see that each septic tank shall be in conformity with the recommendations of the State Board of Health.

5.24.02 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.

5.24.03 Installation. No septic tank shall be installed at any location which is within three hundred (300) feet of any City sanitation sewer main capable of adequately serving such location.

5.24.04 Penalty. Any person violating any section of this chapter upon conviction, shall be fined any sum not to exceed Two Hundred and Fifty (\$250.00) Dollars.

## Chapter 5.28

### CAMPGROUNDS

#### Sections:

5.28.01	Definitions
5.28.02	Inspection, enforcement
5.28.03	Permit to camp
5.28.04	Illegal campground
5.28.05	Campground permit
5.28.06	Application for campground
5.28.07	Approval of application
5.28.08	Unsanitary conditions, revocation of license
5.28.09	Transfer
5.28.10	License
5.28.11	Posting
5.28.12	Facilities requirements
5.28.13	Arrangement
5.28.14	Converting to dwelling, unlawful
5.28.15	Lighting, drainage
5.28.16	Dogs
5.28.17	Management
5.28.18	Penalty

5.28.01 Definitions. The following terms shall be deemed and construed to have the meanings respectively described to them in this Section unless from the particular context it clearly appears that some other meaning is intended:

**PERSON** - The word "person" shall mean and include both the singular and plural and shall also mean and include person, individual, firm, corporation, co-partnership, association, club, society or any other organization.

**QUALIFIED CAMP GROUND** - Shall mean and include a place operated by a person who has obtained from the Health Department of the City a permit to operate a place where may be maintained, placed, parked or located house cars or trailer houses.

**HOUSE CAR OR TRAILER HOUSE** - Shall mean and include any house being used as living quarters for humans, vehicular in design, which may be driven, towed or propelled from one location to another without change in structure or design, whether or not the same is supported by wheels. (Ord. No. 376, Sec. 1)

5.28.02 Inspection, enforcement. It shall be the duty of the Health Department to enforce all the provisions of this chapter and they are empowered to enter upon the premises of any camp ground, trailer house or house car, operated within the City for the purpose of carrying out the provisions of this chapter. (Ord. No. 376, Sec. 2)

5.28.03 Permit to camp. It shall be unlawful for any person to camp, place, stand, park, or locate any house car or trailer house in the City except within a qualified camp ground. Provided, however, the same may be parked outside a qualified camp ground for a period not to exceed twenty-four (24) hours continuous time and any person desiring to do so, shall first apply for and obtain from the Police Department a permit. The application shall give the location at which such house car or trailer house is to be located, the State vehicle license number, and a general description of the house car or trailer house.

Upon such information having been supplied to the Police Department, said department shall grant a permit to locate such house car or trailer house in the place indicated in such application for a period not longer than twenty-four (24) hours. It shall be unlawful for any person to place, stand, park, or locate any house car or trailer house at a location other than that approved by the Police Department. (Ord. No. 376, Sec. 3)

5.28.04 Illegal camp ground. No person shall stand, park, place, or locate, or permit to be stood, parked, placed, or located upon any property belonging to him or under his control, any house car, unless the person in control of said house car has a valid permit as provided in Section 5.28.03 or unless such person permitting such standing, parking, placing, or locating shall have first obtained a permit to operate a qualified camp ground. (Ord. No. 376, Sec. 4)

5.28.05 Campground permit. It shall be unlawful for any person to operate, maintain and offer for public use within the City a campground without first applying for, and receiving from the Health Department a permit to do so as provided. (Ord. No. 376, Sec. 5)

5.28.06 Application for campground. Every application for a permit to operate a qualified campground in the City shall be in writing, upon a form provided by the Health Department. It shall state the name and address of the applicant and a description of the property proposed for such campground. The application shall also contain such other information as the Health Department may require and shall be filed by the applicant not less than thirty (30) days before said campground is to be made ready for use. It shall be accompanied by an inspection fee of Five (\$5.00) Dollars for which the Health Department shall issue a receipt.

Also each person owning, operating or maintaining a trailer camp shall obtain a license and pay to the City Clerk the sum of Ten (\$10.00) Dollars, if maintaining ten (10) cars or less and Fifty (\$50.00) Dollars if maintaining ten (10) cars or more. If said individual shall operate at more than one location he shall be subject to separate licenses at each location, and this license shall be in addition to the inspection mentioned. (Ord. No. 376, Sec. 6)

5.28.07 Approval of application. Upon filing of the application accompanied by the inspection fee, it shall be the duty of the Health Officer or any of his duly authorized representatives to investigate the premises and determine whether said proposed campground or the site therefor conforms with the requirements of this chapter, the rules and regulations of the Health Department, and the laws of the State; and no permit shall be issued unless such campground complies with such requirements and meets with the approval of the Health Department. Any person aggrieved by the decision of the Health officer may within ten (10) days, apply to the City Council for a hearing. The City Council shall confirm, modify or disapprove the action of the Health Department. (Ord. No. 376, Sec. 7)

5.28.08 Unsanitary conditions, revocation of permit. Whenever inspection by the Health Officer of any qualified campground indicates that unsanitary conditions exist, the Health Officer shall notify the person in charge in writing and shall set forth in the notice a description of the condition which makes unsanitary the operation. He shall further direct that the condition be remedied. Within twenty-four (24) hours after receipt of the notice, the remedy must be commenced and must be continued until the condition is abated.

If after said notice the condition is not remedied or if it appears that any other violation of law exists, it shall be the duty of the Health Officer to suspend or recommend the revocation of said permit as provided in addition to other penalties. (Concept Ord. No. 376, Sec. 7)

5.28.09 Transfer. Any permit issued shall be transferrable upon a written application of the holder to the Health Department, with its endorsed consent. (Ord. No. 376, Sec. 9)

5.28.10 License. Any permit issued shall entitle the permittee to obtain a license to carry on the business of a qualified campground upon the payment of the license fee as required. (Ord. No. 376, Sec. 10)

5.28.11 Posting.

- A. It shall be unlawful for any person to maintain, conduct or carry on any qualified campground within the city unless there shall be at all times posted in a conspicuous place the permit obtained from the Health Department.
- B. It shall be unlawful for any person to camp, place, stand, park or locate any house car or trailer house outside of a qualified campground unless there shall be at all times posted in a conspicuous place the permit obtained from the Police Department as provided. (Ord. No. 376, Sec. 11.)

5.28.12Facilities, requirements.

- A. It shall be unlawful for any person to conduct, carry on or maintain any qualified camp ground within the city which does not have adequate toilet facilities for

men and women, equipped with water-flush type toilets; adequate shower facilities for men, and women; adequate tight metal receptacles for garbage and rubbish and an adequate and sufficient supply of pure water for drinking purposes and an adequate supply of pure water for domestic purposes, which water shall be obtained from faucets only, conveniently located in said campground and no dipping vessels or common cups shall be permitted.

B. No permit shall be issued to carry on a qualified campground unless applicant complied with all the sanitation, electrical sewer, health, plumbing, fire and building codes and ordinances of the city relating to the same.

C. Every toilet, shower, slop sink and every other container used for the purpose of discharging or drainage of waste water shall be connected with the City sewer system or an adequate disposal system.

D. It shall be unlawful for any person to operate and maintain a house car in the City which does not have reasonable immediate accessibility and use of adequate toilet facilities, adequate receptacles for garbage and rubbish, and an adequate supply of pure water for drinking and domestic purposes.

E. It shall be unlawful for any person to deposit any garbage or other improper substance or any drainage or wash water upon the premises of any campground, except in the proper receptacles provided.

F. There shall be provided in every campground one (1) or more slop sinks, properly connected with a sewer, the same to be conveniently located at no greater distance from any house car than two hundred (200) feet.

G. Every campground operator shall provide metal receptacles with tight fitting lids with openings in top not to exceed two (2) inches in diameter for the use of each individual house car, or said campground operator shall provide immediate sewer drainage connections for each individual trailer house or house car, and it shall be unlawful for any person to permit the flow from said trailer house or house car of any waste water except in or through the receptacles or sewer connections as above provided.

H. Adequate toilet facilities shall consist of one unit for men and one for women for each fifteen (15) persons. Also one outside faucet for water for each fifteen (15) persons. (Ord. No. 376, Sec. 12)

5.28.13 Arrangement. Every campground established shall be laid out with, and all existing campgrounds shall provide available unoccupied space of not less than seven hundred (700) square feet together with three (3) foot side yard for each house car, trailer house, or automobile, and shall be arranged in rows abutting or facing on a driveway or clear unoccupied



space of not less than sixteen (16) feet in width which space shall have unobstructed access to the public street or alley and it shall be unlawful for any person to maintain,, conduct or permit the maintenance or conducting of any house car or trailer house which shall be less than eight feet apart from any other such house car or trailer house. (Ord. No. 376, Sec. 13)

5.28.14 Converting to dwelling, unlawful.

A. It shall be unlawful for any person owning, or operating a house car in the city to remove or cause to be removed the wheels or any similar transporting device from said house car, or to otherwise permanently fix it to the ground in a manner that would prevent the ready removal of said house car, without first having obtained a permit to do so from the Health Officer.

B. The continued use of any house car or trailer house within any qualified campground as defined for a period of time of more than ninety (90) days shall be construed as removing said house car or trailer house from the requirements of this chapter and converting it into a dwelling, and it shall be subject to the requirements of the Building Code; provided however, additional stays of sixty (60) day periods may be granted by the City Council upon proper showing of necessity.

C. Any alteration to any house car as above set forth shall be so construed as removing it from the requirements of this chapter and converting it into a dwelling and it shall thereupon be subject to the requirements of the Building Code. (Ord. No. 376, Sec. 14)

5.28.15 Lighting, drainage.

A. Every campground shall be provided with sufficient means of lighting at night, and all roadways, water closets and bath units shall be provided with sufficient lighting facilities and shall be kept lighted during the time from one-half hour after sunset until one-half hour before sunrise.

Every applicant shall submit a plan of intended construction to the Electrical Department of the City, which shall set out the place, type and number of electrical fixtures, the construction of which shall be approved by said Electrical Department or City Council.

B. All land used as a qualified campground shall be located on well-drained sites of ample size, free from heavy or dense growth of brush or weeds. The land shall be free from marsh and shall be graded to insure rapid drainage during and following rain, and it shall be unlawful to permit water to accumulate or stand upon the ground of any qualified campground. (Ord. No. 376, Sec. 15)

5.28.16 Dogs. No dog or other animal shall be permitted to run at large in any qualified camp ground. (Ord. No. 376, Sec. 16)

5.28.17 Management. Every qualified campground shall maintain a manager in charge. Such manager shall require all persons using such qualified campground to register in a book, which registration shall show the date, the name and address of said person, together with the make of automobile and the correct automobile license number. Every such manager shall preserve such register and endorse the date of departure of the person registered and it shall be unlawful for any person to make any false entry or any name, address, registration number or other information. The register shall at all times be open to inspection of the Police Department. (Ord. No. 376, Sec. 17)

5.28.18 Penalty. Any person violating any of the provisions of this chapter shall upon conviction be punished by imprisonment in the city jail for a period not to exceed six (6) months, or by a fine not to exceed Five Hundred (\$500.00) Dollars, or by both such fine and imprisonment; and each such person as principal, agent, or otherwise, shall be deemed guilty of separate offense for each day during any portion of which the violating of, or failure, neglect or refusal to comply with any of the provisions of this chapter is committed, continued or permitted by such person. (Ord. No. 376, Sec. 18)

## **Chapter 5.32**

### **BOARD OF HEALTH**

#### **Sections:**

5.32.01	Appointment - Qualification
5.32.02	Jurisdiction-Duties-Organization
5.32.03	Bylaws, rules, regulations

**5.32.01 Appointment - Qualifications.** The City 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 said board, and said appointed members shall hold their office during the term of office of the appointing Mayor. Such City Board of Health shall have and exercise the power conferred upon such boards by State Law and by the ordinances of this City.

STATE LAW REFERENCE-See A.C.A. 14-262-102.

**5.32.02 Jurisdiction-Duties-organization.** The City 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 said city limits. The board is invested with the power to declare, establish and maintain any and all necessary or desirable by-laws, rules and regulations to secure the City and its inhabitants from contagious, malignant or infectious diseases. It may establish hospitals for the reception and treatment of contagious, infectious or epidemic diseases. 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 City Board of Health shall elect a President and a Secretary, each of whom shall hold their offices for one (1) year or until their successors are elected and qualified.

STATE LAW REFERENCE-See A.C.A. 14-262-102.

**5.32.03 Bylaws, rules, regulations.** All bylaws, rules and regulations of said 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 City Police Department shall serve, execute and enforce all such written bylaws, rules and regulations.

## Chapter 5.36

### HEALTH OFFICER

Sections:

- |         |                             |
|---------|-----------------------------|
| 5.36.01 | Appointment, Qualifications |
| 5.36.02 | Powers and Duties           |

5.36.01 Appointment, Qualifications. It shall be the duty of the Mayor to appoint a City 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.

5.36.02 Powers and Duties. The City 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 therefor 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.