

ORDINANCE NUMBER. 03-05 AMENDING ORDINANCE 95-08

AN ORDINANCE REQUIRING OWNERS OF PROPERTY WITHIN THE CITY OF COTTER TO CUT AND/OR REMOVE WEEDS, GRASS, RUBBISH, GARBAGE, TRASH, ABANDONED VEHICLES, AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES OR THINGS: TO COLLECT EXPENSES INCURRED BY THE CITY: PROCEDURE FOR CREATION AND IMPOSITION OF PENALTY AND COST OF COLLECTION; DESCRIBING PROCEDURES INCIDENTAL THERETO.

WHEREAS, the City of Cotter has a responsibility to protect the public health and welfare of its inhabitants; and

WHEREAS, uncontrolled growth of weeds creates a health hazard by permitting infestation of rodents and insects; is unsightly; and

WHEREAS, trash, rubbish, garbage, abandoned vehicles, and accumulation of unsightly and unattractive things are a public nuisance, are aesthetically undesirable, and create a danger of fire; and

WHEREAS, it is the owners responsibility to cut or remove such and to pay for the same upon refusal; and

WHEREAS, to provide for determination of cost and penalty upon owner's failure to cut or remove; and notice to such owner.

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

SECTION 1; Title.

This ordinance shall be known as the WEED/RUBBISH CONTROL ORDINANCE

A. The term "City" as used herein shall mean the City of Cotter, Arkansas.

B. The term "Abandoned Vehicle" as used herein shall mean any vehicle which is self-propelled and designed to travel along the ground which does not have lawfully affixed thereto an unexpired license plate or plates, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, or discarded.

SECTION 2; Obligation of Owner.

A. All owners or tenants of real property within the City of Cotter are hereby required to cut weeds and grass twelve (12) inches or higher; remove garbage, rubbish and other unsanitary articles or unsightly conditions on their property; and to eliminate stagnant pools of water or any other condition which might be harmful to the health of the community.

EXCEPTION: Nothing in this ordinance shall be interpreted to prevent a person from using acreage for pasture land, wooded lots or for cutting hay. Hay acreage must be cut by June 30 and October 15.

SECTION 3; Weeds and Grass Violation:

Any owner/tenant whose property contains grass and weeds in excess of twelve (12) inches high shall be in violation of this ordinance. The owner/tenant will be notified by certified mail, written notice or by the Police Department that they have ten (10) days to correct the situation. If the condition is not corrected in ten (10) days, the City is authorized to issue a citation and/or enter upon the property and have the weeds or grass cut. The cost plus a Fifty (\$50.00) Dollar processing fee will be charged for each incident, and if not collected, the owner/tenant will be issued a citation for violation of this ordinance and scheduled for appearance in City Court.

SECTION 4; Unsanitary Condition Violation:

Any owner/tenant whose property is not maintained and is in an unsightly condition, containing abandoned vehicles, debris, rubbish, stagnant pools of water, or any other unsanitary condition that is harmful to the health of the community shall be in violation of this ordinance. The owner/tenant shall be notified by certified mail, written notice or by the Police Department that they have ten (10) days to remedy the condition. If the condition is not remedied within ten (10) days, the owner/tenant will be issued a citation for violation of this ordinance and scheduled for appearance in City Court.

SECTION 5; Penalty

Any person in violation of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty five (\$25.00) nor more than fifty (\$50.00) dollars each day. Each day such violation occurs shall be considered a separate offense.

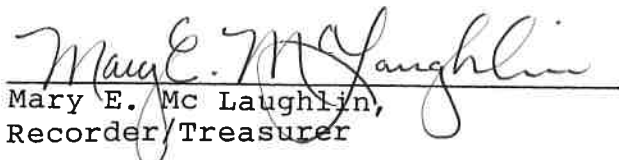
SECTION 6; Repealer


All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7; Emergency Clause

It has been determined that this Ordinance is necessary and 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 SEVENTEENTH (17th) DAY OF APRIL, 2003

  
Mary E. McLaughlin,  
Recorder/Treasurer

  
Bill Jennings,  
Mayor