

AN ORDINANCE REGULATING UNSANITARY CONDITIONS WITHIN THE
CORPORATE LIMITS OF OAK GROVE, ARKANSAS

WHEREAS the Arkansas Code 14-54-901 et seq authorizes incorporated towns in the State of Arkansas to regulate unsanitary conditions.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Oak Grove, Arkansas, as follows:

SECTION 1. Requirement of Property Owners.

All property owners and or tenant within the Town of Oak Grove, Arkansas are required to cut weeds and grass, remove 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. If the owner and or tenant of any lot or other real property within the town shall neglect or refuse to remove, abate, or eliminate any condition as may be provided for in this chapter after having been given thirty days' notice in writing to do so, then the town is authorized to do whatever is necessary to correct the condition and to charge the cost thereof to the owner and or tenant of the lots or other real property. This includes non operable and or unlicensed vehicles.

SECTION 2. Fire Damaged Structures.

In the event a structure located within the Town of Oak Grove, Arkansas, is damaged by fire or other casualty to such an extent that the structure remaining is unsafe, unsanitary, or unsightly, the owners of such property are required to eliminate such condition.

SECTION 3. ABANDONED PROPERTY.

In the event a structure located within the Town of Oak Grove, Arkansas, is abandoned by the property owner, and in the event such structure has become unsafe, unsanitary, or unsightly, the owner of such property is required to eliminate such condition.

SECTION 4. DETERMINATION OF A VIOLATION.

The Mayor and the Town Council shall jointly make the determination if any violation exists of Sections 1,2 and 3 by any property owner and or tenant, and such findings shall be delivered in writing to the Town Clerk.

SECTION 5. Authority of Mayor and Town Council, Lien.

If the owner or owners or tenant of any lot or other real property within the Town of Oak Grove Arkansas, after the giving of thirty (30) days notice in writing by the Town Clerk, shall refuse or neglect to perform the duties in connection with the property as specified in Section 1,2 and 3 hereof, the Town of

Oak Grove, Arkansas is hereby authorized to enter upon the property and have weeds, grass or other vegetation cut and removed, or eliminate any unsafe, unsanitary or unsightly condition, and the cost thereof shall be charged against said premises and shall constitute a lien thereon.

SECTION 6. Unknown Owner.

In case the owner of any lot or other real property is unknown or the owners whereabouts is not known or is a nonresident 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 lien shall be had, the Town Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents, and thereupon service of publication as now provided for by law against nonresident 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 7. Determination and Enforcement of Lien.

The lien herein provided for may be enforced and collected in either one of the following manners:

- (A) The amount of the lien herein provided may be determined at a hearing before the Town Council held after thirty (30) days written notice by certified mail to the owner or owners be know, and if the name of the owner or owners cannot be determined, then after publication of notice of such hearing in the Eastern District of Carroll County for one (1) insertion per week for four (4) consecutive weeks.
- (B) The amount so determined at said hearing, plus ten percentum (10%) penalty for collection, shall be certified by the Town Clerk to the Carroll County Tax Collector, and 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 Town of Oak Grove, Arkansas, or
- (C) The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court


SECTION 8. Penalty:

If any property owner shall fail or refuse to remove such debris or refuse as mentioned in Sections 1,2 and 3 within the time fixed by this chapter, after receiving such notice from the Clerk, he or she shall upon conviction, be fined in the sum not less than Twenty-five (\$25.00) Dollars; and each day that such property owner refuses to comply with this ordinance after the expiration of the time limit provided, shall be considered a separate offense. The fine provisions shall be in addition to the provisions for a lien on property asset forth herein.

SECTION 9. Severability.

If any section or provision of this ordinance shall be declared to be invalid or unenforceable by a court of competent jurisdiction, each section or provision shall be deemed severable, and such declaration shall not affect the validity or enforceability of any other section or provision of this ordinance.

PASSED AND ADOPTED THIS 2 DAY OF Oct, 2001.


JEAN MORGAN, MAYOR
TOWN OF OAK GROVE, ARKANSAS

ATTEST

Patsy A. Carlton
PATSY CARLTON, TOWN CLERK
OAK GROVE, ARKANSAS

First reading 8/7/01 Alderman Eugene Reynolds made a motion to accept Alderman Sam Jones, seconded the motion. All in favor? 4 Aye. 0 Nay.

Second reading 9/4/01 Aldewoman Uedie Allen made a motion to accept Aldewoman Pat High, seconded the motion. All in favor? 5 Aye. 0 Nay.

Third reading 10/2/01 Aldewoman Sam Jones made a motion to accept Aldewoman Eugene Reynolds, seconded the motion. All in favor? 4 Aye. 0 Nay.