

**ORDINANCE FOR THE ADOPTION OF RULES AND REGULATIONS
CONCERNING GARBAGE AND TRASH DISPOSAL AND REGULATING
ABANDONED PROPERTY, RUBBISH AND ABANDONED MOTOR VEHICLES**

BE IT ORDAINED BY THE CHEROKEE VILLAGE CITY COUNCIL THAT;

SECTION I. Depositing on Public or Private Property: No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

SECTION II. Outside burning prohibited – described: No person shall, outside of a building, burn any papers, trash or refuse within the area of the City of Cherokee Village, except as otherwise provided in this Article. Burning of leaves, grass clippings or trees is allowed.

SECTION III. Contract, charges, bond: The mayor shall negotiate, and the council shall approve, a contract or contracts, with private companies or individuals, for collection of garbage and trash within the City of Cherokee Village which contracts shall make reasonable requirements of the contractors concerning type and frequency of service to the various areas within the City. The charge for services to other than residential customers to be established by the contractor in agreement with the customer. The contractor or contractors must file a corporate surety bond for the sum of \$25,000.00 to insure the City and the contractor's customers against loss by failure of the contractor to perform his agreements according to the terms of such contract. Such contract may require the City to bill and collect from the residential and non-residential customers a collection fee.

SECTION IV. Maintenance of premises: The occupant of all residences and business establishments in the City of Cherokee Village shall keep their premises clean and sanitary, and shall cause the trash and garbage to be removed therefrom. The term "residential customer" as herein used shall mean single family units, and in case of townhouses, condominiums, camp grounds and other units, the charge to be made by the contractor shall pertain to each family unit occupying the premises.

SECTION V. Rubbish storage on property: It shall be unlawful to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass or other items of household furniture or appliances, metal, plastic and paper, building material, building rubbish, trash or similar items. An abandoned motor vehicle, for the purpose of this ordinance, is defined as one that is in a state of disrepair and incapable of being moved under its own power or one that does not have current, valid license plates.

(a) **Keeping premises clean:** It shall be the duty and responsibility of every such

owner, occupant or owner's authorized agent to keep the premises of such residential property clean and to remove from the premises all such abandoned items, as listed above.

- (b) **Notice to remove:** Any owner, occupant or owner's authorized agent that fails to remove abandoned motor vehicles, or all such abandoned items, after written notice to do so from the mayor of the City of Cherokee Village, Arkansas within 20 days after receipt of said notice, shall be in violation of this ordinance, and said abandoned items may be removed by the City of Cherokee Village.
- (c) The costs of towing, removal and/or storage of said items shall constitute cause for legal action against the owner, occupant or owner's authorized agent and/or a lien upon property from which it is removed.

SECTION VI. Penalty: Any violation of this ordinance shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not less than \$10.00 nor more than \$25.00, and each day such violation occurs shall be considered a separate offense.

SECTION VII. Severability clause: If any part of this ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION VIII. Emergency: Because of the large number of residents in the Cherokee Village City Limits and because said refuse disposal represents an immediate potential danger to the residents of their health, safety, and welfare, an emergency is hereby declared to exist and this ordinance will be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: *July 20, 1999*

APPROVED:

ATTES

[Signature]
[Redacted Signature]