

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Septic Tanks
- 5.12 Littering
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CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 Unsightly or unsanitary conditions on real property
- 5.04.02 Notice required
- 5.04.03 Notification of unknown real property owner
- 5.04.04 Enforcement of lien and collection of costs
- 5.04.05 Penalty for Violation

5.04.01 Unsightly or unsanitary conditions on real property. All property owners located within the city of Pocahontas, Arkansas, are required to cut weeds and 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. (Ord. No. 314, Sec. 1.)

5.04.02 Notice required. If the owner or owners of any lot or real property within the city of Pocahontas, Arkansas, after the giving of twenty (20) days notice in writing by the city, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 1, the city is 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 shall be charged against the premises and shall constitute a lien thereon. (Ord. No. 314, Sec. 2.)

5.04.03 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 City Clerk 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. (Ord. No. 314, Sec. 3.)

5.04.04 Enforcement of lien and collection of costs. The lien herein provided for may be enforced at any time within 18 months after work has been done by an action in the Chancery Court. (Ord. No. 314, Sec. 4.)

5.04.05 Penalty for Violation A violation of this chapter is hereby declared to be a misdemeanor and punishable by a fine of not less than one-hundred dollars (\$100.00) nor more than five-hundred dollars (\$500.00) or by a jail sentence of one (1) to ten (10) days. Each day in which said violation shall continue shall constitute a separate offense as punishable by this chapter. (Ord. No. 2018-08, Sec. 1)

CHAPTER 5.08

SEPTIC TANKS

Sections:

- 5.08.01 Water Superintendent shall be inspector
- 5.08.02 Overflows unlawful

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

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

CHAPTER 5.12

LITTERING

Sections:

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| 5.12.01 | Littering illegal |
| 5.12.02 | Fine |

5.12.01 Littering illegal From and after the passage and approval of this ordinance, it shall be unlawful for any person, firm or corporation 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. (Ord. No. 235, Sec. 1.)

5.12.02 Fine Any violation of this ordinance shall be deemed a misdemeanor, and upon conviction therefore, the violator of this ordinance shall be fined in a sum not less than Twenty-Five Dollars (\$25.00) together with costs. (Ord. No. 235, Sec. 2.)

5.12.03 Disposal of Yard Waste. It shall be unlawful for the owners, occupants, agents or anyone having supervision, ownership, or control of a residential or commercial building, structure, or property to rake, blow, deposit, place or mow fallen tree leaves, limbs, grass clippings, or any kind of yard waste upon the streets, sidewalks, ditches, gutters and public thoroughfares within the City of Pocahontas. Furthermore, any and all such persons are hereby prohibited from permitting the deposit of any such grass clippings and yard waste upon streets, sidewalks, ditches, gutters and public thoroughfares within the City of Pocahontas.

Any person found to be in violation of this ordinance by a court of competent jurisdiction shall, upon a finding of guilt, be adjudged guilty of an unclassified misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) and no more than two-hundred fifty dollars (\$250.00). (Ord. No. 2019-12, Sec. 1)

CHAPTER 5.16

NORTHEAST ARKANSAS REGIONAL SOLID WASTE MANAGEMENT

Sections:

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| 5.16.01 | Definitions |
| 5.16.02 | Delivered to landfill |
| 5.16.03 | Waste within the city |

5.16.04	Private industry
5.16.05	Fine
5.16.06	Maintaining clean premises
5.16.07	Mayor will inspect
5.16.08	Cited for violation
5.16.09	Fine

5.16.01 Definitions For the purposes of this ordinance, “solid waste” shall mean all putrescible and non-putrescible wastes which are permitted by law and allowed by landfill operating permits to be accepted for disposal at the Regional Landfill. (Ord. No. 2003-8, Sec. 1.)

5.16.02 Delivered to landfill All solid waste generated or collected within the city shall be collected, treated, or hauled either by the city or by licensed entities or another municipality within the district under contract with the city according to 5.16.03 herein. (Ord. No. 2003-8, Sec. 2.)

5.16.03 Waste within the city All contracts for the collection, treatment, or hauling of solid waste shall require that said waste be delivered to the district for treatment or disposal at the Regional Landfill in the manner prescribed by the district. (Ord. No. 2003-8, Sec. 3.)

5.16.04 Private industry Nothing in this ordinance shall be construed to prohibit or restrict the disposal of solid waste generated by private industry in a permitted landfill where the private industry bears the expenses of operating and maintaining the landfill solely for the disposal of waste generated by the industry. (Ord. No. 2003-8, Sec. 4.)

5.16.05 Fine Any person which generates, collects, transports, or accepts solid waste, and which causes or allows said solid waste to be disposed of at a place or in a manner prohibited by this ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of up to \$500.00 for the first offense and up to \$1,000.00 for each subsequent offense. (Ord. No. 2003-8, Sec. 5.)

5.16.06 Maintaining clean premises It shall be and hereby is declared unlawful for any person or persons, partnerships, corporations, or associations, to own, keep or maintain any real estate lot, house, building, or structure within the corporate limits of the city of Pocahontas, Arkansas, which constitutes a nuisance or is otherwise allowed to become unsightly or unsanitary by permitting weeds, grass, garbage, or rubbish, including, but not limited to, old cars, piles of lumber, paper, litter, or any accumulation of worthless property to exist on or about the property. (Ord. No. 98-04, Sec. 1.)

5.16.07 Mayor will inspect The City Council hereby appoints the Mayor or the Chief of Police to inspect and determine whether an unsightly or unsanitary condition exists on the property. If either one makes such a determination, they will provide a copy of this ordinance to the owner or occupants of the premises. (Ord. No. 2007-8, Sec. 1.)

5.16.08 Cited for violation The owner or occupant or occupants shall have 48 hours from the time of service of this ordinance to correct the condition. If the condition is not corrected within said time, the owner or occupant or occupants will be sighted for a violation of this ordinance. (Ord. No. 98-04, Sec. 3.)

5.16.09 Fine A fine in the amount of \$50.00 is hereby imposed as a penalty of the violation of this ordinance. An additional sum of \$50.00 per day shall be imposed for each day such condition continues to exist. (Ord. No. 98-04, Sec. 4.)

CHAPTER 5.20

SOLID WASTE COLLECTION

Sections:

5.20.01	Fees
5.20.02	Fire Department expansion
5.20.03	Penalty
5.20.04	Garbage and trash collection
5.20.05	Mosquito control
5.20.06	Commercial businesses using dumpsters
5.20.07	Collection charged by water meter

5.20.01 Fees The following fees are hereby levied for fire protection in the city of Pocahontas, to be billed and paid along with monthly water and sewer charges:

RESIDENTIAL WATER METERS	\$5.00 per month
RETAIL	
0-800 sq. ft.	\$8.00 per month (To include home occupations)
800-3000 sq. ft.	\$12.00 per month
3000-10,000 sq. ft	\$16.00 per month
10,000-18,000 sq. ft	\$20.00 per month
18,000-30,000 sq. ft	\$24.00 per month
30,000 sq. ft. and above	\$40.00 per month
INDUSTRIAL	
Per meter	\$40.00 per month

OFFICES	
0-800 sq. ft.	\$8.00 per month
800-2000 sq. ft.	\$12.00 per month
2000 sq. ft. and above	\$16.00 per month
CHURCHES	\$8.00 per month
SCHOOLS	\$5.00 per month
RESTAURANTS	
0-2000 sq. ft.	\$12.00 per month
2000 sq. ft. and above	\$16.00 per month
GROCERIES & GAS	\$12.00 per month
CONVENIENCE & GAS	\$16.00 per month
SERVICES STATIONS	\$20.00 per month
SMALL HIGH RISK (Misc.) (Body shops, Garages, Etc.)	\$12.00 per month
LARGE HIGH RISK (Misc.) (Bulk Plants, Body Shops, Garages, etc.) (Ord. No. 492, Sec. 1.)	\$20.00 per month

5.20.02 Fire Department expansion \$1.00 collected from each resident is to be designated for Fire Department expansion such as new equipment and a new fire station. (Ord. No. 492, Sec, 2.)

5.20.03 Penalty Any persons, firm or corporation failing and refusing to pay the monthly fire protection fee and residential garbage collection fee will be subject to having their water service disconnected for non-payment of fee. (Ord. No. 492, Sec. 3.)

5.20.04 Garbage and trash collection There is hereby levied the following fees for garbage and trash collection:

Residential Pick-up	\$10.50 per month (Ord. No. 2019-16, Sec. 1.)
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Commercial Pick-up	1 x per week	\$15.00
	2 x per week	\$20.00
	3 x per week	\$26.00
	4 x per week	\$31.00
	5 x per week	\$36.00

Dumpsters

2 - yd. Dumpster

1 x per week	\$27.00
2 x per week	\$52.00
3 x per week	\$78.00
4 x per week	\$106.00
5 x per week	\$130.00

3 - yd. Dumpster

1 x per week	\$40.00
2 x per week	\$79.00
3 x per week	\$118.00
4 x per week	\$154.00
5 x per week	\$190.00

(Ord. No. 2006-6, Sec. 1.)

5.20.05 Mosquito control A fee of \$3.00 per month per water meter, or per each dwelling unit as in the case of a building being serviced by one (1) water meter, is hereby levied for the purpose of mosquito control within the City of Pocahontas. Said fee is to be billed and paid along with the monthly water and sewer charges. (Ord. No. 2019-16, Sec. 2.)

5.20.06 Commercial businesses using dumpsters

- A. Effective January 1, 2009, the city of Pocahontas will no longer provide trash collection services for commercial businesses using dumpsters.
- B. Beginning January 1, 2009, all commercial businesses using a dumpster are required to hire a private trash collection service to collect their trash from their dumpsters at least once per week.
- C. The city will still provide trash collection services for dumpsters used by the city for city government purposes.
- D. The city will continue to provide commercial business trash collection services for businesses that do not use dumpsters at the rates set out in last trash ordinance. (Ord. No. 2008-14, Secs. 1-4.)

5.20.07 Collection charged by water meter

- A. The fee for residential or commercial trash collections shall be charged for each residence or any person, partnership, sole proprietorship, firm or corporation (hereinafter “business”) required by city ordinance to obtain an occupation permit that has a water meter installed by the Pocahontas Waterworks.
- B. Trash will not be collected at any business or residence that does not have a water meter.
- C. Any business that is required to contract with a private trash collection service pursuant to Ord. No. 2008-14, shall not be assessed a fee upon providing a copy of the contract with the trash collection service. This proof shall be supplied every year when renewing its occupation permit. Failure to provide proof will result in the fee being assessed.
- D. The fee that is levied for residential and commercial trash collections shall be billed by the Pocahontas Waterworks and paid in addition to the monthly water and sewer charges.
- E. Any residence or business failing and/or refusing to pay the monthly residential and commercial trash fee for collections will be subject to having its water service disconnected for non-payment of the fee. (Ord. No. 2013-6, Secs. 1-5.)

CHAPTER 5.24**PUBLIC FACILITIES BOARD**Sections:

5.24.01	Creation of Board
5.24.02	Membership of the Board; term of office
5.24.03	Organization of the Board
5.24.04	Meetings of the Board
5.24.05	Powers of the Board
5.24.06	Issuance of bonds
5.24.07	Records
5.24.08	Annual reports

5.24.01 Creation of Board Pursuant to the authority of the Act there is hereby created and established a public facilities board which is named the “Health Care Public Facilities Board of the city of Pocahontas, Arkansas,” (the “Board”). The Board shall have authority as hereinafter provided to undertake public facilities projects within the meaning and scope of the Act, as amended, from time to time. The governing body of this city may at its sole discretion, and at any time, alter or change the structure, organization, programs, or activities of the Board, including exercising the power to terminate the Board, but no such action shall be effective to alter or impair contracts entered into by the Board prior to the effective date of such action. (Ord. No. 378, Sec. 1.)

5.24.02 Membership of the Board; term of office The Board shall consist of five persons who shall be residents of Pocahontas, Arkansas. The initial members of the Board shall be appointed by the Mayor and serve for terms of one, two, three, four and five years respectively. Successor members shall be selected as provided in the Act subject to the advice and consent of the City Council and serve for terms of five years each. As soon as practicable after the appointment of the initial Board members, each member shall qualify by taking and filing with the City Clerk the oath of office prescribed by the Act. (Ord. No. 378, Sec. 2.)

5.24.03 Organization of the Board. The members of the Board shall meet and organize by electing one of their members as chairman, one as vice-chairman, one as secretary and one as treasurer, and such officers shall be elected annually thereafter in like manner. The duties of Secretary and Treasurer may be performed by the same member. The Board may also appoint an Executive Director who shall not be a member of the Board and who shall serve at the pleasure of the Board and receive such compensation as shall be fixed by the Board. The members of the Board shall receive no compensation for their services but shall be entitled to reimbursement of expenses incurred in the performance of their duties. Any member of the Board may be removed pursuant to the Act or the provisions of Act 742 of the Acts of the General Assembly of Arkansas for the year 1977, as amended. (Ord. No. 378, Sec. 3.)

5.24.04 Meetings of the Board. The Board shall meet upon the call of its Chairman, or a majority of its members; and at such times as may be specified in the Board's bylaws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by resolution and such resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership in the Board shall impair the rights of a quorum to exercise all the rights and perform all the duties of the Board. All meetings of the Board shall be held in accordance with Act 93 of the Acts of the General Assembly of Arkansas for the year 1967, as amended, and commonly referred to as the Arkansas Freedom of Information Act. (Ord. No. 378, Sec. 4.)

5.24.05 Powers of the Board. The Board is empowered, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, land for the purpose of constructing, acquiring or equipping, or to otherwise deal in or dispose of any one or more public facilities authorized in the Act, or any interest in such public facilities including, without limitation, leasehold interests in and mortgages on such facilities. In addition to the foregoing, the Board is authorized and empowered:

- A. To have perpetual succession as a body politic and corporate and to adopt bylaws, not in conflict with this ordinance or the Act, as amended from time to time, for the regulation of its affairs and the conduct of its business;
- B. To adopt an official seal and alter the same at its pleasure;
- C. To maintain an office at such place or places in this city as the Board may designate from time to time;
- D. To fix, charge and collect rents, fees, loan repayments, interest and charges for the use of any public facilities project or loan or loans made in connection therewith;
- E. To employ and pay compensation to such employees and agents, including attorneys, consulting engineers, architects, surveyors, accountants, financial experts, contractors and such other employees and agents as the Board in its judgment may find necessary for the accomplishment of the purposes and objectives for which it has been created, and to fix their compensation;
- F. To accomplish public facilities projects as authorized by the Act and this ordinance;
- G. To do any and all other acts and things in the Act and this ordinance authorized or required to be done, whether or not included in the powers enumerated herein;
- H. To lend money, directly or indirectly, for the financing of the construction, acquisition and equipment of a public facilities project; and
- I. To do any and all other things necessary or convenient to accomplish the purposes of the Act and this ordinance. (Ord. No. 378, Sec. 5.)

5.24.06 Issuance of Bonds. The Board is authorized to issue revenue bonds, from time to time, and to use the proceeds, either alone or together with other available funds and revenues, to accomplish the purposes for which the Board is created as the same relate to the financing and development of one or more public facilities projects as authorized by this

ordinance. Such revenue bonds shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of the city of Pocahontas, Arkansas, or any of its revenues are pledged. The principal of and interest on the bonds shall be payable from and secured by a pledge of revenues derived from the public facilities project or projects acquired, constructed, reconstructed, equipped, extend and/or improved, in whole or in part, with the proceeds of the bonds or other obligations of the Board and as authorized by and in accordance with the provisions of the Act, together with such other collateral as may be properly pledged under the Act and as the Board in its discretion may determine. Any net earnings of the Board, beyond that necessary for retirement of any indebtedness of the Board or to implement any authorized public facilities project or to comply with any covenants contained in any contract or indenture made to secure the rights of bondholders or other lenders of the Board, shall not inure to the benefit of any person other than the city of Pocahontas, Arkansas.(Ord. No. 378, Sec. 6.)

5.24.07 Records. The Secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted, provided that such documents may be delivered to the City Clerk for safekeeping. The Secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates. (Ord. No. 378, Sec. 7.)

5.24.08 Annual Reports. Within the first ninety (90) days of each calendar year, the Board shall cause a written report concerning its activities for the preceding calendar year to be delivered to the City Clerk. Each such report shall include and set forth a complete operating and financial statement covering its operation during the year. (Ord. No. 378, Sec. 8.)

CHAPTER 5.28

HOSPITAL COMMISSION

Sections:

5.28.01	Created
5.28.02	Commissioners
5.28.03	Vacancies and salary
5.28.04	Authority
5.28.05	Rules and regulations
5.28.06	Reports
5.28.07	Funds

5.28.01 Created Pursuant to the authority of A.C.A. 14-264-101 et seq., there is hereby created a Commission for the purpose of operating and managing a Municipal Hospital (Five Rivers Medical Center) in Pocahontas, Arkansas. Said Commission shall be composed of six (6) citizens who are qualified electors of Randolph County, Arkansas. (Ord. No. 2009-1, Sec. 1.)

5.28.02 Commissioners The following persons are hereby appointed to serve as Commissioners for the term indicated and until their successors are duly appointed:

Terry Dickson	5 years
Dr. Karla Baltz	4 years
Dr. Drew Dawson	3 years
Anita Murphy	3 years
Dr. Danny Holt	2 years
Dr. Hal Barre	1 year
(Ord. No. 2009-1, Sec. 2.)	

5.28.03 Vacancies and salary The term of each Commissioner appointed after the initial terms set forth in 5.28.02 shall be for a period of five (5) years. Whenever a vacancy occurs in the Commission, the vacancy shall be filled by appointment by the Mayor subject to the approval of a majority vote of the duly elected and qualified members of the City Council. Each Commissioner shall file the oath of office require by law in the state of Arkansas of public officials. Any Commissioner may be removed from office for cause upon a two-thirds (2/3) vote of the duly elected and qualified members of the City Council.

Commissioners shall receive no salary for their service, but they shall be reimbursed from the Hospital Fund for actual expenses incurred in the performance of their duties. (Ord. No. 2009-1, Sec. 3.)

5.28.04 Authority

- A. The Commission hereunder appointed shall have full and complete authority to manage, operate, maintain, and keep in good state of repair the Municipal Hospital and shall have full and complete charge of said building, with the power to handle the same as the Commissioners shall see fit and deem to be the best interest of the city.
- B. The Commissioners shall have the right to employ or remove managers and all their employees of whatsoever nature, kind or character, and to fix, regulate and pay their salaries, wages or other compensation; it being the intention of this ordinance to vest in said Commissioners authority to operate, manage, maintain, and control said Municipal Hospital and to have full and complete charge thereof, including the same discretionary power afforded to the Board of Trustees of benevolent or non-profit corporations in the state; provided said Commissioners shall not have authority or power to sell, mortgage or encumber said municipal hospital unless hereafter so authorized by law.
- C. Said Commission shall have the right and authority to use any profits arising from the operation of said hospital for the repair, improvement or addition to said hospital or the equipment thereof, or for charitable purposes in connection with said hospital or the equipment thereof, or for charitable purposes in connection with the operation of said hospital.
- D. The Commissioners shall have the exclusive right and power to make purchase of all supplies, apparatus and other property and things requisite and necessary for the operation and management of the said hospital, the management and operation of said hospital to include the construction of the same, repairs and additions thereto. (Ord. No. 2009-1, Sec. 4.)

5.28.05 Rules and regulations Said Commissioners shall have the authority to adopt such rules and regulations as they may deem necessary and expedient for the proper operation and management of said hospital and shall have the authority to alter, change or amend such rules and regulations at their discretion. They shall have the right to adopt and enforce standards for the operation and management of the hospital, including the right to apply for and accept membership in accredited hospital societies and organizations and to comply with the enforce compliance with the rules and regulations of such societies; provided that in no case shall standards less than the minimum required by the laws of Arkansas be adopted or enforced. (Ord. No. 2009-1, Sec. 5.)

5.28.06 Reports The Commissioners shall submit reports to the Mayor and City Council beginning three (3) months after they take their oath of office and thereafter at such periods as the City Council may direct, reporting in full on the operations of the hospital, including an

accounting of receipts and disbursements. They shall furnish such other and further reports, data, and information as may be requested by the Mayor or City Council. The reports to the Mayor and City Council with respect to receipts and disbursements shall be certified by the Commissioners as correct. The Commissioners shall further submit an annual audit of the operations of the hospital to the Mayor and City Council. The fiscal year for the hospital shall be determined by the Mayor and City Council. (Ord. No. 2009-1, Sec. 6.)

5.28.07 Funds Upon each annual audit of the Commissioners being made to the Mayor and City Council, the City Council may lend or appropriate funds from the general revenue of the city of Pocahontas, or from such other funds as the city may have available, to make up any deficit or to provide such funds as may be necessary to carry on the operations of the hospital. The City Council, at any time other than when the annual audit is filed, may lend or appropriate such funds as it deems necessary from the general revenue fund or from such other funds as the city may have available for the purpose of maintaining and operating the hospital.

All funds derived from the use of the hospital shall be segregated into a Hospital Fund which shall be used exclusively in the operations of the hospital by the Commissioners. Monies in the Hospital Fund shall not be mingled with other funds of the city and shall be handled exclusively by the Commissioners. (Ord. No. 2009-1, Sec. 7.)