

ORDINANCE NO. 1983-2, AN ORDINANCE PROHIBITING THE KEEPING STORING AND/OR MAINTAINING OF INOPERABLE MOTOR VEHICLES AND OTHER UNSIGHTLY AND UNSANITARY ITEMS UPON PRIVATE PROPERTY AND REQUIRING PREMISES TO BE KEPT FREE FROM WEEDS, RANK GRASS, GARBAGE, RUBBISH AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES WITHIN THE CORPORATE LIMITS, PROVIDING FOR DISPOSAL OF SAME; REQUIRING PROPERTY OWNERS TO ELIMINATE, FILL UP OR REMOVE STAGNATE POOLS OF WATER OR ANY OTHER UNSANITARY THING, PLACE OR CONDITION; PROVIDING A PROCEDURE TO BE FOLLOWED BY THE CITY IN SUCH CASES TO PERFECT A LIEN UPON SAID PROPERTY; FIXING A PENALTY THEREFOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

WHEREAS, in many areas of the City of Keiser, inoperable vehicle tires, iceboxes, refrigerators, paper, stoves, glass, building materials, building rubbish, weeds, grass, garbage, and other unsightly and unsanitary things have been permitted to remain upon private property for long periods of time, and

WHEREAS, all of the aforementioned items, and other items, constitute an attractive nuisance for children, provide harborage for rats, animals, and mosquitoes, constituting a menace to the public's health, safety and welfare; and

WHEREAS, the storage of these aforementioned items, and other items upon private property, and the failure to eliminate all or any of the aforementioned items is unsightly, obnoxious, detrimental to the neighborhood and results in depreciation of property value.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEISER, ARKANSAS:

SECTION ONE. That from and after the passage and approval of this ordinance, it shall be unlawful for the owner, owners, or occupant of any lot or other real property within the City of Keiser, Arkansas, to utilize the premises for the open storage of any inoperable motor vehicle (not currently licensed), icebox, refrigerator, stove, tires, glass, building materials, paper, building rubbish and/or similar unsightly and unsanitary items. An inoperable motor vehicle for the purpose of this ordinance, is defined as one that is in a state of disrepair and incapable of being moved under its own power or one

that does not have current, valid license plates.

SECTION TWO. It shall further be unlawful for any owner, owners, or occupant of property within said City to allow said property to become unsightly and unsanitary by failing to cut weeds or grass, or to remove garbage, rubbish or to eliminate, fill up, or remove stagnate 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.

SECTION THREE. After having been given twenty (20) days notice in writing by the Office of Building Inspector and Code Enforcement, and property owner or occupant who shall fail, refuse or neglect to perform the duties required by said Notice in connection with his or their property as specified herein, the Chief of Police or City Marshall of the City of Keiser, acting in cooperation with the Office of Building Inspection and Code Enforcement of the City of Keiser, Arkansas, is hereby authorized to enter upon the property and correct said situation, by removing, or having removed from said premises the inoperable vehicles, tires, ice-boxes, refrigerators, papers, stoves, glass, building materials, building rubbish and/or other unsightly or unsanitary items; or to have said weeds, 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 FOUR. 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 Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents, and thereupon service of publication as now provided for by law against nonresident 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 FIVE. The lien herein provided for, which shall not exceed an annual amount equal to two cents per square foot of the lot or tract of land involved, 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 of 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 Mississippi 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 Mississippi 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 Keiser, Arkansas.

SECTION SIX. In addition to the lien provisions as provided herein, any owner, owners, or occupant of any lot or other real property within the City of Keiser, after having been given twenty (20) days notice by the office of Building Inspection and Code Enforcement, who shall fail, refuse or neglect to correct or rectify said condition shall be guilty of a violation of this ordinance, and upon conviction therefor, shall be punishable by a fine of not less than Twenty-Five Dollars and No/100 (\$25.00), nor more than One Hundred and No/100 Dollars (\$100.00); and each day such violation occurs or shall continue shall be considered a

separate offense.

SECTION SEVEN. Said City shall have the option of enforcing this Ordinance by any one or more methods as provided for herein, and the use of one remedy prescribed herein by said City shall in no way prevent or prohibit the City of Keiser from proceeding under different or other remedies as herein provided.

SECTION EIGHT. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION NINE. The City Council has determined that inoperable motor vehicles (not currently licensed) and other unsightly and/or unsanitary items, are being accumulated upon private property throughout the corporate limits of the City and such practice constitutes a health hazard as well as being unsightly and obnoxious and this situation should be corrected as once. Therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the immediate preservation of the public health, peace and safety, shall be in full force and effect immediately upon its passage and approval.

ADOPTED: June 14, 1983.

APPROVED:

Donald R. Haile
DONALD R. HAILE, Mayor

ATTEST:

Linda Page
LINDA PAGE, Recorder