

ORDINANCE NO. 1626

AN ORDINANCE PROHIBITING THE KEEPING, STORING AND/OR MAINTAINING OF INOPERABLE MOTOR VEHICLES AND OTHER UNSIGHTLY AND UNSANITARY ITEMS UPON PRIVATE PROPERTY AND REQUIRING PREMISES TO BE KEPT FREE FROM WEEDS, RANK GRASS, GARBAGE, RUBBISH AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES WITHIN THE CORPORATE LIMITS, PROVIDING FOR DISPOSAL OF SAME, REQUIRING PROPERTY OWNERS TO ELIMINATE, FILL UP OR REMOVE STAGNANT POOLS OF WATER OR ANY OTHER UNSANITARY THING, PLACE OR CONDITION; PROVIDING A PROCEDURE TO BE FOLLOWED BY THE CITY IN SUCH CASES TO PERFECT A LIEN UPON SAID PROPERTY; FIXING A PENALTY THEREFOR; REPEALING ORDINANCE NO. 1619; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, in many areas of the City of Blytheville, inoperable vehicles, tires, appliances, paper, glass, building materials, building rubbish, weeds, grass, garbage, and other unsightly and unsanitary things have been permitted to remain upon private property for long periods of time, and

WHEREAS, all of the aforementioned items and other items, constitute an attractive nuisance for children, provide harborage for rats, animals, mosquitoes, constituting a menace to the public's health, safety and welfare, and

WHEREAS, the storage of these aforementioned items, and other items upon private property, and the failure to eliminate all or any of the aforementioned items, is unsightly, obnoxious, detrimental to the neighborhood and results in depreciation of property value.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY
COUNCIL OF THE CITY OF BLYTHEVILLE, ARKANSAS, THAT:**

SECTION I. That from and after the passage and approval of this Ordinance it shall be unlawful for the owner(s), occupant, agent, or anyone having supervision or control of a residential or commercial building, structure or property to fail to comply with the provisions of this Ordinance shall be issued a citation to appear in the District Court of Blytheville, Arkansas. The following persons shall be authorized to issue citations for violation of this Ordinance: Code Enforcement Officers; Officers of the Blytheville Police Department; and any other person designated by the Mayor or City Council.

(a) The storage of an inoperable and/or abandoned vehicle shall not exceed thirty (30) days. In this paragraph "inoperable and/or abandoned vehicle" means any motor vehicle or part thereof that is in a state of disrepair and incapable of being moved under its own power or does not have a valid/current license plate.

(b) Grass, weeds, or any other plant that is not cultivated, may not grow to a greater height than (10) inches on an average on an individual lot, tract, parcel, or to grow in rank profusion upon the premises.

(c) Rubbish, brush, trash, dead trees, building materials or any other objectionable, unsightly or unsanitary matter of whatever nature may not accumulate or be present upon any lot, track or parcel of land. If building materials are stored on the premises, all such materials must be stored at least eighteen (18) inches off the ground.

(d) Grass, weeds or any plant that is not cultivated, may not grow in rank profusion, or otherwise, in, along, upon or across the abutting sidewalk or parkway, to a height of more than ten (10) inches on the average.

(e) The open storage of iceboxes, refrigerators, or any other appliances or furniture shall not exceed a period of thirty (30) days, and during storage period, all doors, latches, and locks are to be removed or made inoperative in a manner to ensure the safety of all citizens.

(f) No stream or drainage way may be used 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 is not allowed, nor is it allowable for any form or vessel to accumulate water in which mosquitoes or insects may breed.

(h) The property, including all adjacent right-of-way and alleys, may not be used for illegal dumping of any solid or liquid, household, commercial, industrial, construction or demolition waste, including but not limited to: garbage, trash, furniture, tin cans, bottles, rubbish, refuse, lumber, whether dumped, thrown, burned, spilled, or abandoned.

(i) No trees, shrubs, bushes or any other plant may impede the flow of pedestrian traffic on any sidewalk and/or public right-of-way, or in any other manner causing an unauthorized obstruction of the public enjoyment of a sidewalk and/or public right-of-way.

SECTION II. Any person found to be in violation of this Ordinance by the District Court of Blytheville, Arkansas:

(a) Shall be guilty of a misdemeanor and shall be fined not less than One hundred dollars (\$100.00), nor more than Five hundred dollars (\$500.00) for each day such violation continues after having been found in violation by the District Court; and

(b) The Chief of Police of the City of Blytheville, Arkansas, acting in cooperation with the Office of Inspection and Code Enforcement of the City of Blytheville, Arkansas, is hereby authorized to enter upon the property and correct said situation, by removing, or having removed from said premises the inoperable vehicles, tires, iceboxes, refrigerators, appliances, glass, building materials, building rubbish and/or other unsightly condition, and the cost thereof shall be charged to the owner(s) of the property and the City of Blytheville shall have a lien against said property; and

(c) It shall not be necessary to give any notice to any person prior to enforcement of this Ordinance.

SECTION III. The lien herein provided for, shall be in the amount equal to the costs incurred by the city and, 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 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 certified mail to the owner(s) if known, and the name and

whereabouts of the owner(s) be known. If the name and address of the owners(s) cannot be determined, then the amount will be determined only after publication of notice of the hearing in a newspaper having a bona fide circulation in Mississippi County for one (1) insertion per week for two (2) consecutive weeks; the determination of the governing body is subject to appeal by the property owner to the Circuit Court.

(c) The amount so determined at said hearing, plus ten (10%) penalty for collection, shall be certified by the City Council to the Mississippi County Tax Collector, and placed by him on the tax books as delinquent taxes, and collected accordingly. The amount, less three percent (3%) thereof, when so collected shall be paid to the City of Blytheville, Arkansas, by the county tax collector.

SECTION IV. Said City shall have the option of enforcing this Ordinance by any one or more methods as provided for herein, and the use of one remedy prescribed herein said City shall in no way prevent or prohibit the City of Blytheville from proceeding under different or other remedies as herein provided.


SECTION V. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Ordinance No. 1595 is hereby repealed in its entirety.

SECTION VI. The City Council has determined that inoperable vehicles, appliances and other unsightly and/or unsanitary items, are being accumulated upon private property throughout the corporate limits of the City and such practice constitutes a health hazard as well as being unsightly and obnoxious and this situation should be corrected at once. Therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the immediate

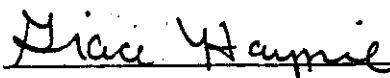
preservation of the public health, and safety, shall be in full force and effect immediately upon its passage, approval and publication.

ADOPTED this 21 day of November, 2006.

APPROVED


Barrett E. Harrison, Mayor

ATTEST


Grace Haynie, City Clerk