

## LEGAL NOTICE

ORDINANCE NO. 95

**AN ORDINANCE REQUIRING PREMISES TO BE KEPT FREE FROM TRASH, GARBAGE, RUBBISH, DEBRIS, LUMBER, INOPERATIVE APPLIANCES, EXCESSIVE CHILDREN'S TOYS, AND OTHER UNSIGHTLY AND UNSANITARY MATTER; DECLARING THE ACCUMULATION OF SAID MATTER TO BE A PUBLIC NUISANCE; PROVIDING FOR THE ABATEMENT OF ANY SUCH NUISANCE BY THE CITY AT THE OWNER'S EXPENSE; DECLARING AN ACCUMULATION OF SAID MATTER TO BE UNLAWFUL; AND PROVIDING PENALTIES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHERRY VALLEY, ARKANSAS:**

**SECTION 1. The accumulation of trash, garbage, rubbish, debris, lumber, inoperative appliances, excessive children's toys, and other unsightly and unsanitary materials constitutes a public nuisance and is detrimental to the public health, safety, and welfare in that it serves as a breeding place for mosquitoes, germ-carrying insects, rodents, and other undesirable animals and is a fire hazard; and, the accumulation of said matter within the corporate limits of the City of Cherry Valley, Arkansas, is hereby declared to be a nuisance per se.**

**SECTION 2. All property owners within the City of Cherry Valley are required to cut weeds and grass, remove trash, garbage, rubbish, debris, lumber, inoperative appliances, excessive children's toys, and other unsightly and unsanitary articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary things, places or condition which might become a breeding place for mosquitoes, flies, and germs harmful to the health of the community.**

**SECTION 3. Property owners are prohibited from permitting the accumulation of debris upon vacant lots in the City of Cherry Valley. It shall be the duty of the property owners to remove all debris or refuse which is unsightly or which may endanger public health if and when notified by the City of Cherry Valley.**

**SECTION 4.** The growth of weeds, grass, and other noxious vegetation in excess of twelve (12) inches in height within the corporate limits of the City of Cherry Valley, Arkansas, is hereby declared to be a nuisance. The City of Cherry Valley will not cut any such unsightly weeds, grass, and other noxious vegetation, but shall require the owner of such lands to so do. The City Clerk shall, by ordinary mail, send to the address of the owner as shown by the current records in the office of the Tax Collector of Cross County, Arkansas, a notice demanding that such weeds, grass, and other noxious vegetation be cut or otherwise controlled. In the event corrective action is not taken by the owner, the City Clerk shall notify the City Attorney, who shall take such action as is required by law to enforce this ordinance, including reasonable fines and the suspension of city licenses.

**SECTION 5.** It is hereby declared that any such nuisance may be summarily abated at any time or place within the City of Cherry Valley, Arkansas, in which the accumulation of such trash, garbage, rubbish, debris, lumber, inoperative appliances, excessive children's toys, and other unsightly and unsanitary materials may be found.

**SECTION 6.** In the event that the City of Cherry Valley is required to abate said nuisance because the owner, tenants, or occupier of any land has permitted an accumulation of such matter, the City of Cherry Valley shall impose upon the owner of said land a reasonable charge for such abatement; and said charge shall constitute a lien against said land; and the City Clerk shall, by ordinary mail, send to the address of the owner as shown by the current records in the office of the Tax Collector of Cross County, Arkansas, a statement for said charges. In the event said charges are not paid within ten (10) days, the City Clerk shall notify the City Attorney, who shall take such action as is required by law to perfect and enforce said lien. The lien provided for herein may be enforced at any time within eighteen (18) months after said work has been done, and shall be by action in the Chancery Court.

**SECTION 7.** It is further declared to be unlawful for any person, firm, or corporation to permit the accumulation of trash, garbage, rubbish, debris, lumber, inoperative appliances, excessive children's toys, and other unsightly and unsanitary matter within the corporate limits of the City of Cherry Valley, Arkansas, and any such person, firm, or corporation, whether they be owner, tenant, or occupier of the land, who shall allow such accumulation shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be fined in any amount not less than \$5.00 and not more than \$100.00. Each day that such condition shall be permitted to exist shall constitute a separate offense.

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SECTION 8. Emergency Clause. It is hereby found and declared that the accumulation of trash, garbage, rubbish, debris, lumber, inoperative appliances, excessive children's toys, and other unsightly and unsanitary matter within the City of Cherry Valley is detrimental to the public health, safety, and welfare. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservation of the public health, peace, safety, and welfare shall take effect and be in force immediately upon its passage and approval.

Passed and approved this 14 day of October, 1997.

APPROVED:

*Mike Wood, Mayor*

Mike Wood, Mayor

ATTEST:

*Leona Meredith*  
Leona Meredith  
City Clerk

SEAL