

ORDINANCE NO. 2008 - 02

AN ORDINANCE REQUIRING PREMISES TO BE KEPT FREE FROM WEEDS, RANK GRASS, GARBAGE, RUBBISH AND OTHER UNSIGHTLY AND/OR UNSANITARY ARTICLES; REQUIRING PROPERTY OWNERS TO ELIMINATE, FILL UP OR REMOVE STAGNANT POOLS OF WATER AND/OR ANY OTHER UNSANITARY THING, PLACE OR CONDITION WHICH MIGHT BECOME A BREEDING PLACE FOR MOSQUITOES, FLIES AND GERMS HARMFUL TO THE HEALTH OR WELL BEING OF THE COMMUNITY; PRESCRIBING A PROCEDURE TO BE FOLLOWED IN SUCH CASES.

BE IT ORDAINED BY THE CITY OF BULL SHOALS, ARKANSAS:

SECTION 1. All property owners within the City of Bull Shoals, Arkansas, are hereby required to cut weeds, grass, remove garbage, rubbish and other unsanitary and/or unsightly articles and things from their property, and to eliminate, fill up or remove stagnant pools of water and/or any other unsanitary things, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health or well being of the Community. Weeds or grass allowed to grow over twelve (12) inches high shall be deemed a violation of this section.

SECTION 2. If the owner or owners of any lot or other real property within the City of Bull Shoals, Arkansas, after the giving of a seven (7) day notice in writing by the Mayor or his/her designee shall refuse or neglect to perform the duties in connection with his or their property as specified in Section One (1) hereof, the City Chief of Police or his designed officer is hereby authorized to enter upon the property and have said weeds, rank grass or other vegetation cut and removed, or eliminated any unsanitary and unsightly condition, and the cost thereof shall be charged against said premises and shall constitute a lien thereon.

SECTION 3. In case the owner of any 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 Recorder 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 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. Any person(s), firm, association, company or corporation who violate the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

SECTION 5. Enforcement of this ordinance can also be as provided in Arkansas Code Ann. 14-54-903 and 14-54-904.

SECTION 6. Ordinance 96-8 and any parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. Severability

If any provision, clause, sentence, paragraph or section of this ordinance, or the application thereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not effect the other provision of this ordinance which can be given effect without the invalid provision or application and to this end the provisions of this ordinance are declared severable.

PASSED AND ADOPTED by the City Council of the City of Bull Shoals, Arkansas, on this

4 day of February, 2008

APPROVED: Ronald A. Richter
The Honorable Ronald Richter – Mayor

ATTESTED: Kimberly M Williams
Kimberly M. Williams – Recorder/Treasurer

Pursuant to Ordinance 93-10 and permitted by Act 295 of 1993, I, Kimberly M. Williams, Recorder/Treasurer, certify that I have posted this ordinance in five (5) of the most public places in the City of Bull Shoals, Arkansas (City Hall, Arvest Bank, First Security Bank, Harps Village Market and the Meeting Place Bulletin Boards).

Posted: March 5, 2008

Posted By: Kimberly M Williams
(Signature)

CHAPTER 1.28

ALTERING CODE

Sections:

1.28.01 Altering code

1.28.01 Altering code. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever, except by ordinance of the City Council, which shall cause the law of the city of Bull Shoals, Arkansas to be misrepresented thereby. Any person violating this section shall be punished as provided by Section 1.32.01 hereof.

CHAPTER 1.32

GENERAL PENALTY

Sections:

1.32.01 General Penalty

1.32.01 General penalty. Whenever in this Municipal Code the doing of any act or the omission to do any act or duty is declared unlawful, and further, whenever the amount of the fine shall not be fixed and no penalty declared, any person convicted for a violation of such provision of this code shall be adjudged to pay a fine of not more than Five Hundred Dollars (\$500.00) and if the act is continuous, not more than Two Hundred and Fifty Dollars (\$250.00) for each day of continuance. Provided, for any offense committed against the code for which there is set forth by state law a similar offense the penalty therefore shall be no less nor greater than that set forth by state law.

STATE LAW REFERENCE-See A.C.A. 14-55-504