

ORDINANCE NO: 308

ORDINANCE TO ABATE CONDITIONS WHICH ARE OFFENSIVE OR ANNOYING TO THE SENSES, DETRIMENTAL TO PROPERTY VALUE AND COMMUNITY APPEARANCE, AN OBSTRUCTION TO OR INTERFERENCE WITH THE COMFORTABLE ENJOYMENT OF ADJACENT PROPERTY OR PREMISES, HAZARDOUS OR INJURIOUS CONDITIONS TO THE HEALTH, SAFETY OR WELFARE OF THE GENERAL PUBLIC IN SUCH WAYS AS TO CONSTITUTE A PUBLIC NUISANCE; AND, TO PROVIDE STANDARDS TO SAFEGUARD LIFE, HEALTH AND. PUBLIC WELFARE IN THE CITY OF McCrory

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

Section 1. It is hereby declared to be a public nuisance for any owner or other person in control of property in the City of McCrory, inclusive of renters, to keep or maintain property, premises or rights of way in such a manner that any of the following conditions are found to exist:

(a) Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but not limited to vehicles, boats, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans or containers standing or stored on property or on sidewalks or streets which can be viewed from a public street or walkway, alley or other public-property.

(b) Discarded putrescible, garbage, rubbish, refuse, oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid or gaseous) which is determined by chief of police to constitute a fire or environmental hazard, or to be detrimental to human life, health or safety.

(c) Lumber (excluding lumber for a construction project on the property with a valid permit) salvage materials including but not limited to auto parts, scrap metals, tires visible from a public street, walkway, alley or other public properties;

(d) Premises which contain weeds or grass with a height of 18 inches or more and premises that contain stagnant pools of water or other unsanitary conditions which could become breeding grounds for mosquitoes, flies or other insects; premises which detrimentally impact the surrounding neighborhood due to dilapidation, deterioration or decay.

Section 2. The owner, occupant, lessee or tenant of any property within the City of McCrory shall be responsible far the maintenance of the property and premises in a manner consistent with the provisions of this ordinance. The city may pursue any remedy set forth within this ordinance against the above parties individually or jointly as determined by the chief of police.

Section 3. The enforcements of this ordinance may be accomplished by chief of police, in any manner authorized by this ordinance or by any other law, including but not limited to issuance of criminal citations or civil actions.

Section 4. The city may choose to abate any public nuisance or violation of this ordinance through any of the abatement methods set forth in the ordinance of the city or state or federal law and nothing contained in this ordinance shall be construed as limiting or adversely affecting the city's ability to concurrently or consecutively use any of those ordinances or statutes as the city may deem applicable.

Section 5. Pursuant to the City of McCrory's prosecutorial discretion, the city may enforce violations of the provisions of this. Ordinance as criminal, civil or abatement actions:

- (a) Any person who violates any of the provisions of this ordinance shall be guilty of an infraction and/or misdemeanor.
- (b) Every violation of this ordinance shall be a misdemeanor.
- (c) Each and every violation of this ordinance shall be punishable by a fine in the amount of \$100.00; however, any subsequent violation for the same person shall be punishable by a fine in the amount of \$200.00 if the second violation occurs within one year of the initial infraction.
- (d) Any person who intentionally, accidentally, or negligently violates any provision of this ordinance may be civilly liable to the City of McCrory in the sum of not less than \$100.00 but not to exceed \$1,000.00. The city may petition in municipal court to impose, assess and recover from any person violating this ordinance an amount commensurate with cost to the city of clean up or abatement of a site.

Section 6. In order to enforce the provisions of this ordinance when the mayor finds and determines the severity of a violation warrants immediate action, the mayor may authorize the abatement and cleaning up of the premises provided the owner of the property shall not have cleaned up or abated the condition within 10 days after having received notice of any proposed action to be taken by the city pursuant to this section. Notice may be forwarded to the address of the owner of the property at the then current mailing address reflected in the office of the assessor for Woodruff County, Arkansas. The posting of said notice to the above address shall constitute notice irrespective of whether the notice shall have been received by the owner.

Section 7. If any provision, clause, sentence, paragraph, or phrase of this ordinance or the application thereof to any person or circumstances is held, for any reason by a court of competent

jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this ordinance which can be given effect without the invalid provision at application, and to this end, the provisions of this Ordinance are hereby declared to

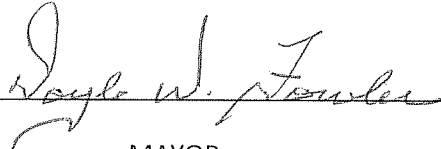
be severable. The city council of the City of McCrory declares that it would have passed this ordinance, and every section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases were to be held invalid or unconstitutional by such court.

Section 8. This ordinance shall supersede ordinance No. 167A and all other ordinances in conflict herewith.

Section 9. Having been found and determined by the city council of McCrory, Arkansas that there is urgent need to control weeds, rubbish and other unsightly articles in and upon property within the City of McCrory; an emergency is declared to exist and, this ordinance being necessary for the preservation of the public peace, health, safety and well-being of the citizens of McCrory, Arkansas shall be in full force and effect from and after its date of passage and publication in the Woodruff County Monitor.

BE IT ENACTED on the 14th day of August 2017

CITY OF MCCRORY

SIGNED: 
MAYOR

ATTEST: 
CITY CLERK