



Legislation Text

File #: ORD-76:2161, **Version:** 1

AN ORDINANCE TO AMEND SECTIONS 10-17 THROUGH 10-20 OF THE CODE OF ORDINANCE TO THE CITY OF JONESBORO, ARKANSAS (**NOTE: THIS ORDINANCE WAS AMENDED BY ORD-82:1818 ON SEPTEMBER 7, 1982**)

BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

That, Sections 10-17 through 10-20 of the Code of Ordinances of the City of Jonesboro, Arkansas are hereby amended to read as follows:

Section 1: It shall be unlawful for any person owning any lot or real property within the City of Jonesboro, Arkansas to allow weeds to grow thereon to a greater heights than 12” or to become unsightly or unsanitary, or to allow garbage, rubbish and other unsightly or unsanitary articles and things to accumulate on such lots and real property, or to fail to eliminate, fill up or remove stagnant pools of water or other unsanitary things or conditions, which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community.

Section 2: It is hereby specifically declared that Section 10-18 is hereby repealed of the Code of Ordinances of the City of Jonesboro, Arkansas and Section 10-18 shall no longer be a part of the Code of Ordinances of the City of Jonesboro, Arkansas.

Section 3: If the owner of any lot or real property in the City of Jonesboro shall permit any weeds to become unsightly or unsanitary or any garbage, rubbish or other unsightly and unsanitary things or articles to exist upon the property, the City Inspector is authorizes to given the owner of the property a written notice by registered mail to remove such conditions and correct same so as to comply with the provisions of Section 10-17 as amended. If the condition has not been removed and corrected within twenty days (20) after service of the notice by the City Inspector or after posting of the notice on the premises, and property involved in the case the owner is a non-resident, is unknown, or his whereabouts is unknown, the City Inspector is authorized and directed, on behalf of the City to cut the weeds and to remove and correct said condition and charge the cost thereof to the owner of the property and also against the property. The costs and expense incurred in removing and correcting said conditions is authorized as a lien upon the property as provided by Arkansas Statute 19-2325, 19-2328 (Replace 1968).

Section 4: When the City Inspector, on behalf of the City, has incurred any expense in removing and correcting any of the conditions authorized by Section 10-19, as amended, he shall immediately prepare a written statement showing the expense incurred and notify the owners of the property in case he is a resident of the State of Arkansas and his whereabouts is known, such notice to be in writing and to be accompanied with the written statement of expenses incurred. This notice may be given by personal delivery or by registered letter. In case the owner is a non-resident of the State of Arkansas, the notice and statement shall be sent to him by registered mail at his last known address. In case the address of the owner is unknown, the notice and expense statement shall be posted on the premises involved. The owners shall have ten days after service of the notice or posting of the same to pay the expense.

Section 5: If the expense so incurred in removing and correcting the condition has not been paid within ten days, after the posting or serving of the notice, the City Attorney is directed to file suit in the name of the City of Jonesboro, Arkansas, in the Chancery Court in the Western District of Craighead County, Arkansas, against the owner and ask for judgment for the expense so incurred and the same be declared and fixed as a lien on the property involved, the land to be sold under such terms as the Court may direct to satisfy the judgment lien. In case the owner of the property is unknown, the suit shall be against the land.

If the whereabouts of the owner is unknown, or if the owner is a non-resident of this State, before the suit is instituted, the City Clerk shall make an affidavit setting out the facts of such non-resident, unknown owner, and unknown whereabouts. Such affidavit shall be attached to the pleadings and the cause and constructive service of summons in the case shall be had as now provided by law against non-resident defendants, an attorney at law shall be appointed by the Court to notify the Defendant by registered letter, addressed to his last known address if the same can be found, otherwise as the Court may direct. The suit herein provided for must be instituted within 18 months after the work has been done, removing and/or correcting the conditions as herein authorized.

Section 6: In addition to the above remedy requirements and procedures, every person convicted of a violation of any provision of this section shall be fined not to exceed \$100.00 for the first offense, and \$250.00 for subsequent offenses, within a year's time.

Section 7: All ordinance and/or parts of ordinances in conflict herewith are hereby specifically repealed.

Section 8: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision, shall for any reason, be declared to be invalid, such declaration shall not affect the validity of this section, phrase or phrases.

Section 9: It is found and declared by the City Council that the City of Jonesboro has a serious and increasing problem with property owners who do not maintain their property in a sanitary and unsightly presence and that the unsightly and the unsanitary conditions caused by the property owners' neglect are having a substantial and deleterious effect on the welfare of the inhabitants of the City of Jonesboro, Arkansas; and therefore this Ordinance being necessary for the preservation of the public, peace, and safety, an emergency is hereby declared to exist and this Ordinance shall take effect from and after its passage and approval.

PASSED and ADOPTED this 6th day of December, 1976.