

AN ORDINANCE TO SPECIFY, CLARIFY, AND ADOPT RULES AND REGULATIONS AS TO THE CLEAN-UP OF PROPERTY WITHIN THE CITY OF CARAWAY, ARKANSAS, AND FOR OTHER PURPOSES

Whereas, the City of Caraway has various ordinances in effect regulating various aspects of property cleanup, and maintenance;

Whereas, there is some confusion as to the applicability of each separate ordinance;

Whereas, the City of Caraway wishes to clarify the rules and regulations for property cleanup to eliminate any confusion caused by various ordinances;

Whereas, the City of Caraway wishes to implement a property cleanup ordinance as authorized under Arkansas Code Section 14-54-901;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF CARAWAY ARKANSAS:

SECTION 1: Property owners are 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.

- A. The specific maximum height of weeds and grass permitted in the City is established at eight (8) inches.
- B. A waiver of this requirement may be granted by the Mayor or the Chief of Police on application in writing by the owner thereof, specifying the property to be included. Such waiver may only be provided for agricultural use, including such related uses as bee keeping. Granting of the waiver shall be at the sole discretion of the persons named herein.

SECTION 2: The City of Caraway declares that inoperable vehicles are an unsightly nuisance under Section 1 of this ordinance. In this subsection "abandoned automobile" means:

- A. Any motor vehicle or part thereof that is in a state of disrepair or incapable of being moved under its own power; or
- B. Any vehicle that is inoperative or not roadworthy that is allowed to remain on city streets or within 100 ft. of a street or highway for more than 60 days; or
- C. Any vehicle, whether operative or not, that remains on city streets or within 100 ft. of a street or highway unmoved, for a period of 6 months, or any vehicle whose owner, according to state registration records, cannot be located for a period of 3 months.

SECTION 3: The City of Caraway adopts by reference the provisions of Arkansas Code Annotated Sections 14-54-901 through 904, concerning the procedures for enforcing the clean-up of property referenced in Section 1.

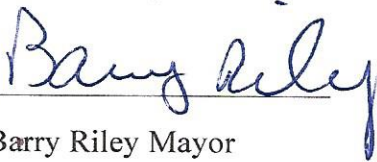
SECTION 4: In addition to, and not as a substitute thereof, the procedures of Arkansas Code Annotated Sections 14-54-901 through 904, at the discretion and judgment of the Chief of Police, or police officer employed by the City, the City may pursue enforcement of the requirements of the foregoing sections through the misdemeanor criminal courts.

A. Notice shall be sent to the party or parties responsible for the conditions surrounding the property which meets the requirements in Section 1, by registered or certified mail, written notice by a police officer employed by the City, or Mayor of the City specifying the action to be taken within 14 days from receipt of such notice

B. If no action is taken satisfying the conditions with that period, a police officer employed by the City may prepare and file a summons with the District Court. A first offense violation penalty will be up to \$100.00. If no action is taken to remedy the condition within 10 days of the summons, a second offense summons shall be filed, which may bear an additional fine of up to \$250.00, and after another 10 days without correction, an additional summons may be issued for a fine up to \$500.00.

SECTION 5: All previous property cleanup ordinances and all previous inoperable motor vehicle ordinances are hereby repealed and replaced with this ordinance. Any ordinance amending or related to prior property cleanup and inoperable motor vehicle ordinances are also repealed.

SECTION 6: It is found and declared by the City Council that its property maintenance and abandoned vehicle ordinances are not being enforced, which creates unsanitary conditions within the community. To prevent these threats to the health and safety of the citizens, this ordinance is necessary for the preservation of the public peace and safety shall take effect from and after its passage and approval.



Barry Riley Mayor



Rick Stevens Treasurer Recorder