

ORDINANCE 2015-01

AN ORDINANCE REPEALING ORDINANCE 99-11 & ORDINANCE 2004-14 AND ADOPTING RULES AND REGULATIONS CONCERNING GARBAGE AND TRASH DISPOSAL AND REGULATING ABANDONED/INOPERABLE PROPERTY, ABANDONED/JUNK MOTOR VEHICLES, HOUSEHOLD & INOPERABLE HOUSEHOLD APPLIANCES AND LITTER AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CHEROKEE VILLAGE CITY COUNCIL THAT:

SECTION 1. Ordinances 99-11 and 2004-14 are repealed in their entirety.

SECTION 2. Definitions

- (1) "Abandoned" means property to which no person claims or exercises rights of ownership;
- (2) "Household appliance" includes , but is not limited to, refrigerators, freezers, ranges, stoves, automatic dishwashers, clothes washers, clothes dryers, trash compactors, television sets, radios, water heaters, air conditioning units, commodes and other plumbing fixtures, and bed springs or other furniture;
- (3) "Inoperative household appliance" means a discarded household appliance which by reason of mechanical or physical defects can no longer be used for its intended purpose and which is not serving a functional purpose;
- (4) "Junk motor vehicle" means any vehicle which is inoperable, dismantled or damaged and that is unable to start and move under its own power. Vehicles are excluded from this definition as long as they are registered and bear current license permit;
- (5) "Litter" means all waste material which has been discarded or otherwise disposed of, including but not limited to , convenience food and beverage packages or containers, trash, garbage, all other product packages or containers, and other post-consumer solid wastes;
- (6) "Rubbish" means waste material, refuse, litter, debris or trash;
- (7) "Unused vehicle tire" means a pneumatic tire in which compressed air is designed to support a load and is not serving a functional purpose or use or is not in an enclosed building;
- (8) "Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests;
- (9) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power.

SECTION 3. 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, litter, inoperative household appliance, junk motor vehicle, unused vehicle tire, or other objectionable waste.

SECTION 4. Outside burning prohibited – described: No person shall, outside of a building, burn any papers, trash, construction material, litter or refuse within the City of Cherokee Village, except as otherwise provided in this Article. Burning of leaves, grass clippings or trees is allowed.

SECTION 5. Maintenance of premises: The occupants of all residences and business establishments in the City of Cherokee Village shall keep their premises clean and sanitary and shall cause the trash, garbage and litter to be removed therefrom.

- (1) Lawn Areas: All lawn areas shall be maintained at a reasonable height, not to exceed ten (10) inches in height. The resident or homeowner will be notified in writing and be given seven (7) days to cut the grass or weeds.
- (2) Any lot which has been cleared from its natural state shall be maintained to a reasonable height so as not to harbor vermin or operate to lower the value of neighboring properties.
- (3) Trash Containers: Trash containers shall not be placed out for pick-up prior to noon the day before scheduled pick-up and shall be removed not later than noon of the day following pick-up.

SECTION 6. Rubbish stored on property: It shall be unlawful to use residential property for the open storage of any abandoned or junk motor vehicles, operable or inoperable household appliances, glass or other items of household furniture, metal, plastic and paper, building rubbish, trash or similar items.

- (1) 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 or inoperable items, as listed above.
- (2) Notice to remove: Any owner, occupant or owner's authorized agent who fails to remove abandoned operable or inoperable household appliances, litter, rubbish, unused motor vehicle tires or other objectionable waste after written notice to do so from a Code Enforcement Officer of the City of Cherokee Village, Arkansas, within ten (10) days after receipt said notice shall be in violation this ordinance, and said abandoned items may be removed by the City of Cherokee Village.

SECTION 7. Authority to take possession of discarded item.

(a)(1) Any code enforcement officer who has knowledge of, discovers, or finds any abandoned or junk motor vehicle, old tire, or inoperative or discarded household appliance on either public or private property may take it into custody and possession.

(a)(2) The City of Cherokee Village may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities for the purpose of removing, preserving, and storing junk motor vehicles, old tires, or inoperative or abandoned household appliances.

(b)(1) However, before taking any abandoned or junk motor vehicle into custody and possession from private property, the City of Cherokee Village shall give the private property owner and the owner of the motor vehicle, if ascertainable, thirty (30) days' notice by certified mail that such an action will be taken unless the motor vehicle is:

(A) Restored to a functional use;

(B) Disposed of by the owner in a manner not prohibited by this ordinance; or

(C) Placed in an enclosed building.

(b)(2) The thirty-days' notice of this section may be waived by the owners of the property.

(c) The costs of towing, removal and/or storage of said item shall constitute cause for legal action against the owner, occupant or owner's authorized agent and/or a lien upon the property from which it was removed.

SECTION 8. Penalty: Any violation of this ordinance shall be deemed an unclassified misdemeanor and upon conviction the violator shall be fined not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00). An additional sentence of not more than eight (8) hours of community service shall be imposed. Each day such violation occurs or continues shall be considered to be a separate offense. See Arkansas Code 8-6-404 for second or subsequent offenses within (3) years of the first offence.

SECTION 9. Severability: 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.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATE: 6/16/15

APPROVED: Russell Stone, Jr
Mayor

ATTEST: Lana Hamilton