

ORDINANCE NO. 96-240

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 CLINTON, ARKANSAS:

Section 1. All property owners within the City of Clinton, 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. Any citizen may file with the City Clerk a written complaint that any property should be considered a nuisance as defined in Section 1 hereinabove. Acting upon said citizen's complaint or on a report of any City official or council person, the Clinton City Council may pass a resolution declaring any specifically described property a nuisance.

Section 3. Subsequent to the passage of a resolution declaring that a nuisance exists, any City official authorized to do so shall give written notice to the owner or owners of any lot or real property within the City of Clinton that the nuisance must be abated within ten (10) days. If said owner(s) refuse or neglect to perform the duties in connection with his or their property as specified in Section 1 hereof, the City and its agents and employees are 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 4. 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 Clerk 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 shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.

Section 5. 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 Van Buren County for one (1) insertion per week for four (4) consecutive weeks; and the amount so determined at said hearing, plus ten percentum (10%) penalty for collection, shall be certified by the City Council to the Van Buren County Tax Collector, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percentum (3%) thereof, when so collected shall be paid to the City of Clinton.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. 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.

APPROVED:



Mayor

DATED: October 10, 1996

ATTEST:



Clerk/Recorder