

ORDINANCE NO. 2001-3

AN ORDINANCE ADOPTING PREMISE AND VACANT LOT CLEANLINESS STANDARDS AND ESTABLISHING MINIMUM STANDARDS FOR THE MAINTENANCE AND CLEANLINESS FOR ALL PROPERTY WITHIN THE CITY OF VILONIA; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, premises and vacant lots are and may in the future be abandoned, refuse disposed, improperly stored or maintained about the City of Vilonia, and

WHEREAS, such conditions tend to impede traffic in the streets; interfere with the enjoyment of property; invite plundering; create fire hazards; extend and aggravate urban blight; and result in a serious hazard to the public health, safety, comfort, convenience, welfare and happiness of the citizens of the City of Vilonia.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VILONIA, ARKANSAS:

SECTION 1. That for the purposes of this Ordinance, the following words and phrases shall have the meaning set forth herein. According to context, words used in the present tense include the future, singular words include plural and plural include singular and masculine words shall include the feminine gender.

- (A) "City" is the City of Vilonia, Arkansas.
- (B) "Code Enforcement Officer" is the code enforcement of the City of Vilonia, its agents, and its designees.
- (C) "Police Department" is the Chief of Police of the City of Vilonia, his agents, and his designees.
- (D) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (E) "Grass" is any type grass, weeds or any other plant on any expanse of ground, as a lawn, pasture or grazing land.
- (F) "Cultivated" is any item within a garden or flower bed.
- (G) "Trash" is any rubbish and refuse or unsanitary matter not properly stored in waste containers.
- (H) "Brush and dead trees" is any whole or part of a plant whether dead or alive.
- (I) "Building materials" are materials used in the process of constructing buildings, remodeling or destruction thereof.
- (J) "Iceboxes, refrigerators, or any other appliance" is any appliance, whether working or not, that is stored on public or private property.
- (K) "Streams and drainage systems" is any means to move excess water from roadways, private, or public property.

SECTION 2: That it shall be unlawful for any person having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved within the corporate limits of the City of Vilonia, to suffer or permit any of the following conditions:

- (A) Grass is not to grow to a height greater than eighteen (18) inches on an average on an individual lot, or tract of land less than three (3) acres or to grow in rank profusion upon the premises. This requirement shall apply to any portion of any property that is less than fifty (50) feet from any developed lot.
- (B) Grass on tracts or parcels greater than three (3) acres shall be considered as agriculture and shall produce and be maintained to maximize crop efficiency. Areas not being utilized to maximize crop efficiency shall be cut no less than once a month during the months of April, May, June, July, August, September and October.
- (C) Grass is not to grow in rank profusion, or otherwise, in along, upon or across an abutting sidewalk or road easement, to a height of more than eighteen (18) inches on average.
- (D) Trash, dead trees, and/or building materials of whatever nature to accumulate or be present upon any lot, tract or parcel of land. If building materials are stored on the premises, all such material must be stored at least eight (8) inches off the ground.
- (E) The open storage of iceboxes, refrigerators, or any other appliances or furniture for a period of seven (7) days, and during the storage period, all doors, latches and locks will be removed or made inoperative in a manner to ensure the safety of all citizens unless it is used in connection within the normal course of business.
- (F) The use of any stream or drainage system for the purpose of throwing or placing of stumps, brush, litter, rubbish, or any other liquid or solid material within or along the banks of any such stream or drainage system.
- (G) The accumulation of stagnate pools of water, or allow any form of vessel that might accumulate water in which mosquitoes or other insects may breed.

SECTION 3: Whenever it comes to the attention of the Code Enforcement Officer that any violation as defined in Sections 2 of this Ordinance appears to exist on public property, the Code Enforcement Officer shall cause a written notice to be mailed, declaring the existence of the violation and ordering whomsoever has an interest to comply with this Ordinance within seven (7) days of the notice. If such nuisance is found to exist on private property, in addition to the foregoing notice, a copy of said notice shall be delivered to the owner or occupant of the property. If a copy of the notice cannot be delivered to the owner or occupant, a copy of the notice shall be left at the property, with a duplicate copy sent to the owner or occupant of the property by certified mail, return receipt requested. The notice shall contain a statement of the reasons why it is being issued, and the notice shall advise that upon the failure to comply with the notice, the Code Enforcement Officer shall institute legal proceedings, charging the person with a violation of this code.

SECTION 4: Any person, having supervision or control who shall violate a provision of this code, or fail to comply therewith, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed or continued. Upon conviction of any such violation, such person shall be punished by a fine, not to exceed \$400.00 for the first offense, and not more than \$200.00 for each day until the person complies with this Ordinance.

SECTION 5: Violations of the provisions of this Ordinance may be prosecuted by the issuance of a criminal information or by the issuance of a citation by the Code Enforcement Officer or Police Department as required by law.

SECTION 6: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 8: The City Council has found and determined the lack of premise and vacant lot maintenance and cleanliness standards within the City of Vilonia constitute a menace to public health and property, as well as a hindrance to City traffic. Therefore, an emergency is hereby declared to exist and this Ordinance being immediately necessary for the preservation of the public health, safety and welfare shall become effective upon its passage and approval.

PASSED this 20th day of February, 2000.

APPROVED:

Alan Lee  
Mayor

ATTEST:

Kelly Lawrence  
City Clerk