

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Littering
- 5.12 City Board of Health
- 5.16 Food Service Sanitation
- 5.20 Solid Waste Collection

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

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5.04.01 Unsightly or unsanitary conditions on real property

- A. It shall be unlawful for any person owning or occupying any lot or other parcel of real property located within the corporate limits of the city of Crossett, Arkansas, to allow weeds to grow thereon to a height of twelve (12) or more inches, or to become unsightly or unsanitary; or to allow garbage, trash, rubbish, litter, household appliances, motor vehicle parts, abandoned or inoperable motor vehicles, rotting or dead limbs or trees, and any other unsafe, unsightly or unsanitary articles and things to exist on such lot or parcel of real property, or to permit to exist, or to fail to eliminate, fill up, or remove stagnant pools of water or other unsanitary things or conditions which might become a breeding place for

mosquitoes, flies and germs harmful to the health of the community. (Ord. No. 2003-12, Sec. 1, April 21, 2003; Ark. Code Ann. 14-54-901 *et seq.*)

- B. It shall be unlawful for any person to store, salvage, dump, abandon or in any manner dispose of or leave unattended any unused icebox, refrigerator, drum, crate, or any other type of box, of the size of more than two square feet which contains any type of self-locking door or lid, in any yard, alley, street, trash disposal area, storage yard, city dump, or any other place and/or unenclosed premises without first removing the door or lid therefrom or rendering such door or lid incapable of being locked either purposely or accidentally. (Ord. No. A-123, Sec. 1, Sept. 19, 1954.)

5.04.02 Dilapidated buildings It shall be unlawful for the owner of any lot or other parcel of real property located within the city to permit any building, house or other structure that has become dilapidated, unsightly, unsafe, unsanitary, obnoxious or detrimental to the public health and welfare to exist on the property. (Ord. No. A-535, Sec. 12, Aug. 17, 1992.)

5.04.03 Enforcement The Building Official shall be responsible for determining whether a property owner is in violation of section 5.04.01 and 5.04.02. A determination by the Building Official shall be final. When the Building Official determines that a prohibited condition exists, he shall prepare a report describing the prohibited condition, the street address or location and the name or names of the owner of the property. He shall promptly notify the owner of the violation as provided in 5.04.07. If the owner fails to correct the prohibited condition within the allowed time, the Building Official shall take the necessary action to correct the prohibited condition including, if necessary, contracting with a third party to correct the condition. Upon correcting the condition, the Building Official shall file a detailed report with the City Clerk/Treasurer itemizing all expenses, including notice and publication expenses, incurred by the city in correcting the condition. The Building Official shall notify the property owner of the hearing time, date and place when the City Council will determine the amount of charges and lien to be assessed against the property and its owner. (Ord. No. 2002-3, Sec. 2, Mar. 18, 2002.)

5.04.04 Disabled vehicles on public property The Crossett City Council hereby finds and declares that the condition of traffic is such on the streets of the city of Crossett, as to endanger the traveling public when illegally stopped, disabled, or wrecked vehicles are found upon the city streets. When any Crossett Police Officer, or other police officer, finds a vehicle standing upon the streets of the city of Crossett, in violation of the parking regulations of the city, or when said vehicle is wrecked, disabled, or abandoned, such officer is hereby authorized to move such vehicle or to require the driver or other person in charge of the vehicle to move the vehicle to the nearest garage or other place of safety. (Ord. No. 2003-12, Sec. 2, April, 21, 2003.)

5.04.05 Disabled vehicles on private property

- A. It shall be unlawful for the owner or occupant of a residential building structure or property or unimproved lot, to utilize the premises of such real property for the open storage of any inoperable motor vehicle which is not currently licensed, icebox, refrigerator, stove, tires, glass, small household appliances, or indoor furniture, building material, paper, building rubbish, and or similar unsightly and unsanitary items. An "inoperable motor vehicle" is defined as one that is in a state of disrepair and incapable of being moved under its own power.
- B. It shall be the duty and responsibility of every such owner and/or occupant to keep the premises of such residential property clean and to remove all such items from the premises.
- C. Any owner or occupant that fails to remove an inoperable motor vehicle, or any of the other previously listed items, or similar items, shall be in violation of this section. Said item shall be removed by the city of Crossett, and said violation shall constitute a misdemeanor. (Ord. No. 2003-12, Sec. 3, April 21, 2003.)

5.04.06 Refusal to comply

- A. If the owner of any lot or other real property within the city shall neglect or refuse to remove, abate or eliminate any condition that is prohibited, after having been given seven days' notice in writing to do so, the city is authorized to remove, abate, raze, correct or eliminate the condition and to charge the cost thereof to the owner of the property.
- B. If the nature of the prohibited condition is such that the owner cannot correct or abate the condition within seven days due to weather or other problems beyond the owner's control, the owner may apply to the Building Official for a seven-day extension, which the Building Official may grant only if the owner has made a good faith effort to correct or abate the prohibited condition. Only one extension may be granted.
- C. If it is necessary for the city to remove, abate, raze or eliminate the prohibited condition, the city shall have a lien against the property for all costs incurred in abating the condition, including publication expenses and costs of service of notice plus a ten-percent penalty. (Ord. No. A-535, Sec. 1, Aug. 17, 1992.)

5.04.07 Notice to owner

- A. Notice to abate the prohibited condition may be given owners residing in the state by personal service of the notice to the resident owner. Personal service shall be completed by delivering the notice to the owner by any certified law enforcement

officer in the Police Department or by any person authorized to serve process under Rule 4, *Rules of Civil Procedure*. Personal service shall be completed as provided by Rule 4(d), *Rules of Civil Procedure*, as now adopted or as hereafter amended. Notice to a resident owner may also be completed by the Building Official mailing a copy of the notice to the owner by certified mail, deliver to addressee only, with restricted delivery to the addressee at the last known address of the owner in accordance with the requirements of Rule 4(d)(8), *Rules of Civil Procedure*; provided, however, that the length of time to correct or abate the prohibited condition shall be seven days as provided by Ark. Code Ann. 14-54-903, 1998, Repl.), and by 5.04.06 above.

- B. Notice to non-resident owners shall be given by the Building Official mailing the notice to the owners at their last known address pursuant to the provisions of Rule 4(e), *Rules of Civil Procedure*.
- C. Where it appears by affidavit of the City Clerk/Treasurer that, after diligent inquiry, the identity or whereabouts of the owner remains unknown, service shall be by warning order issued by the Building Official and published for two consecutive weeks in a newspaper having general circulation in the city and by mailing a copy of the notice and warning order to the owner at the owner's last known address, if any, by any form of mail with delivery restricted to the addressee and by posting a copy of the notice on the property for seven consecutive days. (Ord. No. 2002-3, Sec. 3, Mar. 18, 2002.)

5.04.08 Correction by city

- A. If the owner of any lot or other real property within the city shall neglect or refuse to remove, abate or eliminate the prohibited condition after notice has been given, the city is authorized to do whatever is necessary to correct the condition and charge the cost thereof to the owner. In correcting the condition, the city may itself, or through contracting with a third party, correct or abate the prohibited condition. If the prohibited condition involves a dilapidated, unsightly, unsafe or unsanitary building, residence or structure, the city may, through its Fire Department, raze the structure by burning it.
- B. If it becomes necessary for the city to correct or abate a prohibited condition, it shall not be obligated to protect nor be liable for the loss or destruction of any property that may be damaged or destroyed in the process (Ord. No. A-535, Sec. 1, Aug. 17, 1992.)

5.04.09 Enforcement of lien The lien provided for in Ark. Code Ann. 14-54-903 (1998 Repl.) and 5.04.06 may be enforced and collected in either one of the following manners:

- A. At any time within 18 months after the work has been done, by filing an action in the Ashley County Circuit Court to foreclose its lien on the property; or
- B. The amount of the lien provided in Ark. Code. Ann 14-54-903 as amended, and as provided by 5.04.06 may be determined at a hearing before the City Council held after 30 days' written notice by certified mail, return receipt requested, delivered to addressee only, to the owner of the property if the name and whereabouts of the owner are known. Alternatively, the city may serve the notice on the owner personally as provided by 5.04.07. If the name of the owner cannot be determined, the amount will be determined only after publication of notice of the hearing in a newspaper having a *bona fide* circulation in the city for one insertion per week for four consecutive weeks. After the hearing by the Council, the Council shall furnish, in writing, the amount charged, including penalty, for correcting the prohibited condition. The determination of the Council is subject to appeal by the property owner to the Ashley County Circuit Court. If no appeal is filed within 30 days of the hearing date by the City Council, the determination by the Council shall become final and non-appealable. After the amount becomes final and non-appealable, the amount shall be certified by the City Council to the county tax collector who shall place the amount on the *ad valorem* tax books as delinquent taxes and shall be collected accordingly. The amount, less three percent thereof, when so collected shall be paid to the city by the County Tax Collector. (Ord. No. A-535, Sec. 1, Aug. 17, 1992.)

5.04.10 Penalty Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars (\$1,000.00) for each offense. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this article. (Ord. No. 2006-4, Sec. 1.)

5.04.11 Authority to issue citation The Crossett Building Official shall have the authority to issue a "Citation to Appear" to any person violating any provision of this article, in a form approved by the Crossett City Council. All such citations will be filed with the Ashley County District Court, Crossett Division, and prosecuted therein. (Ord. No. 2003-12, Sec. 4, April 21, 2003.)

CHAPTER 5.08

LITTERING

Sections:

5.08.01	Definitions
5.08.02	Public places
5.08.03	Receptacles
5.08.04	Gutters and streets
5.08.05	Sidewalks
5.08.06	Vehicles
5.08.07	Trucks
5.08.08	Parks
5.08.09	Debris in business district

5.08.01 Definitions

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter means garbage, refuse and rubbish and all other waste material which, if thrown or deposited as prohibited in this article, tends to create a danger to public health, safety and welfare.

Park means a park, reservation, playground, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Private premises means any dwelling, house, building or other structure, designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse means all putrescible and non-putrescible solid wastes (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish means non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Ord. No. A-198, Sec. 3, Oct. 23, 1961.)

5.08.02 Public places No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in official city dumps. (Ord. No. A-198, Sec. 3, Oct. 23, 1961.)

5.08.03 Receptacles Persons placing litter in public receptacles or in authorized private receptacles shall do so in such manner to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. No. A-198, Sec. 4, Oct. 23, 1961.)

5.08.04 Gutters and streets No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (Ord. No. A-198, Sec. 5, Oct. 23, 1961.)

5.08.05 Sidewalks No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private driveway. Persons owning or occupying places of business within the city shall keep the sidewalks in front of their business premises free of litter. (Ord. No. A-198, Sec. 6, Oct. 23, 1961.)

5.08.06 Vehicles No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or public place within the city, or upon private property. (Ord. No. A-198, Sec. 7, Oct. 23, 1961.)

5.08.07 Trucks No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public area. (Ord. No. A-198, Sec. 8, Oct. 23, 1961.)

5.08.08 Parks No person shall throw or deposit litter in any park within the city except in public receptacles in such a manner that litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article. (Ord. No. A-198, Sec. 9, Oct. 23, 1961.)

5.08.09 Debris in business district

- A. Rubbish, trash, waste paper, loose excelsior, waste packing materials, and other combustible materials shall not be kept on premises within the business district or on any sidewalk, alley, street, or within 30 feet of any building within the business district for a longer time than one day. (Ord. No. A-9, Oct. 8, 1943.)
- B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. (Ord. No. A-9, Oct. 8, 1943.)

CHAPTER 5.12

CITY BOARD OF HEALTH

Sections:

5.12.01	Established
5.12.02	Organization
5.12.03	Terms
5.12.04	Appointment
5.12.05	Powers

5.12.01 Established Pursuant to Ark. Code Ann. 14-262-102 *et seq.* there is hereby established a City Board of Health consisting of not less than five persons, two of whom shall be physicians who shall be graduates of reputable medical colleges and of good professional standing, to be appointed by the Mayor, who shall be *ex officio* a member of the Board. (Ord. No. A-204, Sec. 1, Feb. 19, 1962.)

5.12.02 Organization As soon as convenient after its appointment the Board of Health shall meet and elect a chairman and elect from its membership or appoint *ex officio* a secretary who need not be a member of the Board, at the discretion of the Board. The chairman shall preside at all meetings of the Board and shall be responsible to carry out the instructions of the Board and to report annually to the City Council, between January 1 and March 31 of each year upon the activities of the Board for the preceding year. The secretary of the Board shall keep a careful record of all proceedings, rulings and deliberations of the Board and may be designated by the Board as treasurer if such is found desirable. (Ord. No. A-204, Sec. 1, Feb. 19, 1962; Ord. No. A-267, Sec. 3, July 18, 1966.)

5.12.03 Terms All Board of Health members shall be appointed for two-year terms, and if a vacancy occurs on the Board on account of the death, disability or removal from the city of a board member a successor shall be appointed to fill the remainder of the unexpired term. (Ord. No. A-204, Sec. 1, Feb. 19, 1962.)

5.12.04 Appointment All appointments to the City Health Board shall be made by the Mayor. (Ord. No. A-204, Sec. 1, Feb. 19, 1962.)

5.12.05 Duties The City Board of Health shall have and possess all of the powers, duties and authorities provided for, directed or granted by the statues of the state and in particular by the provisions of Act 96 of 1931 as amended, and in addition shall have and exercise the following powers and duties:

- A. To provide for, supervise and prescribe rules and regulations to carry out the provisions of the laws of the state and ordinances of this city relative to health and sanitation and particularly for the inspection of food service establishments and the issuing of permits, and closing of such establishments.
- B. To recommend malaria control procedures and other practices for the control of infectious insects and/or diseases.
- C. To exercise jurisdiction for one mile beyond the city limits in such manner and to such extent as shall be deemed necessary in order to protect the health, safety and well-being of the citizens of the city, and in cases of epidemic to exercise such jurisdiction for five miles beyond the city limits.
- D. To prescribe that any person who upon examination is found to be infected with venereal disease in a communicable stage, or other communicable disease and who fails to submit to isolation or take treatment adequate for the protection of public health may be committed to a hospital or other place within the state for treatment.
- E. From time to time to carry out the rules, orders and regulations of the State Health Board and any other duly constituted health authority within the limits of its jurisdiction. (Ord. No. A-204, Sec. 1, Feb. 19, 1962.)

CHAPTER 5.16

FOOD SERVICE SANITATION

Sections:

- 5.16.01 Regulation
- 5.16.02 Penalty
- 5.16.03 Physical exams

5.16.01 Regulation The definitions; the inspection of food-service establishments; the issuance, suspension and revocation of permits to operate food-service establishments; the prohibition of the sale of adulterated or misbranded food or drink; and the enforcement of this article shall be regulated in accordance with the unabridged form of the 1962 edition of the U.S. Public Health Service Food Service Sanitation Ordinance and Code, as amended three certified copies of which are on file in the office of the City Clerk/Treasurer. In addition:

- A. The words "municipality of _____" in the unabridged form shall be understood to refer to the city of Crossett, Arkansas.
- B. In the sanitation code the parentheses enclosing words referring to grading shall be understood to be deleted. (Ord. No. A-267, Sec. 1, July 18, 1966.)

5.16.02 Penalty Any person violating any of the provisions of the sanitation ordinance and code adopted by this article shall, in addition to the penalties therein provided, be deemed guilty of a misdemeanor and, upon conviction thereof be fined as provided by this code. (Ord. No. A-267, Sec.2, Feb. 19, 1962.)

5.16.03 Physical exams The City Health Officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a restaurant, or about to be employed, whose work brings him in contact with the handling of food, drink, utensils, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through food, drink, or utensils, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state health authorities for such examinations, and if the results justify such person shall be barred from such employment. Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the City Health Officer may require for the purpose of determining freedom from infection. (Ord. No. A-191, Sec. 4, Aug. 21, 1961.)

CHAPTER 5.20

SOLID WASTE COLLECTION

Sections:

5.20.01	Definitions
5.20.02	Dumping
5.20.03	Collection and exceptions
5.20.04	Contract
5.20.05	Containers
5.20.06	Residential use
5.20.07	Bags and boxes
5.20.08	Residential charge
5.20.09	Commercial collection
5.20.10	Delinquent accounts
5.20.11	Adjustment of fees
5.20.12	Excess fees.

5.20.01 Definitions The terms garbage, waste, trash, and refuse as used in this chapter are hereby defined to be applied to all the solid waste material from human habitation not carried by the sewers, street manure, and litter, sweepings and dust, leaves, droppings from carts, dead animals, cleanings from public catch basins, snow, steam ashes, dry factory wastes, slaughterhouse waste, rubbish from office buildings, and factories, garbage from markets, rubbish and cleanings from markets, old boxes and barrels, waste paper, animal matter and vegetable matter, tin cans, dust, glass, crockery, brick, stone and metal fragments, night soil from privies, sweepings from buildings, rags, excelsior, straw, leather, rubber, metal ware, bedding, and old furniture and all other substances whether named or not which are detrimental to the beauty and sanitation of the city.

Garbage within the meaning of this chapter shall be construed to include all rejected food waste and to include every refuse accumulation of animal, fruit or vegetable matter used or intended for food or intended for the preparation of food used in cooking, dealing, in, or storing of meat, fish, fowl, fruits and/or vegetables. (Ord. No. A-14, Secs. 3-17, Jun. 13, 1945.)

5.20.02 Dumping It shall be unlawful for any person to dump or throw garbage, trash, leaves or any accumulation of same on any yard, vacant lot, street or alley in the city. (Ord. No. A-14, Sec. 7, Jun. 13, 1945.)

5.20.03 Collection and exceptions All garbage, waste, trash and refuse in the city shall be collected regularly by employees of the city, and no other person shall be allowed to collect garbage, waste, trash and refuse unless prior permission has been granted by the City Council.

It is distinctly provided that this chapter does not in any way obligate city employees or city trucks to clean or pick up refuse or debris resulting from construction on property when buildings are being repaired or are under construction, nor wood nor limbs resulting from removal of trees on private property. (Ord. No. A-14, Sec. 14, Jun. 13, 1945; Ord. No. A-363, Sec. 6, Sept. 16, 1974.)

5.20.04 Contract The Mayor, with the approval of the Council, is hereby authorized to contract for the disposal of garbage, trash and refuse with the owner of any approved landfill. (Ord. No. A-14, Sec. 10, Jun. 13, 1945.)

5.20.05 Containers

- A. The city will pick up refuse twice weekly in the residential area of the city.
- B. Every residential user shall utilize plastic bags of sufficient size, as specified in this section, and number to hold the refuse which accumulates on the premises.
- C. [Repealed by Ord. No. 2016-05]
- D. Plastic bag specifications:
 - 1. The total weight of any plastic bag and contents shall not be more than 50 pounds.
 - 2. The plastic bag shall be approximately two mills weighing not less than 180 pounds per 1,000 bags and shall be approximately 16 inches by 14 inches by 37 inches.
- E. All recyclable, plastic containers encoded with the recyclable logo and the No. 1 or No. 2 on the plastic container shall be placed into the green bags. These containers should be placed in the bags without their caps and in a clean condition. Also all aluminum and steel cans should be rinsed and placed in the green bag with the loose lids placed inside the can. All other garbage should be placed in the black bags and secured by a tie.
- F. Plastic bags shall be placed near the curb along the streets of the city for refuse pickup. The city will not pick up any refuse along the alleys of the city.

- G. Other than as otherwise provided for in this article, city pickup crews shall not be required to pick up any refuse except that contained in authorized bags as specified above. Pickup crews shall not be required to pick up any loose refuse, except that caused by their own negligence. (Ord. No. A-602, Sec. 1, Nov. 26, 1996.)

5.20.06 Residential use All residential units in the city in which persons reside shall use the refuse pickup services provided for by this article and shall pay the charges specified by this article or as they may be amended from time to time. (Ord. No. A-363, Sec. 2, Sept. 16, 1974.)

5.20.07 Bags and boxes

- A. All plastic bags placed for collection shall be tied with wire tie closures or their equivalent before being placed at a location for pickup.
- B. Cardboard boxes may be placed for residential collection in bundles provided that they are flattened and securely tied. Bundles shall be of such size as to be easily handled by one man and the bundle shall not exceed 50 pounds in weight or maximum dimensions of four feet square. (Ord. No. A-363, Sec. 3-4, Sept. 16, 1974.)

5.20.08 Residential charge The following monthly rates, which the City Council hereby finds and declares are reasonable and necessary minimum rates, are hereby fixed as rates to be charged for the services:

- A. A minimum charge of Fifteen Dollars (\$15.00) per month shall be made for each residential unit for two pickups per week. (Ord. No. 2015-03, Sec. 1.)
- B. Each single-family residence, mobile home, and each unit of a duplex, apartment house or other multi-family structure shall be considered a residential unit under this article and shall be charged the rate provided for each residential customer.
- C. At the request of residents, city sanitation workers will pick up all refuse, trash and debris in the residential areas of the city including leaves, limbs, lawn clippings and other residential refuse and trash that are too large to place in plastic bags. The fees which will be charged for this service shall be:
 - 1. Minimum charge of \$3.00 for any pickup service;
 - 2. \$5.00 charge if a five-yard dump truck is required; and
 - 3. A \$12.00 charge if a 12-yard dump truck is required.

4. Effective January 1, 1997, all garbage fees, both residential and commercial, shall be deposited in a separate, segregated bank account from which all garbage pickup expenses including, but not limited to, payroll, capital expenditures for purchase of equipment and maintenance and operating expenses of the city Sanitation Department shall be paid. (Ord. No. A-610, Sec. 1, Aug. 18, 1997.)

5.20.09 Commercial collection

- A. All business or commercial establishments within the corporate limits of the city of Crossett, Arkansas, shall pay a fee for garbage collection, unless such business or commercial establishment has separately contracted, in writing, with a private refuse collection service. The business or commercial establishment owners have the right to choose not to use the city's garbage collection service, but only if it certifies to the city, in writing, that it has entered into a separate contract with a private refuse collection service for a minimum of one (1) year. In the event that the business or commercial establishment elects to use the city's commercial garbage collection service, it shall pay as a monthly fee:
- For each two yard bin: \$50.00 a month
 - For each four yard bin: \$75.00 a month
 - For each six yard bin: \$100.00 a month

The fee shall be payable to the City Clerk/Treasurer in advance, on the first day of each month, and any fee not paid within ten (10) days of the due date shall be deemed delinquent and shall be payable with interest at ten percent (10%) from the due date until paid, and a lien for that unpaid fee shall attach and may be enforced in the same manner as provided in 5.04.09. (Ord. No. 2015-03, Sec. 2.)

- B. The fee provided for in this section shall be paid by the owner or person in charge of any such business or commercial establishment.
- C. There is hereby created a committee to be known as the debris collection committee, which committee shall be appointed by the Mayor subject to the approval of the City Council and whose members shall serve for a term of three years, subject to removal at the pleasure of the City Council, and which shall consist of one member of the City Council, one person engaged in the retail business in the city and one member at large, and the City Clerk/Treasurer shall be an *ex officio* member of the committee. The Committee shall organize itself by electing a chairman and secretary and shall meet on call of the chairman or any two members, and a majority of the committee shall constitute a quorum to transact business. A vacancy may be filled at any time in the manner provided in this section for appointment and a person appointed to a vacancy shall serve for the term remaining of the person he replaces.
- D. The committee is hereby empowered to fix rates to be charged for the collection of debris from business and commercial places of business within the city and for

the collection of debris and trash from the residential area which are not otherwise provided for under 5.20.05 or 5.20.07. The committee shall not reduce any rate for collection previously established by the Council. Any person believing himself aggrieved by any decision of the committee as to rates may appeal the decision of the committee to the City Council by filing with the City Clerk/Treasurer a copy of the minutes or rules of the committee and a brief statement of his grounds for appeal and such appeal shall be heard at the next regular Council meeting which occurs more than ten days after the filing of such appeal.

- E. The City Clerk/Treasurer shall maintain in his office a record and list of debris collection charges for business and commercial establishments and no debris collection shall be made unless the fee provided for by this section, or by the committee established in this section, has been paid, and any business not provided for in this section may apply to the committee to fix a collection rate and the committee shall certify to the City Clerk/Treasurer all rates hereafter fixed, or modified by it, from time to time, which shall be added to the list maintained by the City Clerk/Treasurer. (Ord. No. A-617, Sec. 1, Jan. 19, 1998.)

5.20.10 Delinquent accounts

- A. Private residences The fees provided for private residences shall be payable in advance, and shall be payable in the city administration building. If the monthly fee provided for is not paid promptly by the tenth of each month, there shall be a penalty of ten percent of the amount due levied in addition to the amount of the fee, and the penalty shall become a part of and be collected with regular fees heretofore levied. Should the penalty and fees provided for be unpaid for a period in excess of 20 days from the time the fee first becomes due, the city is hereby authorized to institute civil suit for the recovery of the fee with any penalties that may have attached thereto, plus court costs.
- B. Business and commercial houses The fees provided for business and commercial houses shall be payable in advance, on or before the tenth day of each month, and shall be payable at the office of the Mayor in the city administration building. If the fee provided for is not paid promptly when due, there shall be a penalty of ten percent of the amount due levied in addition to the amount of the fee, and the penalty shall become a part of and be collected with regular fees heretofore levied. Should the penalty and fees provided for be unpaid for a period in excess of 20 days from the time the fee first becomes due, the city is hereby authorized to institute civil suit for the recovery of the fee with any penalties that may have attached thereto, plus court costs. (Ord. No. A-14, Secs. 9-11, Jun. 13, 1945; Ord. No. A-292, Secs. 2-3, Dec. 26, 1968.)

5.20.11 Adjustment of fees The City Council shall have the power to reduce or increase the fees listed in 5.20.09 by ordinance adopted at any meeting of the Council or to reduce or increase the fees set by the debris collection committee by resolution adopted at any regular meeting of the Council. (Ord. No. A-14, Sec. 2, Jun. 13, 1945; Ord. No. A-343, Sec. 3, April 16, 1973.)

5.20.12 Excess fees If the fees collected under this article shall exceed the cost of maintaining the functions contemplated, any such surplus shall be paid into the general fund of the city. (Ord. No. A-14, Sec. 15, Jun. 13, 1945.)