

ORDINANCE NO. 131

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 OR REMOVE STAGNANT POOLS OF WATER OR ANY OTHER UNSANITARY THING, PLACE OR CONDITION WHICH MIGHT BECOME A BREEDING GROUND FOR MOSQUITOES, FLIES, RODENTS OR GERMS HARMFUL TO THE HEALTH OF THE COMMUNITY; PRESCRIBING A PROCEDURE TO BE FOLLOWED IN SUCH CASES AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the Town Council is empowered pursuant to Arkansas Code Annotated §14-54-901 to regulate and remove unsanitary conditions and nuisances existing within the limits of the incorporated town of Garfield for the protection of the health and safety of the citizens of Garfield and to further protect the public safety and health, and to prevent injury or annoyance within the incorporated limits of the Town of Garfield, and to cause the abatement and removal of any unsanitary condition or nuisance as defined within the body of this Ordinance; and

WHEREAS, the Town Council of Garfield is empowered pursuant to Arkansas Code Annotated §14-54-902 to provide notice to the owners of any lot or real property on which an unsanitary condition or nuisance exists; and

WHEREAS, the Town of Garfield is empowered pursuant to Arkansas Code Annotated §14-54-903 through §14-54-904 to remove any unsanitary condition or nuisance, to establish a clean-up lien for such removal and to enforce the collection of the clean-up lien by statutory methods.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GARFIELD, ARKANSAS:

Section 1: All property owners within the incorporated Town of Garfield, 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 other unsanitary things, places or correct conditions which might become a breeding place for mosquitoes, flies or germs harmful to the health of the community. Weeds or grass allowed to grow over twelve(12) inches high in an area dedicated to residential or commercial purposes shall be deemed a violation of this section. Agricultural lands and lands dedicated to the growth of trees are exempt from maintaining the grass or weeds at a certain height.

Section 2: If the owner or owners of any lot or other real property within the incorporated Town of Garfield, Arkansas, after the giving of seven (7) days notice in writing by the Clerk of Garfield or by the Garfield City Attorney, shall refuse or neglect to perform the duties in connection with their property as specified in Section 1 hereof, the Zoning Official 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 constitute a lien thereon.

Section 3: In case the owner of any lot or of any lot or other real property is unknown or his whereabouts is not known or he is a nonresident of this State, then a copy of the written notice hereinabove referred to shall be posted upon the premise, and before any action to enforce the lien shall be had, the recorder of the town or the city clerk shall make an affidavit setting out the facts as to the unknown address or whereabouts of the nonresident owner.

Thereupon, service of the publication, as now provided for by law against nonresident 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: Any ordinance or parts of any other Ordinance of the Town of Garfield in conflict herewith are hereby repealed to the extent of that conflict.

Section 6: An emergency is hereby declared to exist and this ordinance being necessary for the preservation of the public peace, health, and safety, shall take effect and be in force from and after its passage and approval.

Passed and Approved this 3rd day of November, 2009.

APPROVED:/s/ _____
Mayor Laura Hamilton

ATTEST:/s/ _____
Merlene Snoderly, Recorder/Treasurer