

ORDINANCE 2012- 54

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; AND DECLARING AN EMERGENCY

BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, ARKANSAS:

Section 1. All property owners and tenants within the City of Clinton, Arkansas, are hereby required to cut weeds, grass, remove garbage, brush, trash, dead trees, scrap, building materials, rubbish and any other unsanitary and unsightly articles and things from their property and/or the property they occupy, 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. Weeds or grass allowed to grow over ten (10) inches high shall be deemed a violation of this section.

A. Specifically, and without limitation, the above referenced shall also include:

1. Tires, or any other articles or debris that is unsightly or unsanitary.
2. The open storage of iceboxes, refrigerators, freezers or any other appliance or furniture for a period of more than seven (7) days unless it is in connection with an appliance or furniture sales or repair business enterprise which operates with any and all appropriate licenses

and is located in an area zoned for such business. During the period of any outdoor storage, for any reason, all doors, latches and locks are to be removed or made inoperable to insure the safety of all citizens.

3. The use of any stream, water flow or drainage way for the purpose of throwing or placing stumps, brush, litter, rubbish or any other liquid or solid material in or along the banks of any such stream, water flow or drainage way.

4. Trees, shrubs, bushes or any other plant impeding the flow of pedestrian traffic on any sidewalk and/or public right-of-way or impeding the flow of vehicular traffic on any street, road, highway, avenue, boulevard or other type of roadway.

5. The burning of any substance that creates noxious fumes or odors or creates smoke that is so intense that it impedes the view of passing motorists or infiltrates any structure occupied to such an extent that it constitutes a health or safety hazard for any occupants.

6. Unlicensed motor vehicle (s), unless said tenant, owner or owners operate a motor vehicle sales operation from that real property and said tenant, owner or owners have a current state license to so operate same from that location. If the tenant, owner or owners are not so licensed, or actively engaged as a motor vehicle repair business and such business is their primary activity, the presence of unlicensed motor vehicles is only permitted if they are completely shielded from view by means of a fence, no less than eight feet high. Whether or not the tenant, owner or owners are currently licensed for motor vehicle sales from that location, dismantled motor vehicles or being dismantled or "parted out" are not permitted on lots or other real property within the City unless they are so shielded, if the City official determines the display of any vehicle is unsightly or poses a safety or health risk, he/she may order the property to be brought into compliance, or the removal of the said vehicles.

Section 2. If the tenant, owner or owners of any lot or other real property within the City of Clinton, Arkansas, after the giving of seven (7) days' notice in writing by posting said notice on the property or by mail to said tenant, owner or owners by the Planning and Zoning Officer, shall refuse or neglect to perform the duties in connection with his or their property as specified in section 1 hereof;

A. The Planning and Zoning Officer or the Code Enforcement Officer is hereby authorized to issue a citation against the tenant, owner or owners of the condition of the property and,

B. Any City Official that the Mayor authorizes 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 conditions, and the costs thereof shall be charged against said premises and shall constitute a lien thereon.

C. In addition, said tenant, owner or owners shall be fined in an amount no less than \$150.00 and not to exceed the state limit.

Section 3. In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a nonresident 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 Recorder/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 defendants 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.

Section 4. Enforcement of this ordinance shall be as provided in Ark. Code Ann. 14-54-903 and 14-54-904.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Because of the epidemic of West Nile Virus in Arkansas and other such mosquito-borne illnesses which have resulted in many deaths and illnesses and for many other health-related reasons, an emergency is hereby declared. The aforementioned property conditions constitute a public menace which threatens both citizens and property with the City; THEREFORE, an emergency is hereby declared to exist and this ordinance, being necessary for the immediate preservation of the public, health, safety, and welfare, shall be in full force and effect from and after its passage and approval.

PASSED: *October 18, 2012*

ATTEST:

Wendy Henderson
CITY RECORDER/TREASURER

APPROVED:

Roger L Rowe
MAYOR

(SEAL)