AMENDED B
ORD. # 2002-11
DATE 10-29-02
add to Sec 6
Sub-A

ORDINANCE NO. 99-6

"CLEAN AND SANITARY PROPERTY ORDINANCE"

AN ORDINACE REQUIRING ALL PROPERTY AND PREMISES WITHIN THE CORPORATE LIMITS OF THE CITY OF MULBERRY TO BE PROPERLY MAINTAINED AND KEPT CLEAN OF UNSIGHTLY AND UNSANITARY CONDITIONS; PROVIDING REGULATIONS AND ENFORCEMENT PERTAINING TO THIS MATTER; REPEALING ORDINANCE NO. 83-5 AND 89-8; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

REPEALED BY
ORD. #2011-07
DATE 04-19-11

WHEREAS, the City Council has determined that it is necessary to regulate the condition of property and premises within the City Limits to prevent unsightly and unsanitary conditions from existing; and

WHEREAS, Ordinance No. 83-5 and 89-8 have proved to not be adequate in so far as providing a speeding remedy to unsightly and unsanitary properties; and

WHEREAS, it is evident that immediate action is necessary to provide an adequate remedy to this matter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS;

SECTION 1. That all property owners within the City Limits of the City of Mulberry, Arkansas or occupants thereof, are hereby required to cut weeds, to remove garbage, rubbish and other unsightly and unsanitary articles and things upon the property; and 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.

SECTION 2. That the chief of police and his subordinate officers shall be for the purpose of this ordinance "Code Enforcement Officers" and are authorized to issue "Clean Up Orders" under the provisions of this ordinance.

SECTION 3. That when a property has been inspected by the City of Mulberry during routine inspections by the City Code Enforcement Officer or inspections following a complaint on any property and the inspector determines that such conditions are present, as laid out in SECTION 1, he shall proceed as directed in the following sections of this ordinance.

SECTION 4. That when the owner or occupant of the property is identified, they will receive a Clean Up Order advising them to remove or correct the unsanitary or unsightly condition, and will have seven (7) days to comply with the Clean Up Order. If after seven days from the date of receiving the Clean Up Order there has been no attempt to correct the condition the Code Enforcement Officer may take enforcement action.

SECTION 5. That if the Code Enforcement Officer after re-inspecting the property determines that the owner or occupant has made significant progress towards correcting the condition he may grant up to a 45 day Clean Up Order extension.

SECTION 6. That if after the period allowed by the Code Enforcement Officer to correct the condition of the property, the property remains in violation of SECTION 1 of this

ordinance, the Code Enforcement Officer is directed to issue a Criminal Summons and thereby order the violating party to appear before the City Judge.

SECTION 7. That the penalty for violating this ordinance shall be fixed as not less than $25.00 and not more than $200.00 and may be deemed by the City a separate violation for each day the violation exsists.

SECTION 8. That if the owner of any real property in the City of Mulberry is unknown or his whereabouts is not known or he is an nonresident of this state, then procedures for notification, correction of conditions and lien if necessary will be imposed as laid out in ACA 14-54-901, 14-54-902, 14-54-903 and 14-54-904.

SECTION 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. If any provision of this ordinance is held invalid or unconstitutional, it shall be severable and separable, and the remaining provisions shall remain in full force and effect.

SECTION 11. It is hereby determined by the City of Mulberry that this ordinance is of an emergency nature in so much as it provides for the prevention and deletion of unsanitary conditions in the City Limits of the City of Mulberry. Therefore, an emergency is declared to exist and this ordinance being for the preservation of the public peace, health and safety shall take effect and be in full force from the date of its passage and approval.

PASSED AND APPROVED THIS 6TH DAY OF APRIL, 1999.

APPROVED: _____
Jeff Marvin, Mayor

ATTEST: _____
Joe Benham, Recorder-Treasurer