

ORDINANCE NO. 2005-06

AN ORDINANCE REPEALING ORDINANCE NO. 314 AND REQUIRING PREMISES TO BE KEPT FREE FROM WEEDS, RANKGRASS, GARBAGE, RUBBISH AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES; 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 A PROCEDURE TO BE FOLLOWED IN SUCH CASES; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY POCAHONTAS,
ARKANSAS:

SECTION 1: All property owners within the City of Pocahontas, 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 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.

SECTION 2: If the owner or owners of any lot or other real property within the City after the giving of seven (7) days' notice in writing by the Mayor or Chief of Police or any police officer or code enforcement officer designated by the Mayor or Chief of Police, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 1 hereof, the Chief of Police 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 shall constitute a lien thereon.

SECTION 3: The City shall file the lien with the Circuit Clerk no later than one hundred twenty (120) days after the City completes the clean-up work on the property.

SECTION 4: In case the owner of any lot or other 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 Mayor or Chief of Police or their designee 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 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 5: 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 three (3) years after work has been done, by an action in the Circuit 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 mail, return receipt requested, to the owner or owners of the property, if the name and address 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 Randolph 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 Randolph 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.

SECTION 6: Ordinance No. 314 and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: 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.

Passed and approved this 13th day of September, 2005

APPROVED:

Gary Crocker
GARY CROCKER
MAYOR OF POCAHONTAS

ATTEST:

Sheila Rose, CMC
SHEILA ROSE, CITY CLERK