

ORDINANCE NO. 497

AN ORDINANCE REQUIRING PREMISES TO BE KEPT FREE FROM WEEDS, RANK GRASS, GARBAGE, RUBBISH AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES; REQUIRING PROPERTY OWNERS TO ELIMINATE, FILL UP OR REMOVE STAGNANT POOLS OF WATER OR ANY OTHER UNSANITARY THING, PLACE OR CONDITION WHICH MIGHT BECOME A BREEDING PLACE FOR MOSQUITOES, FLIES AND GERMS HARMFUL TO THE HEALTH OF THE COMMUNITY; PRESCRIBING A PROCEDURE TO BE FOLLOWED IN SUCH CASES; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RECTOR, ARKANSAS:

SECTION 1. All property owners within the City of Rector, Arkansas, are hereby required to cut weeds, 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 thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community.

SECTION 2. If the owner or owners of any lot or other real property within the City of Rector, after the giving of seven (7) days' notice in writing by City Code Enforcement Officer, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 1 hereof, the City Code Enforcement Officer, or his designee, is hereby 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 thereof shall be charged against said premises and shall constitute a lien thereon.

SECTION 3. In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a non-resident of this State, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Recorded-Treasurer shall make an affidavit setting out the facts as to unknown address or whereabouts of non-residents, and thereupon service of publication as now provided for by law against non-resident defendant may be had and an attorney ad litem may be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.

SECTION 4. 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 may be determined at a hearing before the City council 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 Clay County 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 to the Clay 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 Rector.

SECTION 5. A fine of Fifty Dollars (\$50.00) may be imposed against the owner or owners of said lot or real property or the resident thereof upon such weeds, rank grass or other vegetation have not been cut on thirty (30) days written notice and is found to be a public health hazard by the City Council and upon which any unsanitary and unsightly conditions have not been eliminated thirty

(30) days after written notice to the owner of said property and for each day thereafter that said items have not been removed or eliminated shall constitute a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each said separate and distinct offense.

SECTION 6. It has been determined that this ordinance is necessary and is vital to the health, welfare and safety of the public, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

SECTION 7. Ordinances 350, 367, 380 and 465 are hereby repealed. And all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

DATED: 5/5/04

APPROVED Ronald E. Kemp
Ronald E. Kemp, Mayor

ATTEST:

Kenneth R. Burns
Kenneth R. Burns, Recorder