

## ORDINANCE 2019-01

### AN ORDINANCE TO AMEND PRIOR ORDINANCES REGARDING UNSANITARY ENVIRONMENTAL CONDITIONS

**WHEREAS**, it appears to the Council of the City of Mayflower, Arkansas, that there is a great need for immediate improvement and enforcement of upkeep of property; and

**WHEREAS**, Ordinance Number 2018-02 was passed in 2018 to address this issue, but needs to be modified to match existing state law.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYFLOWER, FAULKNER COUNTY, ARKANSAS**

#### **CHAPTER 5.04**

#### **MAINTENANCE OF REAL PROPERTY**

##### Sections:

5.04.01	Unightly or unsanitary conditions on real property
5.04.02	Grass cut
5.04.03	Proper maintenance
5.04.04	Notification
5.04.05	Unknown owner
5.04.06	Enforcing the lien
5.04.07	Fine

5.04.01 Unightly or unsanitary conditions on real property. All property owners and/or tenants of real property situated within the corporate limits of the city of Mayflower, Arkansas, whether such property is business or commercial, improved or unimproved, occupied or unoccupied, shall keep the grass and weeds cut, remove rubbish and other unightly and unsanitary articles and things upon said property, and shall eliminate, fill up, or remove stagnant pools of water or other unsanitary things, places, or conditions which might become a breeding place for mosquitoes, flies, insects, reptiles, and germs. (Ord. No. 80-3, Sec. 1.)

5.04.02 Grass cut for the purpose of this ordinance, the grass and weeds upon such real property zoned residential shall not be considered to be maintained properly unless kept under six (6) inches. The grass and weeds upon such real property zoned commercial shall not be considered to be maintained properly unless kept under eight (8) inches. Property shall be maintained with a fifteen (15) ft. buffer along the lot line adjacent to the developed property with grass and weeds in such buffer shall not exceed eight (8) inches in height. Anything grown for agricultural purposes is not considered grass and therefore excluded from this ordinance. Mayflower will follow the provisions set out in A.C.A §2-4-107. (Ord. No. 80-3, Sec. 2.)

5.04.03 Proper maintenance for the purpose of this ordinance, any such property shall be considered to be properly maintained with reference to the removal of rubbish and other unightly or unsanitary things and articles if the owner and/or tenant of such premises shall cause such rubbish and refuse to be kept in such manner that the same shall not be exposed to or collect and

hold water, affording a breeding place for mosquitoes and such rubbish and unsanitary things are not visible from the street. See Mayflower City Ordinance 8.16.02. (Ord. No. 80-3, Sec. 3.)

5.04.04 Notification If the owner of any lot or other real property within the city of Mayflower, Arkansas, shall neglect, fail or refuse to remove, abate, or eliminate any such condition or conditions hereinabove set forth after having been given seven (7) business days in accordance with in writing to do so, then the city is authorized to do and perform any and all acts, deeds, and things necessary and requisite to correct said condition and to charge the cost thereof to the owner or owners of said lot or other real property, and the city of Mayflower, Arkansas, shall have a lien against such property for all costs expended in correcting said condition or conditions. (Ord. No. 80-3, Sec. 4.)

5.04.07 Fine any person, firm, or corporation violating any of the provisions of Section 1 through 3 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00), and each day any such violation shall be permitted to continue shall constitute a separate offense and shall be punishable as such. It is the express intention of the city of Mayflower, Arkansas, that the penalties set forth in this section of this ordinance shall be in addition to the remedies provided in Sections 4 through 6 of this ordinance, and the imposition of a fine under the criminal provisions hereof shall not bar or otherwise prevent the city of Mayflower from impressing a lien upon such lot or real property for the costs expended by it to correct the condition or conditions set forth in this ordinance. (Ord. No. 80-3, Sec. 7.)

**SECTION ONE:** That all ordinances and parts thereof in conflict with A.C.A. 14-54-901 et seq. are hereby repealed to the extent of such conflict.

**SECTION TWO:** The provisions of A.C.A. 14-54-901, along with any future amendments, are hereby adopted.

Approved and passed this 26<sup>th</sup> day of March, 2019.

**ATTEST:** \_\_\_\_\_  
Barbara Mathes, Recorder

**APPROVED:** \_\_\_\_\_  
Randy O. Holland, Mayor

**DATE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**APPROVED AS TO FORM:** \_\_\_\_\_  
D.Hogue, City Attorney