

ORDINANCE NO. 2002-2

AN ORDINANCE ADDRESSING PROPERTY WHOSE OWNERS ALLOW WEEDS, RANK GRASS, GARBAGE, RUBBISH AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES TO ACCUMULATE; 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 THE PROCEDURE TO BE FOLLOWED IN SUCH CASES PERTAINING TO THOSE PROPERTY OWNERS OUTSIDE THE STATE OF ARKANSAS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the city of Pottsville has certain ordinances passed to address property owners keeping their property free of unsightly and unsanitary conditions; and,

WHEREAS, the ordinances passed by the city of Pottsville have little or no effect on those property owners who live outside the state of Arkansas; and,

WHEREAS, there now exists a need for the city of Pottsville to pass certain ordinances to address those property owners who live outside the state of Arkansas, who refuse to clean or maintain their property.

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

Section 1. All property owners within the city of Pottsville, Arkansas, are hereby required to cut weeds, grass and trees that pose a danger to the public, remove garbage, rubbish and/or trees that have fallen, 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 things, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community.

Section 2. If the owner of any lot or other real property within the city of Pottsville,

Arkansas, after the giving of twenty (20) days notice in writing at the direction of the Mayor, shall refuse and neglect to perform the duties in connection with his or her property as specified in Section 1 hereof, the City, through its authorized personnel, may designate employees of the city or the city may, at its discretion, hire independent contractors to enter upon the property in question and have said weeds, rank grass, trees or other vegetation cut and removed or eliminate any unsanitary and unsightly condition, and the costs thereof shall be charged against said premises and shall constitute a lien thereon.

Section 3. In case the owner of any lot or other real property is unknown or his whereabouts are unknown or he is a non resident of this state, then a copy of the written notice herein above referred to shall be posted upon the premises and before any action to enforce such a lien described above shall be obtained, the city clerk or recorder shall prepare 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 a non resident defendant or unknown owner 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. The lien herein provided for may be enforced and collected in either one of the following manners:

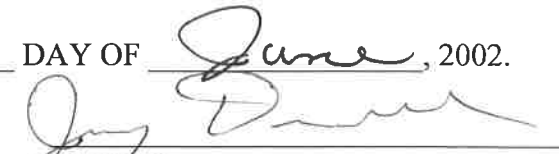
- a. The lien may be enforced at any time within eighteen (18) months after work has been done by an action in the Chancery Court; or,
- b. The amount of the lien herein provided may be determined at a hearing before the City Council held after thirty (30) days written notice by certified mail to the 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 Pope County for one (1) insertion per week for four (4) consecutive weeks and the amount so determined at said hearing/meeting, plus ten percent (10%) penalty for collection, shall be certified by the City Council to the Pope County Tax Collector and by him or her placed on the tax books as delinquent taxes and collected accordingly, and the amount, less those statutory requirements pursuant to the State's cost and entitlements shall be paid to the city of Pottsville when so collected.

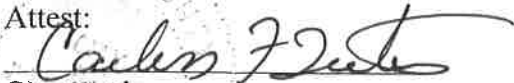
Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed, however, the city of Pottsville recognizes there are other ordinances that address the same types of problems in the city of Pottsville. The city authorities shall have the discretion to proceed pursuant to any ordinance the authorized personnel chooses.

Section 6. 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. More specifically, the city of Pottsville recognizes there are certain lots in the city limits of Pottsville that are not in compliance with this and other ordinances concerning the keeping and maintaining of property within the city limits. These lots should be cleaned up as soon as possible for the health and safety of the residents of the city of Pottsville, therefore, an emergency exists.

PASSED AND APPROVED THIS 24 DAY OF June, 2002.


MAYOR, CITY OF POTTSVILLE

Attest:


City Clerk

