

## TITLE 5

### HEALTH AND SANITATION

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- 5.08 Septic Tanks
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#### CHAPTER 5.04

#### MAINTENANCE OF REAL PROPERTY

#### Sections:

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5.04.01 Unsightly or unsanitary conditions on real property. When weeds, vegetation, or other fire or health hazards exist upon any real property within the corporate limits of the city of Sherwood and are found to have reached an unreasonable height, the Mayor, City Council, or their duly authorized agent, shall notify the owner, occupant or both of said property, by citation, letter, or other appropriate notification and give them five (5) days in which to correct such condition. If the condition ordered to be corrected is not corrected within the five (5) day period, the Mayor or City Council shall proceed to correct the condition and shall cause the Code Enforcement Officer to charge the costs thereof to the owner of said real property as hereinafter provided. (Ord. No. 408, Sec. 1.)

5.04.02 Notification of unknown real property owner. In case the owner of any lot or other real property is unknown or his whereabouts are not known or he is a nonresident of this state, a copy of the written notice referred to shall be posted upon the premises and before any action to enforce the lien shall be had, the Code Enforcement Officer shall make an affidavit

setting out the facts as to unknown address or whereabouts of nonresidents, and service of publication as now provided for by law against nonresident defendant may be had and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.

5.04.03 Enforcement of lien and collection of costs. The lien herein provided for may be enforced and collected in either one of the following manners:

A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court; or

B. The amount of the lien herein provided by may be determined at a hearing before the City Council of the city of Sherwood, Arkansas, held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then after publication of notice of such hearing in a newspaper having a bona fide circulation in Pulaski County, Arkansas, for one (1) insertion per week for four (4) consecutive weeks and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be certified by the City Council of the city of Sherwood, Arkansas, to the Pulaski County Tax Collector, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the city of Sherwood, Arkansas.

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

5.04.04 Vacant lots. Property owners are prohibited from permitting the accumulation of debris upon vacant lots in the city of Sherwood, Arkansas. It shall be the duty of the property owners to remove all debris or refuse which is unsightly or which may endanger public health if and when notified by the Code Enforcement Officer..

5.04.05 Requirement to remove debris after disaster. If any property owner shall suffer the loss, either total or partial, of a house by fire or tornado, it shall be the duty of the Code Enforcement Officer to immediately notify, in writing, the property owner to remove all debris from the lot. It shall be the duty of the property owner within fifteen (15) days from receipt of such notice to remove all debris or refuse on said lot. Any mobile home and/or modular home that has been damaged by fire, wind or other hazards to such an extent that they are not safe and/or practical for occupancy shall be removed and the site cleared within ninety (90) days of said loss. (Ord. No. 645, Sec. 1.)

5.04.06 Notification. It shall be the duty of the Code Enforcement Officer to notify in writing all property owners who own lots on which debris or refuse is situated due to the destruction of houses by fire, and on other lots on which has accumulated such unsightly debris and refuse, whether caused by fire or otherwise, and it shall be the duty of the property owner to remove such debris or refuse within fifteen (15) days after receipt of notice from the Code Enforcement Officer.

5.04.07 Penalty for Sections 5.12.06 - 5.12.08. Any person, firm or corporation found guilty of not complying with Section 1 shall be deemed guilty of a misdemeanor and fined not more than Two-Hundred Dollars (\$200.00) and not less than Fifty Dollars (\$50.00) and each day that this ordinance is violated will constitute a separate offense. (Ord. No. 645, Sec. 2.)

## **CHAPTER 5.08**

### **SEPTIC TANKS**

#### Sections:

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| 5.08.01 | Septic tanks prohibited                    |
| 5.08.02 | Separate disposal pipes prohibited         |
| 5.08.03 | Drains connected to septic tank prohibited |
| 5.08.04 | Septic tanks may be removed                |
| 5.08.05 | Fine                                       |

5.08.01 Septic tanks prohibited From and after the passage of this ordinance it shall be unlawful for any person, firm or corporation to construct, install, remodel, alter, enlarge or move to another location on the same lot a septic tank for the treatment of human waste within the corporate limits of the city of Sherwood. (Ord. No. 90, Sec. 1.)

5.08.02 Separate disposal pipes prohibited From and after September 30, 1961, it shall be unlawful for any person, firm or corporation to operate, maintain, or use a septic tank within the corporate limits of the city of Sherwood and it shall also be unlawful to have the waste disposal pipes of any building or separate toilet within the corporate limits of the city of Sherwood. (Ord. No. 90, Sec. 2.)

5.08.03 Drains connected to septic tank prohibited From and after November 15, 1960, it shall be unlawful for any person, firm or corporation to replace old field drain pipe with new field drain connected to any septic tank handling human waste within the corporate limits of the city of Sherwood and it shall also be unlawful to in anyway improve any field drain connected with a septic tank handling human waste matter. (Ord. No. 90, Sec. 3.)

5.08.04 Septic tanks may be removed Nothing in this ordinance shall be construed as preventing the complete removal of a septic tank already installed on the date of passage of this ordinance or to otherwise properly and sanitarly dispose of a septic tank, or its connecting field drains. (Ord. No. 90, Sec. 4.)

5.08.05 Fine Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum

of not less than \$15.00 nor more than \$25.00 and each day any septic tank installed, constructed, remodeled, altered, enlarged or moved to another location on the same lot in violation of Section 1 thereof, is allowed to remain, shall constitute a separate offense and each day a violation continues of Section 2 or Section 3 hereof shall be deemed a separate offense, and each separate offense shall be punished as such. (Ord. No. 90, Sec. 6.)

## **CHAPTER 5.12**

### **LITTERING**

#### **Sections:**

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| 5.12.02 | Dumping illegal       |
| 5.12.03 | Exemptions to 5.12.02 |
| 5.12.04 | Penalty               |

5.12.01 Littering illegal. It shall be unlawful for any person to place, dispose, or otherwise permit to be located upon, in, on, or about any public street, sidewalk, alley or public thoroughfare or any private or public property adjacent thereto, any litter, refuse or debris.

5.12.02 Dumping illegal Henceforth, it shall be unlawful to dump or place any items on property within the city limits of Sherwood, Arkansas; not native to or as functional utilities to said property. Specifically included are building materials, appliances; containers which contain chemical residue, tire, inoperable vehicles and/or parts, trees, insulation, shingles, or any petroleum-based products. (Ord. No. 941, Sec. 1.)

5.12.03 Exemptions to 5.12.02 Specifically exempt from this ordinance shall be dirt, rock, concrete, crick and cinder blocks when used as a fill. (Ord. No. 941, Sec. 2.)

5.12.04 Penalty Any person, firm or corporation found in violation of this ordinance will be fined not less than \$100.00, nor more than \$500.00 for each occurrence, and each day shall constitute a separate offense and shall be cumulative. (Ord. No. 941, Sec. 3.)

## CHAPTER 5.16

### SOLID WASTE COLLECTION

Sections:

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5.16.01 Purpose It is the purpose of this ordinance and it is hereby declared to be the policy of this city to regulate the collection and disposal of solid waste, yard waste and landfill items in a manner that will protect the public health and welfare; prevent water pollution or air pollution; prevent the spread of disease and the creation of nuisances; conserve natural resources and enhance the beauty and quality of the environment. (Ord. No. 1835, Sec. 1.)

5.16.02 Definitions The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meaning respectively ascribed to them herein:

**Automated solid waste collection system** – a solid waste collection system utilizing city specified or city provided containers for collection by solid waste vehicles equipped with lifting devices.

**Composting** - a controlled microbial degradation of organic waste yielding a nuisance-free product of potential value as a soil conditioner.

**Director of Solid Waste** - the Solid Waste Department Manager for the city of Sherwood and/or his/her authorized agent.

**Garbage** - solid waste.

**Hazardous waste** - by-products of society that can pose a substantial or potential hazard to human health or the environment when improperly managed. Possess at least one of four characteristics, ignitability, corrosivity, reactivity, toxicity or appears on special EPA lists.

**Household** - includes single family residential units, duplexes and apartments consisting of no more than four (4) separate dwelling units. The term "household" shall not include apartments with more than four (4) dwelling units nor shall it include mobile home trailer parks consisting of more than four (4) units.

**Household waste** - any solid waste derived from households. All household hazardous waste generated by households during their normal course of activities is exempt from RCRA-Subtitle C regulations. RCRA means the Resource Conservation and Recovery Act.

**Landfill items** - large refuse items, other than yard waste, that will not fit into the containers and/or beds of garbage trucks. Examples include: old furniture, mattresses, construction debris etc.

**Municipal solid waste** - includes solid waste resulting from or incidental to municipal, community, trade, business, and recreational activities, including, but not limited to, solid waste, yard waste, street cleanings, and all other forms of solid waste other than industrial solid waste. Municipal solid waste shall not include any hazardous waste, medical waste, or any item excluded from landfills by local, state or federal laws or regulations. Examples include, but are not limited to: motor oil, used tires, insecticides, cleaning solvents, paint, tree trunks/stumps, dirt/rocks, concrete/bricks, large animal carcasses, lead batteries, chemical waste and discharge, medical and biomedical waste, etc. Refrigerators, freezers, air conditioners and other waste originally containing freon may not be accepted unless certified as freon free and tagged according.

**Occupant** - any person in a position of ownership or possession of the premises in question, which shall include, but not limited to, the actual owner, lessor, lessee, tenant, landlord, bailee, manager and/or one or all the above.

**Recycling** - to separate or divert an item or items from the solid waste stream for the purpose of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for the final disposition of the material product in a manner other than incineration or placement in a landfill.

**Residence** - a structure used and occupied as a one-family dwelling unit.

**Roll out cart** – a city-owned solid waste container with attached lid, wheels and integral pick-up attachments for utilization with semi-automated or fully automated collection systems.

**Solid waste** - all rejected food waste, waste paper, clothing, waste plastic, waste metals and wood. Such definition shall not include any refuse or debris resulting from building construction, destruction, repair or construction sites.

For the purpose of this ordinance "Solid waste" shall not include:

- A. Animal manure or dead animals
- B. Tree stumps, dirt, stone, rocks, bricks or other building materials
- C. Acids, caustics, explosives or infectious material
- D. Household appliances (stoves, refrigerators, freezers and like items) or furniture
- E. Tires or metal automobile parts
- F. Similar items which may cause damage to department equipment
- G. Liquids including but not limited to paint, cooking oil, petroleum products, liquid drinks, etc.

**Solid waste crew** includes those employees, agents, or representatives of the Solid Waste Department of the city of Sherwood.

**Street** - any public thoroughfare for the passage of vehicle and pedestrian traffic.

**Type A special wastes** - any waste from a commercial or industrial activity meeting any of the following descriptions:

- A. Waste from an industrial process.
- B. Waste from a pollution control process.
- C. Waste containing free liquids (contains dissolved, suspended and/or microbial contaminants from the solid waste).
- D. Residue and debris from the cleanup of a spill of a chemical substance or commercial product or a waste listed in A,B,C or E,F,G of this definition.
- E. Contaminated residuals, or articles from the cleanup of a facility generating, storing, treating, recycling or disposing of chemical substances, commercial products or waste listed in A,B,C,D,F or G of this definition.
- F. Any waste which is non-hazardous as a result of treatment pursuant to Subtitle C of the Resource Conservation and Recovery Act (RCRA) .
- G. Chemical-containing equipment removed from service, in which the chemical composition and concentrations are unknown.

**Type B special waste** - any waste from a commercial or industrial activity meeting any of the following descriptions:

- A. Friable asbestos waste from building demolition or cleaning; wall board, wall or ceiling spray coverings, pipe insulation, etc. This does not include nonfriable asbestos unless it has been processed, handled or used in such a way that asbestos fibers may be freely released. Asbestos-bearing industrial process waste is a "Type A Special Waste."
- B. Commercial products or chemicals which are off specification, outdated, unused or banned. Outdated or off-specification uncontaminated food or beverage products in original consumer containers are not included in this category, unless management of such containers is restricted by applicable regulations. Containers which once held commercial products or chemicals are included in this category unless an end has been removed (for containers larger than 25 gallons), and the container is empty as defined by RCRA, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), or other applicable regulations.

RCRA considers a container to be empty when: all wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container (e.g. , pouring, pumping or aspirating), and no more than 1 inch (2.54 centimeters) of residue remains on the bottom of the container or inner liner, or no more than 3% by weight of the total capacity of the container remains in the container or inner liner (for containers <110 gallons) , or no more than 0.3% by weight of the total capacity of the container remains in the container or inner liner (for containers >110 gallons). Containers which once held ACUTELY HAZARDOUS WASTES must be triple rinsed with an appropriate solvent or cleaned by an equivalent method. The pressure in cylinders of compressed gas and aerosol cans must be substantially equivalent to atmospheric pressure. Containers which once held pesticides regulated under FIFPA must be empty according to label instructions.

- C. Untreated medical waste - Any waste capable of inducing infection due to contamination with infectious agents from biomedical sources including but not limited to a hospital, medical clinic, nursing home, medical practitioner, mortuary, taxidermist, veterinarian, veterinary hospital, animal testing laboratory or medical testing laboratory. Sharps from these sources must be rendered harmless or placed in needle puncture-proof containers.
- D. Treated medical waste - Any wastes from a biomedical source including but not limited to a hospital, medical clinic, nursing home, medical practitioner, mortuary, taxidermist, veterinarian, veterinary hospital, animal testing laboratory or medical testing laboratory which has been autoclaved or otherwise heat treated

or sterilized so that it is no longer capable of inducing infection. Any sharps from these sources must be rendered harmless or placed in needle puncture-proof containers. Residue from incineration of medical waste is a "Type A Special Waste."

- E. Residue/sludge from septic tanks, food service grease traps or washwaters and wastewaters from commercial laundries, laundromats and car washes, unless these waste are managed at commercial or public treatment works.
- F. Chemical-containing equipment removed from service, in which the chemical composition and concentration are known (e.g., acetylene tanks, cathode ray tubes, lab equipment, fluorescent light tubes, etc.).
- G. Waste produced from the demolition or dismantling of industrial process equipment or facilities contaminated with chemicals from the industrial process. Chemicals or residues removed or drained from such equipment or facilities are "Type A Special Waste."
- H. Incinerator ash generated at a Resource Recovery Facility that burned only nonhazardous household, commercial or industrial waste and qualified for the hazardous waste exclusion in 40 CFR 261.4(b). If the regulatory authority does not recognize the household hazardous waste exclusion, then the ash is a "Type A Special Waste."

**Yard waste** - grass clippings, leaves, wooden landscaping materials, brush, tree limbs, pine needles and shrub/hedge clippings. All items shall not exceed eight (8) inches in diameter and shall be cut not to exceed eight (8) feet in length. (Ord. No. 1835, Sec. 2.)

#### 5.16.03 Fees for residential and commercial; private hauling contracts

- A. Residential charges Each dwelling unit shall be charged without exception the sum of Fourteen Dollars and Eighty-One Cents (\$14.81) plus taxes per month. This increased fee represents the increased costs of collection based upon the added collection tasks as a result of the curbside recycling agreement. The increase of Five Cents (\$.05) represents the fee connected with a single curbside container. Additional containers will result in additional fees. (Ord. No. 1991, Secs. 1-3.)

Each billing unit will be provided a single city-owned solid waste container (Roll out cart). Fees shall be collected monthly and may be billed on the statement for water for said premises, or some other similar system approved by the Mayor, and shall be the debt and obligation of the person, firm, or corporation in whose name the water meter is listed.

- B. Non-residential charges Commercial, industrial and institutional establishments shall be charged without exception the sum of Twelve Dollars (\$12.00), plus taxes per month, or Thirty-Six Dollars (\$36.00) per quarter plus taxes. Each billing unit

will be provided a single city-owned solid waste container (Roll out cart). For such services, the City Clerk's office of the city of Sherwood or its duly authorized representative(s) shall collect the prescribed fees. All fees will be billed in whole month increments and will not be prorated. In the event fees established are not paid promptly when due and payable by the customer (there is a default of thirty (30) days or more), there shall be a penalty of ten percent (10%) of the fee levied in addition to the amount of the original fee charged. Said penalty shall become a part of and be collected with the regular fees heretofore levied for service.

Private hauling contract: In the event any business, commercial or industrial enterprise elects to contract with a private hauler for the disposal of all its solid waste materials, then in such event said business, commercial or industrial enterprise shall notify the Director of Solid Waste or City Clerk. Until such notice is given to the Director of Solid Waste or the City Clerk's office of the city of Sherwood, said customer will be billed continually accordingly.

- C. Additional containers At the completion of the initial delivery of containers the city may have additional containers available. Individual dwelling, commercial, industrial, and institutional establishments units may request up to two (2) additional city-provided solid waste container. If more than two (2) additional containers are needed such establishments will need to contract with a private hauler. Each additional city-provided solid waste container will be billed at the rate of Eight Dollars (\$8.00) plus taxes per month per container and will be billed for a minimum of three (3) months.
- D. Special fees A special fee will be charged to pick up debris (trash) from construction, tree removal, remodeling, fires and general clean up of properties or other unusual, large quantities of solid waste or trash. In the event a resident has a large amount of heavy trash or desires more rapid collection, the resident may call the department to arrange for a special collection. A special collection fee (a minimum of Twenty-Five Dollars - \$25.00) shall be charged to help defray costs of equipment and personnel for providing this additional service. The exact cost shall be determined by the Solid Waste Department considering length of trips, number of personnel and amount of time required. The city of Sherwood, office of City Clerk, is authorized to collect any fees or delinquent fees and penalties in any manner authorized by law. (Ord. No. 1835, Sec. 3.)

5.16.04 Solid Waste Management System The governing body of the city of Sherwood shall have the right to establish policies for and enact laws concerning all phases of operation of a solid waste management system including hours of operation, character and kind of waste

accepted at the disposal site, the separation of wastes according to type by those generating same prior to collection, type of container for storage of wastes, and such other rules as may be necessary or appropriate, so long as such laws, policies, and rules are not inconsistent with this ordinance or any rules, regulations or orders of the Arkansas Pollution Control Commission. (Ord. No. 1835, Sec. 4.)

5.16.05 Method of collection and placement

- A. Except as designated by the Mayor or designee, the automated solid waste collection system will be the method of collection for household waste collection service provided to citizens in the city.
- B. It is the responsibility of the responsible party to trim trees, brush and shrubbery on their property and in the adjacent right-of-way when such vegetation interferes with the movement of pedestrians or vehicles, specifically solid waste collection vehicles.
- C. There shall be no street obstruction in any manner within three (3) feet on either side of a city provided solid waste container placed out for collection, nor shall there be any obstruction between the solid waste container and the street. Sanitation supervisor or designee will specify exact container placement at time of container delivery.
- D. All containers shall be placed behind the curblineline of a public street abutting such property or the edge of a public road/street (within two (2) feet), but shall not be placed in the street, on the sidewalk, or in any manner placed where said containers will interfere with vehicular or pedestrian traffic. The term "public road or street" as used herein includes only dedicated city streets/roads. Private roads are not considered dedicated roads.
- E. Solid waste shall be collected by the City Solid Waste Department once each week. When a solid waste (garbage) pick-up day falls on an official city holiday, public notice via newspapers, radio, signs or television will be given to notify residents of the collection day. It is the duty of the occupant of the dwelling in the city to have solid waste Roll out carts on their respective premises properly placed and available for regular collection at the appropriate time(s) and/or date(s) and at curbside location(s).
- F. Where solid waste is collected, container(s) shall be placed in the designated location no earlier than 6:00 p.m. of the afternoon preceding the collection day and no later than 6:00 a.m. the morning of collection. Said container(s) must be

removed to a point at the side or rear of the structure no later than 8:00 a.m. of the morning following collection.

- G. For elderly or physically handicapped residents unable to place container(s) curbside, the Solid Waste Crew will collect container(s) from the front or side of the residence. Any person seeking qualification for this service should contact the Solid Waste Department. The Solid Waste Director or his designated representative will investigate and make determination of qualification on a case-by-case basis and will notify the appropriate collection crew of special pick-up services by address. These services will be provided at no extra charge to the qualifying citizen. (Ord. No. 1835, Sec. 5.)

5.16.06 Container The city will provide each household with a 96-gallon cart and weekly-automated curbside collection service. Containers may be used only for the storage of solid waste materials collected by the city. Only typical household garbage goes into the cart. The garbage should be placed in plastic bags and sealed, to prevent litter and to help keep the cart clean. Only city provided Roll out carts shall be used for collection of household waste. Only items placed within the Roll out cart will be collected. The collection crew will not dump over-filled carts. The closed lid helps control litter and odors, and prevents spillage when the vehicle dumps the cart. The cart is city property, and we expect residents to take reasonable care. It must not be painted, mutilated, altered or modified in any way.

If the collection truck damages or destroys the cart, it will be replaced at no cost to resident. If the responsibility for the damage or loss of a cart cannot be determined, the city will replace it at public expense. If the damage is caused by negligence of the resident, the container will be replaced at a Fifty Dollar (\$50.00) charge. Lost or stolen carts will be replaced once at no charge. Any subsequent losses will be the responsibility of the resident. Lost or stolen carts will be reported to the Police and Sanitation Departments. The cart is city property issued to a specific street address, and must not be moved from that address. (Ord. No. 1835, Sec. 6.)

5.16.07 Unlawful acts The commission of any one or more of the following acts will constitute a nuisance. Any person who is convicted of having committed either one or more of such acts is guilty of a misdemeanor and shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00):

- A. Emptying or spreading about contents of any garbage container in any alley, public street, vacant lot or any other place not provided for such use;
- B. Uncovering and leaving uncovered contents of any garbage container, thereby permitting flies to have access to any garbage and/or refuse contained therein;

- C. Disturbing the contents of any garbage container located within the city, whether anything is removed, taken or displayed therefrom or not; or,
- D. Removing contents of any recycling bin(s) except by or authorized by the city collectors.
- E. To dump, deposit, throw or in any manner leave or abandon any solid wastes, including, but not limited to garbage, tin cans, bottles, rubbish, refuse or trash upon property or upon any public highway, street or road, upon public parks or recreation areas or upon any other public property.
- F. Permitting any hazardous or unsanitary condition to exist causing concern for public health and safety.

NOTE: Provisions of Section 7, do not apply to Law Enforcement, Code Enforcement or Solid Waste Personnel in the performance of their official duties.

No person shall cause or permit the open burning of refuse, solid waste (garbage), yard waste, landfill items or shall conduct a salvage operation by open burning. Emission of particulate matter from open burning shall follow the guidelines of the Arkansas Air Pollution Control Code, a division of the Air Pollution Control, Department of Pollution Control and Ecology.

The city of Sherwood participates in composting and mulching programs and encourages public participation. (Ord. No. 1835, Sec. 7.)

5.16.08 Regulating and collecting of solid waste, yard waste and landfill items Yard waste and landfill items shall be collected normally the day after solid waste pick-up depending on workload. It is the duty of the occupant of the dwelling in the city to have yard waste and landfill items on their respective premises properly placed and available for regular collection at the appropriate time(s) and/or date(s) and at curbside location(s).

Yard waste and landfill items shall be placed behind the curblines of a public street abutting such property or the edge of a public road/street (within five (5) feet), but shall not be placed in the street, on the sidewalk or in any manner placed where said items will interfere with vehicular or pedestrian traffic. The term "public road or street" as used herein includes only dedicated city streets/roads. Private roads are not considered dedicated roads.

Yard waste and landfill items should be placed away from trees, mailboxes, fire plugs, fences, overhead wires or any other permanent structure so the boom on the truck can pick up the items. Waste(s) and items shall not be placed in the street, or cause interference with vehicular

or pedestrian traffic. Yard waste must be separated from all other solid waste and landfill items. Yard waste piles will not contain any plastic, metal, building materials, paper or other items with the exception of plastic bags containing leaves and grass clippings.

Leaves and grass clippings are not required to be bagged during leaf vac operation time. Leaf vac operation time will be set by the Solid Waste Department and announced in the newspaper. Where the quantity of brush set out for collection is excessive, the Director of Solid Waste shall determine the amount of brush to be collected at any one time so as not to disrupt normal service to other citizens and/or premises. This discretion can include, but is not limited to, day of collection, amount taken, applicable surcharge (if any) and waste taken. (Ord. No. 1835, Sec. 8.)

5.16.09 Regulating dead animal removal The bodies of dead animals shall not be placed in solid waste container(s) or in any street, alley, easement or public way. The collection and removal of dead animal bodies shall be furnished upon request or notification by the interested party to city officials and shall be the responsibility of the Animal Services. (Ord. No. 1835, Sec. 9.)

5.16.10 Solid waste material not handled by Solid Waste Department Solid waste materials which will not be collected and removed by the Solid Waste Department of the city of Sherwood as a regular service include: rocks, dirt, bricks, concrete, stumps, root masses, construction materials or other trash resulting from construction work, materials resulting from destruction of buildings by fire, the elements, or other such causes resulting from or by a general clean-up of vacant unimproved, or improved property. Any such materials must be removed from said properties at the expense of the owner, developer and/or contractor.

The Solid Waste Department cannot accept any solid waste materials that do not conform to the criteria of Waste Management Inc. policies. Examples include: Type A and Type B Special Waste. (Ord. No. 1835, Sec. 10.)

5.16.11 Governing authority Rules and regulations governing disposal of solid waste, yard waste and landfill items shall strictly follow all adopted codes or regulations pertaining to solid waste, whether by city ordinance, state or federal codes and amendments. (Ord. No. 1835, Sec. 11.)

5.16.12 Enforcement Any police officer, county sheriff or deputy sheriff, state police, code enforcement officer or designated representative of the city of Sherwood may enforce the provisions of this ordinance. The aforementioned officers or designated representative of the city, are hereby empowered to issued citations to persons violating any provision of this ordinance. (Ord. No. 1835, Sec. 12.)

### 5.16.13 Membership in Metropolitan Sanitation Authority

- A. The city of Sherwood, Arkansas, through its Mayor and City Clerk is authorized and directed to execute an application to the Secretary of the State of Arkansas for formation on a sanitation authority as a public body and a body corporate and politic (“Authority”) to be called the Metropolitan Sanitation Authority or other suitable name on the following terms, which application has been exhibited to and is hereby approved by this body for filing without further action or authorization of this body:
1. Initial membership – The initial members of the Authority shall include all or any two of the following governmental entities: the cities of Little Rock, North Little Rock, Jacksonville, Sherwood, Cammack Village, Wrightsville, Alexander and Maumelle, and the county of Pulaski, provided that the application shall be presented to the Secretary of State only upon approval by those of the named entities whose population according to the last decennial census is at least 65% of their collective population, calculated by that same census (the “Participants”);
  2. Powers and limitations – The Authority shall have all of the powers set forth in A.C.A. 14-233-107, with the limitation that it may not impose tipping fees for its member entities in good standing other than on a uniform basis.
  3. Directors and voting rights
    - a. Each governmental entity shall, by vote of its governing body, elect a member to the Board of Directors of the Authority for a term of one calendar year, which member may be the entity’s chief executive or a member of its governing body;
    - b. Any such member may be removed and replaced prior to the expiration of the current term at the discretion of the electing body without cause;
    - c. There shall be no limit on the number of terms for which a member may be elected;
    - d. Any three (3) members may call a special meeting on reasonable notice to the other members and a majority of members shall constitute a quorum, subject to the provisions hereof for weighted voting; and

- e. Each member shall have one (1) vote and a majority of other user fees or incurring Authority debt, in which cases the vote shall be weighted according to the number of residents thereof according to the last decennial census (which shall include only purposes hereof), in accordance with procedures established in by-laws adopted by the members; provided no entity shall cast more than 40% of the entire voting power of the Board of Directors, and no such fees shall be set or debt incurred without the affirmative vote of Board members representing three (3) governmental entities and a majority of the entire voting power; and
- 4. Duration – The Authority’s duration shall be perpetual unless dissolved in accordance with Arkansas law. (Ord. No. 953, Sec. 1.)
- B. The authority and approval evidenced by this ordinance shall be irrevocable and not subject to withdrawal unless the requisite number of governmental entities with the requisite population fails to approve formation of the Authority on or before July 1, 1001. (Ord. No. 953, Sec. 2.)

5.16.14 Joint financing agreement for solid waste management system

- A. The city of Sherwood, Arkansas, through its Mayor and City Clerk, is authorized and directed to enter into and approve a Joint Financing Agreement in substantially the form annexed hereto as fully as if set forth herein word for word, which agreement shall become effective as and when the conditions set forth within it are met. (Ord. No. 954, Sec. 1.)
- B. The aforesaid official are likewise authorized to execute documents further evidencing and securing the obligation of Sherwood, Arkansas, to repay borrowed funds as set forth in the agreement, from pledged revenues, without further action. (Ord. No. 954, Sec. 2.)
- C. The authority and approval evidenced by this ordinance shall be irrevocable and not subject to withdrawal unless the requisite number of governmental entities fail to approve formation of the authority on or before July 1, 1991. (Ord. No. 954, Sec. 3.)

5.16.15 Refuse Collector A new position of Refuse Collector is hereby created in the Public Works Department. (Ord. No. 1370, Sec. 1.)

Two new position of Refuse Collector are hereby created in the Public Works Department. The budget ordinance shall be amended to transfer \$18,135 from the General Fund to the Public Works Department. (Ord. No. 1532, Secs. 1-2.)