Frank
823-5760

ORDINANCE NO. 2003-2004-12004

AN ORDINACE TO PROHIBIT LITTERING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CRAWFORDSVILLE, ARKANSAS:

SECTION 1. DEFINITIONS.

A. "City" is the city of Crawfordsville, Arkansas.

B. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

C. "Inoperable motor vehicle" is any vehicle placed on blocks or one which does not have a current, valid license plate or has one or more wheels removed, or is not in proper condition to be legally operated on the streets of the city because of lack of proper mufflers, tires, headlights or other mechanical defects or because of lack of an integral part of assembly, or is not capable of self-locomotion.

D. "Litter" is garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

E. "Park" is a park, reservation, playground, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

F. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

G. "Private premises" is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

H. "Private property" shall have the same meaning as private premises.

I. "Public place" is any streets, sidewalk, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

J. "Refuse" is all putrescible and nonputrescible solid wastes(except body waste), including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles and solid market and industrial wastes.

K. "Rubbish" is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, plastic, glass, bedding, crockery and similar materials.

L. "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, road or street, including devices used exclusively upon stationary rails or tracks.

SECTION 2. DEPOSIT-PUBLIC PLACES.

No person shall throw or deposit litter in or upon any street, sidewalk other public place within the city except in public receptacles, in authorized private receptacles for collection, or in official city dumps.

SECTION 3. USE OF RECEPTACLES.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

SECTION 4. SWEEPING INTO GUTTERS.

No person, including merchants, shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep shall keep the sidewalk and drainage ditch in front of their premises free of litter.

SECTION 5. THROWN FROM VEHICLES.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

SECTION 6. CAUSED BY TRUCKLOADS.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public area, or upon private property.

SECTION 7. IN PARKS.

No person shall thrown or deposit litter in any park within the city except in public receptacles in such manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

SECTION 8. DEPOSIT- OCCUPIED PRIVATE PROPERTY.

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of the private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, drainage ditch or other public place or upon any private property.

SECTION 9. OWNER RESPONSIBILITY.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

The owner or person in control of any private premises shall at all times maintain the premises free of inoperable motor vehicles.

SECTION 10. DEPOSIT- VACANT LOTS.

No person shall throw or deposit litter on any open or vacant private property within the city whether owned by that person or not.

SECTION 11. REMOVAL BY CITY.

Notice to Remove: The Mayor, or his designated representative, is authorized and empowered to notify the owner of any open or vacant private property within the city, or the agent of such owner, to properly dispose of litter located on such property which is dangerous to public health, safety or welfare. Such notice shall be by certified mail, addressed to the owner at his last know address.

Action upon noncompliance: Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of the litter within ten(10) days of receipt of written notice, or within twenty(20) days after the date of such notice in the event the notice was properly addressed but was returned not deliverable by the Post Office, the Mayor or his designated representative, is authorized to pay for the disposing of such litter or to order its disposal by the city.

Charge Assessment to Owner: When the city has effected the removal of the litter, the actual cost thereof, plus accrued interest at the rate of six percent per annum from the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property. This charge shall constitute a lien against the property and shall be forwarded to the proper officials in order to constitute a valid lien.

Recorded Statement Constitutes Lien: Where the full amount due the city is not paid by such owner within sixty days after the disposal of such litter, the Mayor shall cause to be recorded in the office of the Circuit Clerk of Crittenden County, Arkansas, a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property to which the work was done. This recordation shall constitute a lien on the property, which shall remain in force and effect until the sum is paid in full. These costs and expenses shall be collected in the manner provided for by law.

SECTION 12. VIOLATION-PENALTIES.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding fifty dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 13. REPEALER.

All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 14. EMERGENCY CLAUSE.

It is hereby found and determined by the city council that littering within the city needs to be controlled, for it is having an adverse effect upon the health, safety and welfare of the citizens. Therefore, and emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

ADOPTED THIS 20 DAY OF Jan 2004

Mayor