ORDINANCE NO. 041822-01

AN ORDINANCE REQUIRING PREMISES TO BE KEPT FREE FROM WEEDS, RANK GRASS, GARBAGE, RUBBISH, AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES; REQUIRING PROPERTY OWNERS TO ELIMINATE, FILL UP OR REMOVE STAGNANT POOLS OF WATER OR ANY OTHER UNSANITARY THING, PLACE OR CONDITION WHICH MIGHT BECOME A BREEDING PLACE FOR MOSQUITOES, FLIES AND GERMS HARMFUL TO THE HEALTH OF THE COMMUNITY; PRESCRIING CIVIL AND CRIMINAL PROCEDURES TO BE FOLLOWED IN SUCH CASES, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

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

Section 1. All property owners and occupiers of real property located within the city limits of Crawfordsville, Arkansas, are hereby required to cut weeds and grass in excess of twelve (12) inches, remove garbage, rubbish and other unsanitary, unsightly articles or things from their property, and to eliminate, fill up or remove stagnant pools of water or other unsanitary things, places, or conditions on property they may own or occupy that may become a breeding place for mosquitoes, flies, and germs harmful to the health of the community.

Section 2. If the owner, owners, or occupiers of any lot or other real property within the City of Crawfordsville, Arkansas, shall neglect or refuse to remove, abate, or eliminate any condition as provided in this ordinance after having been given fourteen (14) days notice in writing to do so, then the City of Crawfordsville, Arkansas, is authorized to do whatever is necessary to correct the condition and to charge the cost thereof to the owner or occupier of the lots or other real property. The City of Crawfordsville, Arkansas may then file a lawsuit in District Court of West Memphis, Arkansas or in Circuit Court of Crittenden County, Arkansas in order to collect the amount expended to remedy the condition, and in addition thereto, collect all court costs and attorneys' fees incurred to correct the condition and collect the amount owed from the landowner as well as take any action authorized by State law or City ordinance to impose a lien upon the property in issue to enforce the payment of charges necessary to correct the condition.

Section 3. (a) In case the owner or occupier of any lot or other real property upon which one or more conditions described in Section 1 exist is unknown or his whereabouts are not known or is a nonresident of this state, then services may be obtained by warning order as set forth in the Arkansas Rules of Civil Procedure §4. Notices required by this Ordinance to known owners or occupiers shall be mailed or delivered by the Water Department for the City of Crawfordsville to the owner or occupier of any such lot or real property. Notice is deemed to have been received within five (5) days after mailing, date of publication or delivery to start the running of the period set forth in Section 2.

Section 4. In addition to the civil enforcement provision set forth herein, a criminal penalty is also prescribed for violation of this ordinance as follows: If the unsanitary condition described in Section 1 is not abated within the time frame set forth in paragraphs 2 and 3, then the owner or occupier of such real property shall be guilty of a misdemeanor or violation punishable by a

$100.00 fine for a first offense and $500.00 fine for any subsequent offense that occurs within the first year of the first offense. Citation for violation of this Ordinance are hereby authorized to be issued by any law enforcement officers authorized to issue citations for potential violations within the State of Arkansas or Crawfordsville, Arkansas, and specifically including, the Sheriff of Crittenden County, Arkansas, and his duly authorized deputies, and any employee or agent of Crittenden County, Arkansas or Crawfordsville authorized by law or procedure to issue citations for violations.

Section 5. This ordinance shall give the City of Crawfordsville the option of pursuing both civil and criminal procedures, in addition to any other procedure authorized by law or prior ordinance not in conflict herewith in order to clean up the city and collect the costs incurred from the landowner.

Section 6. Any ordinance in conflict with this ordinance is hereby repealed.

Section 7. EMERGENCY CLAUSE. It is hereby found and determined by the city council that there exists an immediate need to eliminate an unsanitary condition on private property within the city. Therefore, in order to protect the public health, safety, and welfare, an emergency is found to exist, and this ordinance shall become effective after its passage and approval.

Adopted this 18th day of March, 2022.

Joe Marotti, Mayor

Attest:

Karen Williams
Clerk