

ORDINANCE NO. 2000-3

AN ORDINANCE ADDRESSING UNSIGHTLY OR UNSANITARY CONDITIONS ON REAL PROPERTY LOCATED INSIDE THE CITY LIMITS OF POTTSVILLE AND PROVIDING A PENALTY FOR THOSE IN VIOLATION OF SAID ORDINANCE.

WHEREAS, the city of Pottsville has an interest in addressing unhealthy and unsanitary conditions that exist within its city limits; and,

WHEREAS, there does not exist an Ordinance to prevent or punish those who allow unsanitary conditions to exist upon their real property within the city limits of Pottsville.

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

SECTION 1. Unsightly or Unsanitary Conditions on Real Property. It shall be unlawful for any person, firm, corporation, partnership, association or persons, owners, agents, occupant or anyone having supervision or control of any lot, tract, parcel of land or portion thereof occupied or unoccupied, improved or unimproved within the corporate city limits of the city of Pottsville to allow or permit any of the following conditions:

- A. Grass, weeds, or any other plant that is not cultivated, to grow to a greater height than 8 inches on an average of an individual lot, tract, parcel, or to grow in rank profusion upon the premises.
- B. Rubbish, brush, dead trees, or any other objectionable, unsightly or unsanitary matter of whatever nature to accumulate or be present upon any lot, tract or parcel of land.
- C. Grass, weeds or any plants that are not cultivated, to grow in rank profusion, or otherwise, in, along, upon or across the abutting sidewalk or parkway, to a height of more than 6 inches on the average.

- D. The storage of a junk and/or abandoned automobile for a period not to exceed 30 days unless it is in connection with an automotive sales or repair business enterprise which is located in a properly zoned area. "Abandoned automobile" is defined as any motorized vehicle not regularly used or operable which is objectionable and unsightly and which is not serving the purpose for which it was created. "Automobile" is not limited to cars and trucks, but includes motorcycles, go-carts or golf carts. This is not an exclusive list. It is the intent of this portion of this Ordinance to address those situations and to eliminate them where an automobile may be on blocks, in parts, or is not operable as it sits, unless it is in an automotive sales or repair business located in a properly zoned area.
- E. The open storage of iceboxes, refrigerators, or any other appliances for a period not to exceed thirty (30) days and during storage period, all doors, latches and locks are to be removed or made inoperative in a manner to insure the safety of all citizens, unless it is in connection with an appliance sales or repair business enterprise which is located in a properly zoned area.
- F. The use of any stream or drainage way for the purpose of throwing or placing of stumps, brush, litter, rubbish, or any other liquid or solid material within or along the banks of any such stream or natural drainage way unless required permits have been obtained.
- G. The accumulation of stagnant pools of water or allowing any form of vessel that might accumulate water in which mosquitoes or other insects may breed.
- H. The property to be used for illegal dumping of any solid or liquid, household, commercial, industrial, construction, or demolition waste, including but not limited to garbage, trash, tin cans, bottles, rubbish, refuse, lumber, whether dumped, thrown, burned, spilled or abandoned, unless permits and permission have been obtained.

With the exception of anything in violation of federal and state law, this Ordinance does not apply to those areas zoned agriculturally.

SECTION 2. Notice Required. Notice of Violation. Whenever the Mayor or his duly authorized agent or representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this code, he shall give notice of such alleged violation to the person responsible therefore, that such alleged violation shall constitute a nuisance. Such notice

shall:

- A. Be put in writing.
- B. Include a statement of the reasons why it is being issued, and the sections of the Ordinance that are alleged to be in violation.
- C. Allow a maximum of ten (10) days for performance of any act it requires.
- D. Further state that if such alleged violations are not voluntarily corrected within the stated time as set forth in the notice, the Mayor or his duly authorized agent or representative shall institute legal proceedings, charging the person or persons, firm, corporation, or agent with a violation of this ordinance.

The person responsible for the violation shall be notified by one or more of the following methods:

- A. By delivery to the owner, agent, or responsible person personally.
- B. By leaving the notice at the usual place, abode or business of the owner, agent or responsible party with a person of suitable age and discretion; or,
- C. By depositing the notice in the United States Post Office, addressed to the owner, agent, or responsible party, at his last known address by certified mail, postage prepaid thereon; or,
- D. By posting and keeping posted for a period of not less than twenty-four (24) hours, a copy of the notice in a conspicuous place on the premises, alleged to be in violation.

SECTION 3. Penalties. Any person, firm, corporation, partnership, association of persons, owner, occupant, agent or anyone having supervision or control who shall violate a provision of this code, or fail to comply therewith, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. Upon conviction of such violation, such person shall be punished by a fine, not to exceed \$300.00 for the

first offense, and not more than \$200.00 for each day of offenses of a continuing nature.

Violation of the provisions of this ordinance may be prosecuted by the issuance of a civil warrant or by the issuance of a citation by a law enforcement officer as required by law.

SECTION 4. Requirement to Remove Debris After Disaster. If any property owner shall suffer the loss, either total or partial, of a house by fire or tornado, it shall be the duty of the Mayor or his designated agent, which can include the city attorney, to immediately notify, in writing, the property owner to remove all debris from the lot. It shall be the duty of the property owner, within thirty (30) days from receipt of said notice, to remove all debris or refuse on said lot.

SECTION 5. Notification. It shall be the duty of the Mayor of the city of Pottsville or his designated agent, such as the city attorney, to notify, in writing, all property owners who own lots on which debris or refuse is situated due to the destruction of houses by fire or tornado, and on other lots which have accumulated such unsightly debris and refuse, whether caused by fire or otherwise, and it shall be the duty of the property owner to remove such debris or refuse within thirty (30) days after receipt of notice from the city of Pottsville.

SECTION 6. Penalty. If any property owner shall fail or refuse to remove such debris or refuse as mentioned above within the time fixed by this portion of this ordinance after receiving such notice from the city of Pottsville, he shall, upon conviction, be punished by fine not to exceed \$300.00 for the first offense and not more than \$200.00 for each day of offenses of a continuing nature. Each day that such property owner refuses to comply with this portion of the ordinance, after the expiration of the time limit provided, shall be considered a separate offense.

SECTION 7. This ordinance hereby revokes and replaces Ordinance 84-2.

SECTION 8. EMERGENCY CLAUSE. This ordinance being necessary for the health,

safety, and welfare of the citizens of Pottsville, Arkansas, based upon the reasons stated above, an emergency is declared to exist, and this Ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 18 DAY OF August, 2000.


MAYOR, CITY OF POTTSVILLE

Attest:

