

TITLE 5

HEALTH AND SANITATION

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CHAPTER 5.04

SANITATION DEPARTMENT

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5.04.22 Authority of Phillips County Health and Sanitation Department

5.04.01 Created, hiring, salaries There is hereby created a Sanitation Department to be under the general supervision and management of the Mayor and the Health and Sanitation Department of the city with a Department Head who shall be appointed in accordance with state law. The Mayor and the Health and Sanitation Department are authorized and directed to employ officials, officers, and employees as they may need to put this chapter in full force and effect. The salary or wages of such officials, officers, and employees are to be approved by the City Council.

REFERENCE: A.C.A. 14-42-110; West Helena Ord. No. 676.

5.04.02 Short title The short name of this chapter shall be the "Garbage Chapter" and all items of waste matter mentioned or suggested in this chapter shall, for convenience, be hereinafter covered by the term "garbage".

REFERENCE: West Helena Ord. No. 676.

5.04.03 Adoption of rules necessary to make chapter effective The Mayor and the Health and Sanitation Department are directed to prepare rules and regulations for putting this chapter in effect.

REFERENCE: A.C.A. 14-232-103; West Helena Ord. No. 676.

5.04.04 Definitions Various kinds of waste matter, for the purpose of this chapter shall be defined as follows:

- A. Kitchen garbage, which is the animal and vegetable refuse from the kitchens, meat shops, fruit stands, soda fountains, restaurants, hotels and similar places;
- B. Ashes, cinders, slack coal, etc. which are the refuse matter from stoves, furnaces, fireplaces, etc.;
- C. Rubbish, which consists of worn-out articles, rags, paper, broken crockery, tin cans, old metal, etc.;
- D. Yard sweepings, which are composed of paper, dust, lawn clippings, leaves, weeds, grass, etc.;
- E. Store waste, which is composed of boxes, barrels, tubs, cartons, floor sweepings, paper, etc.;

- F. Limbs, boards, bricks, and large bulky items of rubbish are not to be considered as waste within the scope of this chapter. Limbs, boards, bricks, and large bulky items of rubbish will not be collected and disposed of by the Health and Sanitation Department.

REFERENCE: West Helena Ord. No. 676.

5.04.05 Containers All proprietors of hotels, motels, restaurants, cafes, boarding or eating houses, housekeepers and occupants of buildings in the city shall provide the necessary cans or other receptacles at their own expense, and shall deposit daily their accumulation of garbage in such receptacles as herein provided. Kitchen garbage shall be kept in galvanized iron cans, with tin or metal covering fitting tightly over said cans, such cans to have a capacity of ten (10), fifteen (15) or twenty (20) gallons and be provided with two (2) handles, or in lieu thereof, metal drums not to exceed fifty (50) gallons in capacity provided, however, said metal drums shall contain perforations in the bottom of said drums in order to facilitate proper drainage of those drums. Provided that yard clips, ashes, cinders, etc., shall not be placed in the garbage can, but shall be kept near such can and convenient of access to the garbage collector, and ashes or cinders may be kept in any box or vessel that can be handled by one (1) man; yard clips shall be kept in any covered box or bin so arranged that flies cannot reach the garbage or waste stored therein. Provided, further, that old papers, rags, etc., may be placed in burlap bags or in boxes in such a manner that the contents cannot blow away or be scattered.

REFERENCE: West Helena Ord. No. 979.

5.04.06 Responsibility for containers Where the owner or lessee of premises rents a portion thereof to one or more families or occupants, he or she shall provide the necessary can or receptacle as set forth above, and shall cause such garbage to be placed ready for removal in accordance with the terms of this chapter.

REFERENCE: West Helena Ord. No. 676.

5.04.07 Dumping prohibited, container location No person, firm or corporation shall place or throw waste paper, trash or other garbage on any street, sidewalk, alley or public place within the city at any time day or night. Provided, that all such garbage must be placed in proper receptacles as herein provided, and kept on the premises at some point accessible to the garbage collector. Provided, further, that the exact location of all receptacles may be under the direction and control of the Health and Sanitation Department.

REFERENCE: West Helena Ord. No. 676.

5.04.08 Containers for manufacturers or merchants Manufacturers or merchants, where garbage consists of paper, excelsior, straw, or other packing materials shall provide a box, barrel, or other receptacle so that the contents may not be blown about or scattered. Size of receptacle needed to care for any particular business can be stated by the mayor or the Health and

Sanitation Department. These receptacles may be placed at the rear of business houses, but must not be placed so as to interfere with traffic up and down the alleys and streets. The receptacle must be easy of access to garbage collectors.

REFERENCE: West Helena Ord. No. 676.

5.04.09 Disposal site The Mayor, the Health and Sanitation Department or County Health Officer shall provide a suitable place where all garbage and waste may be hauled; and such garbage or waste matter shall be burned or buried under the general direction of the Mayor, the Health and Sanitation Department or County Health Officer.

REFERENCE: West Helena Ord. No. 676.

5.04.10 Foraging garbage, container forbidden It shall be unlawful for any person other than the Mayor, officials of the City Health and Sanitation Department and its agents, person owning the can or other receptacle, or the servant or employee of such person to deposit any garbage, article or substance in the receptacle, or to remove, injure or destroy, uncover, or in any manner disturb such receptacle or any portion of its contents, except as herein provided.

REFERENCE: West Helena Ord. No. 676.

5.04.11 Draining All garbage must be drained of all liquid substance before being placed in any garbage receptacle.

REFERENCE: West Helena Ord. No. 676.

5.04.12 Collection schedule for residences Garbage shall be collected from private residences by the city at least once a week.

REFERENCE: West Helena Ord. No. 676.

5.04.13 Collection schedule for businesses Said garbage, trash and rubbish shall be collected from business and commercial houses in accordance with the need.

REFERENCE: West Helena Ord. No. 676.

5.04.14 Additional duties of Health and Sanitation Department As part of its duties, the Health and Sanitation Department may take and haul all weeds and other obnoxious vegetation from alleys and behind premises of such persons who have paid the fees hereinafter provided.

REFERENCE: West Helena Ord. No. 676.

5.04.15 Fees Fees to be collected and paid for the collection and disposal as herein provided are hereby fixed as follows:

A. General commercial establishments such as retail stores, wholesale distributors, offices, restaurants, funeral homes, service stations, cleaning shops, barber and beauty shops, banks, etc., located within the city:

1. Light Commercial: locations with 96 gallon cart \$21.99 per month

2. Two (2) yard dumpster

Pickup 1 time per week	\$32.99 per month
Pickup 2 times per week	\$58.99 per month
Pickup 3 times per week	\$84.99 per month
Pickup 4 times per week	\$110.99 per month
Pickup 5 times per week	\$136.99 per month

3. Four (4) yard dumpster

Pickup 1 time per week	\$58.99 per month
Pickup 2 times per week	\$110.99 per month
Pickup 3 times per week	\$161.99 per month
Pickup 4 times per week	\$213.99 per month
Pickup 5 times per week	\$265.99 per month

4. Six (6) yard dumpster

Pickup 1 time per week	\$85.99 per month
Pickup 2 times per week	\$164.99 per month
Pickup 3 times per week	\$243.99 per month
Pickup 4 times per week	\$321.99 per month
Pickup 5 times per week	\$400.99 per month

5. Eight (8) yard dumpster

Pickup 1 time per week	\$110.99 per month
Pickup 2 times per week	\$213.99 per month
Pickup 3 times per week	\$317.99 per month
Pickup 4 times per week	\$420.99 per month
Pickup 5 times per week	\$524.99 per month

(Ord. No. 2006.)

B. All other general commercial establishment accounts that are not listed herein located within the city shall be fixed at their current rate plus 10% for each pickup according to their pickup schedule.

C. All other general commercial establishment accounts that are not previously listed by container/dumpster sized shall have their rates fixed by Mayor in accordance with this 10% rate increase.

D. Collections

1. The Water Department, Mayor, as well as the City Attorney are expressly authorized to take any and all necessary measures to enforce the collection of the sanitation fees listed herein. The Water Department is directed to bill for all fees for each customer. If the customer fails and/or refuses to pay the bill, then their water services shall be terminated until full payment is received by the Water Department.
2. For all outstanding debts that are accrued pursuant to any provision of this ordinance, if the indebtedness has not been cured within ninety (90) calendar days, the City Attorney is authorized to take all collection methods including filing suit to collect the same. All charges and costs that are incurred in pursuit of collections shall be added to the customer's total amount due. (Ord. No. 2006.)

E. Fees to be collected and paid for the collection and disposal as herein provided are hereby fixed as follows:

Homes or residences on east side of Helena-West Helena:

- | | |
|--|-------------------|
| 1. All single-unit dwellings | \$31.60 per month |
| 2. Duplexes - per each unit | \$31.60 per month |
| 3. Apartments and/or multiple family dwellings - per each unit | \$31.60 per month |
| 4. Mobile homes - per each unit | \$31.60 per month |

Homes or residences on west side of Helena-West Helena:

- | | |
|--|-------------------|
| 1. All single-unit dwellings | \$26.20 per month |
| 2. Duplexes - per each unit | \$26.20 per month |
| 3. Apartments and/or multiple family dwellings - per each unit | \$26.20 per month |
| 4. Mobile homes - per each unit | \$26.20 per month |

Sanitation rates for the east will be adjusted if east pickup is not contracted.
(Ord. No. 2008.)

F. Collections

1. The Water Department, Mayor, as well as the City Attorney are expressly authorized to take any and all necessary measures to enforce the collection of the sanitation fees listed herein. The Water Department is directed to bill for all fees for each customer. If the customer fails and/or refuses to pay the bill, then their water services shall be terminated until full payment is received by the Water Department.
2. For all outstanding debts that are accrued pursuant to any provision of this ordinance, if the indebtedness has not been cured within ninety (90) calendar days, the City Attorney is authorized to take all collection methods including filing suit to collect the same. All charges and costs that are incurred in pursuit of collections shall be added to the customer's total amount due. (Ord. No. 2008.)

- G. Vehicle tire and battery fees Fees to be collected for the collection and disposal of vehicle tires and batteries as herein provided are hereby fixed as Twenty-Five Cents (\$.25) per month per sanitation account. (Ord. No. 2006-33, Sec. 1.)

5.04.16 Payment of fees The fees herein provided for shall be handled in the following manner:

Residential All citizens who have residential water meters will be billed monthly on the water bill for garbage collection. All other citizens will be billed on a monthly basis by the city for residential garbage collection. The fees collected monthly by the Helena-West Helena Municipal Water Company will be collected in the same manner and at the same time as it collects all accounts due for water, and all such fees so collected shall be paid over to the city clerk each month. All accounts due for water and garbage fees shall be paid jointly at the same time, and the Helena-West Helena Municipal Water Company is hereby prohibited from accepting separate payments thereof. In the event that any fees billed by the Helena-West Helena Municipal Water Company remain unpaid for a period of twenty (20) days after billing date, the Helena-West Helena Municipal Water Company is hereby authorized and directed to discontinue water service to such delinquent person. If any fee remains unpaid for thirty (30) days from the due date thereof, the city shall have the right to institute a civil action for the recovery of same, together with all expenses, court costs, attorneys' fees, interest, and ten percent (10%) penalty. After a person is delinquent for three (3) consecutive months, the appropriate city official(s) shall swear out an Affidavit for Warrant of Arrest to institute the appropriate criminal proceedings.

REFERENCE: West Helena Ord. No. 98-1

Commercial All persons, firms, businesses, or corporations licensed to do business in the city of Helena-West Helena, Arkansas, shall be billed for commercial garbage collection on a monthly basis by the city in the same manner as provided for in subsection above; except that, whenever a franchise has been issued in accordance with Section 5.04.18 of the Helena-West Helena Municipal Code herein, all business, firms, corporations, and other commercial operations shall be billed directly by the franchisee on a monthly basis. Any disputes or controversies arising between the franchisee and any business shall be handled in accordance with this chapter or by the right of private legal action between franchisee and any such business.

REFERENCE: West Helena Ord. No. 98-1.

5.04.17 Limitation on the collection of garbage The terms and provisions of this chapter shall not obligate the city or its agents, servants and employees to pick up or remove any debris which results from the construction or repair work, wood, or limbs cut or removed from trees.

REFERENCE: West Helena Ord. No. 676.

5.04.18 Franchise required From and after the passage and approval of this chapter, garbage of the city shall be collected and disposed of by the officers and employees of said city as herein provided, and no other person, firm or corporation shall have the right to collect and dispose of same, except individuals, and/or corporations that are issued franchises by the Mayor, the Health and Sanitation Department and approved by the City Council.

REFERENCE: West Helena Ord. No. 676.

5.04.19 Power to establish disposal site The Mayor, with the approval of the City Council, is hereby authorized to acquire a place of disposal within such distance of the said city as shall be approved by the Mayor, and the Health and Sanitation Department for the disposal of said garbage, trash, refuse, etc., and may lease or purchase land for said purpose, and is also empowered to purchase such equipment as may be necessary for carrying into effect the objects of this ordinance.

REFERENCE: West Helena Ord. No. 676.

5.04.20 Authority to contract for services All contracts of employment under this chapter must be approved by the City Council.

REFERENCE: West Helena Ord. No. 676.

5.04.21 Penalty Any person, firm or corporation violating any provisions of this chapter or failing to pay any fees herein provided, shall be deemed guilty of a misdemeanor and upon conviction in the District Court of the city shall be fined in any sum not to exceed Twenty-five Dollars (\$25.00).

REFERENCE: West Helena Ord. No. 676.

5.04.22 Authority of Phillips County Health and Sanitation Department For the purpose of enforcing and carrying out the purposes of this chapter and all other chapters pertaining to the health or sanitation of the city, the Health and Sanitation Department and the officers and employees thereof of both the city and of Phillips County, are hereby granted full power and authority to act within said city and to perform all and singular the duties of health units on behalf of the city which they have under the laws of the state of Arkansas, and the rules and regulations of the State Board of Health of the state of Arkansas.

REFERENCE: West Helena Ord. No. 676.

CHAPTER 5.08

HEALTH AND SANITARY REGULATIONS

Sections:

- 5.08.01 Restrooms
- 5.08.02 Definitions
- 5.08.03 Refrigeration
- 5.08.04 Housing of certain items

- 5.08.05 License and health certificate required, transferability
- 5.08.06 Bona fide occupant, exhibit of proof
- 5.08.07 Medical test
- 5.08.08 Restrictions on place of business
- 5.08.09 Penalty

5.08.01 Restrooms All individuals, firms or corporations doing business and offering for sale or trade any item from a place or building within the city must provide adequate restrooms for employees and prospective patrons.

REFERENCE: West Helena Ord. No. 546.

5.08.02 Definitions For the purpose of this chapter, the following terms are defined:

Food handling establishments shall be taken to mean and include a lunchroom, lunch counter, restaurant, cafe, dining room, tavern, coffee shop, soda fountain, refreshment stand, bakery, grocery store, meat market, fish market, soft drink stand, hamburger stand, slaughter house, packing house, poultry dressing plant, bottling plants, frozen food locker plants, and every other public place where food is processed, served, prepared, sold, given in exchange, or consumed on the premises, and all establishments where food or candy is prepared, stored, or manufactured for use.

Health certificate shall be a certificate issued by the County Health Department stating that the establishment where the applicant conducts such business or proposes to conduct such business meets with the requirements of this chapter and other chapters of the city code and rules and regulations of the Arkansas State Board of Health pertaining to said business.

Inspector shall be the sanitarian of the Phillips County Health Department.

5.08.03 Refrigeration All perishable foods, including meats, fruits, vegetables, fish and fowls, must be kept under refrigeration, with no open drains leading therefrom, and sanitation conditions shall be subject to inspection of the city and the State Board of Health authorities.

REFERENCE: West Helena Ord. No. 546.

5.08.04 Housing of certain items Any item of food, clothing, or other articles of trade, which can or may be affected by adverse weather conditions, or be contaminated by outside source, must be housed and displayed within a building which will meet the minimum health and safety conditions set up for their preservation.

REFERENCE: West Helena Ord. No. 546.

5.08.05 License and health certificate required, transferability Any individual, firm or corporation, doing business or intending to do business under this chapter must secure from the

office of the City Clerk a properly receipted privilege, or occupation license, covering the current period under which business is being done, or expected to be done. Before any privilege license shall be issued for the operation of any food handling establishment as defined in Sec. 5.08.02 hereof, or place where food is sold for human consumption, that party desiring license shall obtain a health certificate and permit from the County Health Department stating that the establishment where applicant conducts such business, or proposes to conduct such a business, meets both the requirements of the city code and the regulations of the State Board of Health. Said permit and certificate shall be upon one (1) place of business, which shall be stated therein, and it shall not be assignable.

REFERENCE: West Helena Ord. No. 546.

5.08.06 Bona fide occupant, exhibit of proof Any individual, firm or corporation, must be the legal occupant of the place, area, or building from which he is doing, or proposes to do business from and must, at all times, be prepared to exhibit to proper authorities a paid receipt, lease, or other written authority to show legal occupancy of the property.

REFERENCE: West Helena Ord. No. 546.

5.08.07 Medical test Any person employed in a food handling establishment shall have on file in the County Health Office A record showing that test for syphilis, typhoid fever, and other infectious diseases as may be necessary. All food handlers shall have a chest x-ray for the detection of tuberculosis at least once every twelve (12) months.

REFERENCE: West Helena Ord. No. 546.

5.08.08 Restrictions on place of business No individual, firm or corporation shall use the areas between the sidewalks and street curbing, the streets, or any other property in the city as a stand or place of business.

REFERENCE: West Helena Ord. No. 546.

5.08.09 Penalty Any individual, firm or corporation, who shall violate the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Five Dollars (\$5.00), nor more than Fifty Dollars (\$50.00), and each day's continuance of any such violation shall constitute a separate offense, and be punishable as such.

REFERENCE: A.C.A. 14-54-103; West Helena Ord. No. 546

CHAPTER 5.12

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.12.01 Duties of property owner
- 5.12.02 Rights of city after twenty (20) days notice
- 5.12.03 Notification of unknown real property owner
- 5.12.04 Lien on property
- 5.12.05 Limitations on property owners
- 5.12.06 Investigation and response to violations
- 5.12.07 Penalty
- 5.12.08 How prosecuted

5.12.01 Duties of property owner All property owners within the city of Helena-West Helena, Arkansas, are hereby required to cut weeds, grass, remove garbage, rubbish and other unsanitary and unsightly articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary things, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community.

REFERENCE: A.C.A. 14-54-901; West Helena Ord. No. 1434.

5.12.02 Rights of city after seven (7) days notice If the owner or owners of any lot or other real property within the city of Helena-West Helena, after the giving of seven (7) days notice in writing by the official authorized to do so, shall refuse or neglect to perform the duties in connection with his or their property as specified in 5.12.01 hereof, the Chief of Police or authorized official of the city designated by the Mayor is hereby authorized to enter upon the property and have said weeds, rank grass or other vegetation cut and removed, or eliminate any unsanitary and unsightly condition, and the cost thereof shall be charged against said premises and shall constitute a lien thereon.

REFERENCE: A.C.A. 14-54-903; West Helena Ord. No. 1434.

5.12.03 Notification of unknown real property owner In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a nonresident of this state, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents, and thereupon service of publication as now provided for by law against nonresident defendant may be had and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.

REFERENCE: A.C.A. 14-54-902; West Helena Ord. No. 1434.

5.12.04 Lien on property The lien herein provided for may be enforced and collected in any manner allowed by law, including , but not limited to, either one of the following manners:

- A. The lien may be enforced at any time within three (3) years after work has been done, by an action in the Circuit Court; or
- B. The amount of the lien herein provided may be determined at a hearing before the City Council held after thirty (30) days written notice, return receipt requested to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name owner or owners cannot be determined, then after publication of notice of such hearing in a newspaper having a bona fide circulation in Phillips County for one (1) insertion per week for four (4) consecutive weeks; and the amount so determined at said hearing plus ten percentum (10%) penalty for collection, shall be certified by the City Council to the Phillips County Tax Collector, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percentum (3%) thereof, when so collected shall be paid to the city of Helena-West Helena by the Phillips County Tax Collector.

REFERENCE: A.C.A. 14-54-904; West Helena Ord. No. 1434.

5.12.05 Limitations on property owners It shall be unlawful for any owner, occupant or leasee having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved, within the corporate limits of the city of Helena-West Helena, to suffer or permit any of the following conditions:

- A. Grass, weeds or any plant that is not cultivated, to grow to a greater height than twelve (12) inches on an average of an individual lot, tract, parcel, or to grow in rank profusion upon the premises;
- B. Rubbish, brush, trash, dead trees, building materials or any other objectionable, unsightly or unsanitary matter of whatever nature to accumulate or be present upon any lot, tract, or parcel of land. If building material is stored on the premise, all such material must be stored at least eighteen (18) inches of the ground;
- C. Grass, weeds, or any plant that is not cultivated, to grow in rank profusion , or otherwise, in, along, upon or across the abutting sidewalk or parkway, to a height or more than twelve (12) inches on the average;
- D. The storage of a junk and/or abandoned automobile(s) for a period exceeding thirty (30) days, unless it is in connection with an automobile sales or repair business enterprise which operates under a duly licensed and exhibited privilege license and is located in a properly zoned area. An abandoned auto is described as any motor vehicle or part thereof that is in a state of disrepair and is incapable

of being moved under its own power, and/or does not have a current safety inspection and license plate;

- E. The open storage of iceboxes, refrigerators, or any other appliances or furniture for a period exceeding thirty (30) day. During any period in which such items are stored outdoors, all doors, latches and locks are to be removed or made inoperative in a manner to insure the safety of all citizens, unless it is in connection with an appliance sales or repair business enterprise which operates under a duly issued and exhibited privilege license and is located in a properly zoned area;
- F. The use of any stream or drainage way for the purpose of throwing or placing stumps, brush, litter, rubbish, or any other liquid or solid material within or along the banks of any such stream or natural drainage way, unless required permits have been obtained;
- G. The accumulation of stagnant pools of water, or any vessel that might accumulate water in which mosquitoes or other insects may breed;
- H. The use of any real property, including all adjacent right-of-way and alleys, to be used for illegal dumping of any solid or liquid, household, commercial, industrial, construction or demolition waste, including but not limited to: garbage, trash, furniture, tin cans, bottles, rubbish, refuse, lumber, whether dumped, thrown, burned, spilled or abandoned, unless required permits have been obtained.

REFERENCE: West Helena Ord. No. 1486.

5.12.06 Investigations and response to violations Whenever the Chief of Police or his duly authorized agent or representative, determines that there are reasonable grounds to believe that there has been a violation of any provision of this code, he shall give notice of such alleged violations to the person(s) responsible therefor, that such alleged violation shall constitute a nuisance. Such notice shall:

- A. Be put in writing;
- B. Include a statement of the reasons why it is being issued, and the sections of the code that are alleged to be in violation;
- C. Allow a maximum of forty five (45) days for performance of any act it requires;
- D. Further state, that if such alleged violations are not voluntarily corrected within the stated time as set forth in the notice, the Chief of Police or his duly authorized agent or representative shall institute legal proceeding, charging the person or persons, firm, corporation, or agent with a violation of this code.

The person responsible for this violation shall be notified by one or more of the following methods:

- A. By delivery to the owner, agent or responsible party, personally;
- B. By leaving the notice at the usual place, abode or business of the owner, agent or responsible party, with a person of suitable age discretion; or
- C. By depositing the notice in the United States Post Office, addressed to the owner, agent or responsible party, at his last known address by certified mail, return receipt requested, postage prepaid thereon; or
- D. By posting and keeping posted for a period of not less than seven (7) days, a copy of the notice in a conspicuous place on the premise alleged to be in violation.

REFERENCE: West Helena Ord. No. 1486.

5.12.07 Penalty Any owner, occupant or lessee having supervision or control, who shall violate a provision of this code, or fail to comply therewith, shall be guilty of a misdemeanor. Each such person shall be deemed guilty as a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed or continued. Upon conviction of any such violation, such person shall be punished by a fine, not to exceed One Hundred Fifty Dollars (\$150.00) for the first offense, and not less than Seventy-Five Dollars (\$75.00) for each day of offenses of a continuing nature.

REFERENCE: West Helena Ord. No. 1486.

5.12.08 How prosecuted Violations of the provisions of this ordinance may be prosecuted by the issuance of a criminal information or by the issuance of a citation by a law enforcement officer as required by law.

REFERENCE: West Helena Ord. No. 1486.

CHAPTER 5.16

LITTERING

Sections:

- 5.16.01 Unlawful to dump
- 5.16.02 Penalty
- 5.16.03 Enforcement
- 5.16.04 No limitations on state laws

5.16.01 Unlawful to dump It shall be unlawful to place, deposit, leave or dump any trash, ashes, broken articles, garbage, junk, refuse or waste material of any kind and nature on any premises in the city without first having the consent of the owner or tenant in possession thereof. For the purpose of this section, vehicles or parts of vehicles not in condition suitable for use should be considered as junk or trash.

REFERENCE: West Helena Ord. No. 1469.

5.16.02 Penalty Any acts conducted in violation of those prohibited under 5.16.01 of this ordinance shall be considered an act of criminal trespass and shall be punishable in like manner as prescribed by state law and city ordinance for the offense of criminal trespass.

REFERENCE: West Helena Ord. No. 1469.

5.16.03 Enforcement The City Code Enforcement Officer and/or the city police are hereby authorized to enforce the provisions of this ordinance.

REFERENCE: West Helena Ord. No. 840

5.16.04 No limitations on state laws This ordinance shall not constitute any limitation upon state laws as to the offense of criminal trespass.

REFERENCE: A.C.A. 8-6-205; West Helena Ord. No. 1469.

CHAPTER 5.20

MOSQUITO CONTROL

Sections:

- 5.20.01 Standing water
- 5.20.02 Control measures
- 5.20.03 Weeds and grass
- 5.20.04 Lien imposed
- 5.20.05 Right of entry
- 5.20.06 Penalty

5.20.01 Standing water It shall be unlawful for any person to have, maintain, keep, cause or permit within the city any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water has been treated by someone under the direction of the City Code Enforcement Officer so as to effectually prevent such breeding. This section shall apply to collections of water contained in ditches, excavations, depressions, cesspools,

sewage settlement pits, fountains, tanks, wells, barrels, cans, boxes, defective house roof cutters, or any similar potential containers of water. The standing of such water not treated in the manner hereinbefore prescribed for the presence of mosquito larvae or wigglers, shall be prima facie evidence of violation of this chapter and shall be punishable as provided herein.

REFERENCE: A.C.A. 14-54-901; West Helena Ord. No. 935.

5.20.02 Control measures The Code Enforcement Officer may prescribe any of the following remedies for the effective control of mosquitoes or other insects:

- A. Proper disposal by removal or destruction of tin cans, boxes and empty bottles or similar articles likely to hold water.
- B. Filling or draining any ditches, or other depressions on property likely to collect standing water.

REFERENCE: West Helena Ord. No. 935.

5.20.03 Weeds and grass It shall be unlawful for any person to have, keep, maintain, cause or permit within the city any weeds or grass on vacant lots, ditch banks, railroad right-of-way, or improved property. Weeds and grass on such property as specified in this section shall be cut when the same attain a height of twelve (12) inches. The presence of grass or weeds of more than twelve (12) inches in height on such property shall be evidence that mosquitoes are breeding there, and/or being harbored therein, and failure to cut such weeds or grass shall be prima facie evidence of violation of this chapter and punishable as prescribed herein. All lands within the city limits cultivated to growing crops shall be exempt from this chapter, but only on the area actually cultivated or placed to growing crops.

REFERENCE: West Helena Ord. No. 935.

5.20.04 Lien imposed Any person responsible for conditions described in the foregoing articles who shall fail to take necessary measures to prevent the same after seven (7) days notice given by the Code Enforcement Officer or his authorized agent is subject to having said conditions removed at the direction of the Code Enforcement Officer and all necessary costs incurred by the city for this purpose shall be charged against the property owner, the person in possession, or any other person in violation, as the case may be, and a lien filed against said property as authorized in A.C.A. 14-54-901, *et seq.* For purposes of this and other penalties provided herein, official records of either the County Tax Assessor's or County Collector's office shall constitute prima facie proof of ownership.

REFERENCE: West Helena Ord. No. 935.

5.20.05 Right of entry The Code Enforcement Officer or his duly accredited appointee acting under his authority may at all reasonable times enter in and upon premises within the city for the purpose of enforcing the provisions of this chapter.

REFERENCE: West Helena Ord. No. 935.

5.20.06 Penalty Any person found in violation of this chapter shall upon conviction be fined in an amount not to exceed One Hundred Dollars (\$100.00) for the first offense, or Two Hundred Fifty Dollars (\$250.00) for any subsequent offense within a year's time, provided that each day that any such person shall remain in violation of this chapter after notification by conviction or otherwise shall be deemed a separate offense.

REFERENCE: A.C.A. 14-54-901; West Helena Ord. No. 935.

CHAPTER 5.24

BURIALS REGULATED

Sections:

- 5.24.01 Excavation specifications
- 5.24.02 Penalty

5.24.01 Excavation Specifications. The following specifications are required before the consummation of a burial in any cemetery within the city of Helena-West Helena:

- A. All excavations for graves must be centered within a designated plot.
- B. Upon completion of any burial, the fill dirt must be packed to a height at least level with the unbroken ground.
- C. Each grave site must have at least 2 ½ feet of packed, fill dirt above the burial receptacle, measuring from the unbroken ground.
- D. Each grave site must have at least one foot of unbroken ground between each grave site.
- E. Each burial plot must be a minimum of 4 feet by 10 feet in size.
- F. All excavated dirt must be compacted the level of the unbroken ground or removed from the plot.

- G. All burial plots must be aligned and uniform in all directions throughout the cemetery.
- H. No excavation or grave shall be established in a low lying area on which water can accumulate and stand.
- I. No excavation for a grave site shall be open for more than one day prior to closing and a covering must be placed at all times on all open excavations, when construction is not in progress.
- J. At each grave site, there shall be provided and set aside a minimum of 12 inches of unbroken ground for head markers.
- K. When wooden liners are used in the grave excavation, the excavation must be a minimum of 5 feet in depth and to the extent that there shall be 3 feet above the wooden liner.
- L. It shall be the responsibility and duty of person or persons opening or closing graves, either by a family member or funeral home and directors, to conform and abide by these specifications and regulations. No funeral home shall cause or participate in any burial nor permit anyone connected with said funeral home to do so, unless all of the specifications and regulations as set forth herein are established.

REFERENCE: West Helena Ord. No. 1621.

5.24.02 Penalty. Any person, firm or corporation who is deemed to be in violation of any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00) for each violation of this ordinance. Each day in which a violation of this ordinance occurs or continues to occur shall constitute a separate offense.

REFERENCE: A.C.A. 14-54-802; West Helena Ord. No. 1621.

CHAPTER 5.28

IMPROVEMENTS AND BOND ISSUE

Sections:

- 5.28.01 Bond issue adopted by reference
- 5.28.02 Amendment to Bond issue

5.28.01 Bond issue adopted by reference The city hereby adopts the Bond Issue referred to in Ord. No. 1569 and incorporates the same by reference as though set out word for word herein.

REFERENCE: West Helena Ord. No. 1569.

5.28.02 Amendment to Bond issue

- A. The city accepts the offer of the Commission to:
 - 1. reduce the interest rate on the bond from 7.50% per annum to 4.625% per annum, effective July 1, 2002, and,
 - 2. shorten the maturity of the bond from November 5, 2013 to November 5, 2011.
- B. The bond is hereby designated as a "qualified tax-exempt obligation" under Section 265(b) of the Internal Revenue Code of 1986, as amended.
- C. The Mayor and City Clerk are hereby authorized to execute all documents, certificates and instruments necessary to accomplish the intent of this ordinance including particularly, without limitation, filings with the Internal Revenue Service and any amendments to the bond.

REFERENCE: West Helena Ord. No. 1569.

CHAPTER 5.32**LANDFILL COMMISSION****Sections:**

5.32.01	Creation
5.32.02	Members
5.32.03	Terms
5.32.04	Qualifications
5.32.05	Compensation
5.32.06	Recommendations
5.32.07	Budget
5.32.08	Financial report
5.32.09	Peer review engineer
5.32.10	Officers

5.32.01 Creation The Helena-West Helena Landfill Commission is hereby created.
(Ord. No. 2006, Aug. 15)

5.32.02 Members The Helena-West Helena Landfill Commission shall consist of seven (7) members appointed by the Mayor to serve five (5) year terms that are staggered. Each city ward shall have one (1) Commissioner who shall reside in that ward and two (2) Commissioners will come from the city at-large. Those five (5) Commissioners representing wards shall meet all of the minimum requirements to serve in the office of Alderman. The two (2) at-large appointees shall meet the minimum qualifications to serve in the office of Mayor. The Aldermen of each ward may confer and make a recommendation to the Mayor regarding the Commissioner from that ward. The Mayor may accept their recommendation, request another recommendation from the ward, or, appoint different nominee to Board. The Mayor shall appoint the two at-large members to the Commission. (Ord. No. 2006, Aug. 15.)

5.32.03 Terms In order to set up a system of staggered terms, two (2) of the initial individuals appointed will serve four (4) year terms. Two (2) more will serve three (3) year terms. The rest will serve one (1) year terms. The Mayor will determine the length of each individual terms. However, at least one of the at-large members shall receive a four (4) year term and the other at-large member shall receive a three (3) year terms. (Ord. No. 2006, Aug. 15.)

5.32.04 Qualifications No member of the Commission shall be an elected to any county or municipal office and shall not live outside the city limits of the city of Helena-West Helena. Furthermore, no member of the Commission shall have a direct or indirect interest in any entity or firm doing business with the Helena-West Helena Regional Landfill or the Helena-West Helena Sanitation Department. (Ord. No. 2006, Aug. 15.)

5.32.05 Compensation The City Council shall have the authority to set compensation and/or reimbursement for its members. (Ord. No. 2006, Aug. 15.)

5.32.06 Recommendations The Commission shall have the responsibility of making recommendations to the Mayor on personnel, contracting, and day-to-day operational matters of the landfill. The Mayor may then act on those recommendations pursuant to his authority under Arkansas law. (Ord. No. 2006, Aug. 15.)

5.32.07 Budget The Commission shall have the responsibility of submitting to the Council by the end of November of each year a proposed landfill budget for the upcoming budget year. The Council and Mayor then will act on that recommendation pursuant to their respective authority under Arkansas law. (Ord. No. 2006, Aug. 15.)

5.32.08 Financial report The Commission shall make a financial report to the City Treasurer quarterly on the receipts and expenses of the landfill. The Treasurer will share that report with the Council at the first Council meeting following his receipt of the report. (Ord. No. 2006, Aug. 15.)

5.32.09 Peer review engineer The Mayor shall appoint a peer review engineer who shall submit quarterly reports to the landfill Commission regarding the engineering services of Fields and Associates regarding the remediation of the landfill. The contract with Fields and Associates provides that the remediation period commences with the date of signing and ends December 31, 2007. (Ord. No. 2006, Aug. 15.)

5.32.10 Officers The City Attorney shall serve as the attorney of the Commission. The Commission will also have a chairman appointed annually by the Mayor who shall preside over all meetings and shall have the right to cast a vote to break a tie or achieve passage of an item. The City Clerk will serve as the secretary of the Commission and shall be the custodian of all records of the Commission. (Ord. No. 2006, Aug. 15.)