

CITY OF AUSTIN ARKANSAS  
ORDINANCE NO 08-2012

AN ORDINANCE PROHIBITING UNSIGHTLY AND UNSANITARY ITEMS UPON PRIVATE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, ARKANSAS; PROVIDING THE MANNER FOR REMOVAL; FIXING THE PENALTY THEREFOR; AND FOR OTHER PURPOSES.

WHEREAS, in many areas in the City of Austin, Arkansas grass, waste, tires, iceboxes, building materials and/or similar unsightly or unsanitary items have been permitted to remain on private property for long periods of time, and

WHEREAS, the storage of these types of items on private property is unsightly, obnoxious, and detrimental to the neighborhood, and results in the depreciation of property value,

NOW, THEREFORE, BE IT ORDNANED by the City Council of the City of Austin, Arkansas:

**Section 1: Definitions**

Abandoned Automobile: any motor vehicle or part thereof that is in a state of disrepair, inoperable, or is or incapable of being moved under its owner power, or not licensed in accordance to Arkansas State laws.

Absentee: any person that resides outside the City of Austin, Arkansas.

Lot: A parcel of land within the city limits which is part of the city plat or a parcel within a subdivision, whether or not it has having a structure built upon it or not.

**Section 2: Prohibited generally; abatement**

1. It shall be unlawful for any person having supervision or control of any lot within the corporate limits of the city to suffer or permit any of the following:

- A. Grass, weeds, or any other plant that is not cultivated, to grow to a height greater than twelve (12) inches on any lot.
- B. Solid or liquid household, yard, commercial, industrial, construction or demolition waste, including but not limited to rubbish, trash, brush, and litter, whether dumped, spilled, burned or abandoned; dead trees; building materials; abandoned automobiles; openly stored appliances or furniture; stagnant pools of water or vessels in which water might accumulate where mosquitoes or other insects may breed; or any other objectionable, unsightly, unsanitary or unsafe matter of whatever nature to be present upon any lot or parcel or land, including in or along stream or drainage way and any adjacent right of way with the following exceptions:

1. Building materials may only be stored openly on the premises if covered and not deteriorated so as to be unusable for their ordinary purpose; and are stored in conjunction with an active building permit, a project on said premises not requiring a building permit, or a business enterprise that operates under a current, exhibited privilege license.
  2. No liquid or solid shall be placed in or along any stream or drainage way and no otherwise illegal dumping of any waste, furniture, appliances, or building materials shall be allowed on any parcel of land, including all adjacent rights-of-way and alleys, unless required permits have been obtained.
  3. Open storage of appliances or furniture shall only be permitted where such storage is in connection with an appliance sales or service business that is operated under a current and exhibited privilege license and located on a properly zoned parcel and if all doors, latches and locks are removed or made inoperable in a manner to ensure the safety of all citizens.
- C. Trees, shrubs, bushes or any other plant or object impeding the flow of public right-of-way or pedestrian traffic on any sidewalk, or in any other manner causing an unauthorized obstruction of the public enjoyment of a sidewalk or public right-of-way.
- D. Any act or condition contributing a nuisance under Ark. Code Ann. or current law.
- E. The occupant or owner of each residential dwelling or business shall provide an approved container with tight-fitting cover for the holding and storage of garbage. The container shall be placed at a point on the premises where the garbage collector can conveniently have access to the container. Approved garbage containers shall have handles suitable as aids for lifting the container.
- F. Whenever a city employee designated by the Mayor or his duly authorized agent or representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this section, he shall give notice of such alleged violation to the person responsible therefore, that such alleged violation shall constitute a nuisance. Such notice shall:
1. Be in writing.
  2. Include a statement of the reasons why it is being issued, and the section of the code that is alleged to be in violation.
  3. Allow no more than seven (7) days for performance of any act the notice requires to be completed.
  4. State that if the alleged violation is not corrected within the time set forth in the notice, the city employee designated by the Mayor or his duly authorized agent or representative

- shall institute legal proceedings, charging the person with a violation of this section.
5. State that no further notice, warning or grace period will be given for any repeat alleged violation of the same subsection of this section within the remainder of the calendar year.
- G. With the exception noted in subsection (2) below, the person responsible for the violation shall be notified by one (1) or more of the following methods:
1. By delivery to the owner, agent or responsible party, personally.
  2. By leaving the notice at the usual place, abode or business of the owner, agent or responsible party, with a person of suitable age and discretion.
  3. By depositing the notice in the US mail, addressed to the owner, agent or responsible party, at his last known address by certified mail, postage prepaid thereon.
  4. By posting and keeping posted for a period of not less than twenty-four (24) hours a copy of the notice in a conspicuous place on the premises alleged to be in violation.
- H. No further notice, warning, or grace period is required to be given for any alleged repeat violation of the same subsection of this section within the remainder of the same calendar year.
- I. Violation of the provisions of this section may be prosecuted by the issuance of criminal information or by the issuance of a citation by a law enforcement or code enforcement officer.

### Section 3: Trash, Weeds, etc.

1. The head of the city department designated by the Mayor may order the owner of any real property within the city to cut weeds, remove garbage, rubbish and other unsightly and unsanitary articles and things that may be upon the property; and to eliminate, fill up or remove stagnant pools of water or any unsanitary thing, place or condition which becomes a breeding place for mosquitoes, flies or germs harmful to the health of the community. The order shall be in writing and shall be issued to the owner of the real property involved. If the owner of any real property is unknown or his whereabouts is not known or he is a non-resident of this state, then a copy of the written notice shall be posted upon the premises in some prominent place.
2. If the owner of any real property within the city neglects or refuses to remove, abate or eliminate an such condition as provided for in subsection (a) of this section after having been given a minimum of seven (7) days' notice in writing to do so, the city department designated by the Mayor may do whatever necessary to correct the condition and charge one hundred (100) dollars per hour to the owner of the real property. The city shall have a lien against such property for the cost.
3. The lien may be enforced and collected in either of the following manners:

- A. Within eighteen (18) months after work has been done, by an action in the circuit court.
- B. The amount of the lien may be determined at a hearing before the city council held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners is known. If the name of the owner or owners cannot be determined, then the hearing before the city council may be held after publication of notice of such hearing in a newspaper having a bona fide circulation in the county, for one (1) insertion per week for four (4) consecutive weeks. The amounts due the city as determined at the hearing including all costs incurred by the city relevant to the nuisance, plus ten (10) percent penalty for collection, shall be certified by the city council by ordinance to the county tax collector, to be placed on the tax books as a penalty to be collected in the manner and with the priority of delinquent taxes, and the amount, less three (3) percent thereof, when so collected, shall be paid to the city by the county tax collector. In the alternative, the lien provided for pursuant to this chapter and state law may be enforced in circuit court at any time within eighteen (18) months after work has been completed.

**Section 4: Fine**

Any person cited and found guilty of any section of this ordinance shall be fined no less than one hundred (100) dollars and no more than five hundred (500) dollars per offense.

**Section 5: Conflicting Ordinances**


All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED: 9-24-12

APPROVED:

  
Mayor

ATTEST:

  
Recorder/Treasurer  
(SEAL.)

ORDINANCE NO. 07, 2003

CITY OF AUSTIN, ARKANSAS

**AN ORDINANCE REQUIRING PREMISES TO BE KEPT FREE FROM WEEDS, RANK GRASS, GARBAGE, RUBBISH AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES; REQUIRING PROPERTY OWNERS TO ELIMINATE, FILL UP OR REMOVE STAGNANT POOL 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. PRESCRIBING A PROCEDURE TO BE FOLLOWED IN SUCH CASES; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ARKANSAS:**

**Section 1: PROHIBITIONS**

(A) It shall be unlawful for any person having supervision or control of any lot, tract, parcel of land or portion thereof, within the city limits of the City of Austin to suffer or permit any of the following:

- (1) Grass, weed, or any other plant that is cultivated, to grow to a greater height than twelve (12) inches on an average on an individual lot, tract, parcel or to be grown in rank profusion upon the premises. The ordinance shall not be applicable to farm land which is located inside City limits.
- (2) Rubbish, brush, trash, dead trees, building material or any other objectionable, unsightly or unsanitary matter 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 eighteen (18) inches off the ground.
- (3) Grass, weeds or any plants that is not cultivated, to grow in rank profusion, or otherwise, in, along, or across the abutting sidewalk or parkway, to be height of more than twelve (12) inches on the average.
- (4) The storage of junk and/or abandoned automobile for a period not to exceed thirty (30) days, unless it is in connection with an automotive sales or repair business enterprise which operates under a duly licensed and exhibited privilege license and is located in a properly zoned area, in this paragraph "abandoned automobile" means any motor vehicle or part thereof that is in a state of disrepair and incapable of being moved under its own power or does not have a current license plate. Any vehicle being

repaired, restored or used for recreational use by the owners must be out of public view.

(5) The open storage of iceboxes, refrigerators, or any other appliance(s) or furniture for a period not to exceed thirty (30) days, and during storage period, all doors, latches, and locks are to be removed or made inoperative in a manner to ensure the safety of all citizens, unless it is in connection with an appliance sales or repair business enterprise which operates under a duly issues and exhibited privilege license and is located in a properly zoned area.

(6) The use of any stream or drainage way, wither natural or man made, 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 stream or drainage way, (unless required permits have been obtained).

(7) The accumulation of stagnant pools of water, or allow any form of vessel that might accumulate water in which mosquitoes or other insects may breed.

(8) The property, including all adjacent rights-of-way and alleys, to be used for illegal dumping of any solids or liquids, household, commercial, industrial, construction or demolition waste, including but not limited to: garbage, trash furniture, tin cans, bottles, rubbish, refuse lumber, whether dumped thrown, burned, spilled or abandoned, (unless required permits have been obtained.)

(9) Any act or condition constituting a nuisance under the Arkansas Codes Annotated or common law.

(B) The property, including all adjacent rights-of-way and alleys, to be used for illegal dumping of any solids or liquid, household, commercial, industrial, construction or demolition waste, including but not limited to: garbage, trash furniture, tin cans bottles, rubbish, refuse lumber, whether dumped thrown, burned, spilled or abandoned, [unless required permits have been obtained.]

(C) Any act or condition constituting a nuisance under the Arkansas Codes Annotated or common law

## **Section 2. DETERMINATION AND ABATEMENT**

(A) Whenever the mayor or his duly authorized agent or representative, determines that there are reasonable grounds to believe that there has been a violation of any of the provisions of this Ordinance, he shall give notice of such alleged violation shall constitute a nuisance. Such notice shall:

- 1) Be in writing.
- 2) Include a statement of the reason why it is being issued, and the section(s) of the Ordinance that are alleged to be in violation.
- 3) Allow a maximum of thirty (30) days for performance of any act it requires.
- 4) State, that if such alleged violations are not voluntarily corrected within the stated time as set forth in notice, the Mayor, or his duly authorized agent or representative, shall institute legal proceeding, charging the person with a violation of this Ordinance.

### **Section 3. METHOD OF NOTICE**

(a) The person responsible for the violation shall be notified by one (1) or more of the following methods:

- (1) By delivery to the owner, agent or responsible party, personally.
- (2) By leaving the notice at the usual place, abode or business of the owner, agent or responsible party, with a a person of suitable age and discretion.
- (3) by depositing the notice in the United States Post office, addressed to the owner, agent or responsible party, at his last know address by certified mail, postage prepaid thereon.
- (4) By posting and keeping posted for a period of not less that twenty -four (24) hours, a copy of the notice in conspicuous place on the premises, alleged to be in violation

### **Section 4. ENFORCEMENT**

Violations of the provision of this Ordinance may be prosecuted by the issuance of criminal information, the issuance of a Warrant of Arrest pursuant to a duly and properly executed Affidavit, or by the issuance of a citation by a law enforcement officer as required by law.

#### **Section 5. PENALTY FOR VIOLATIONS**

A) In this Ordinance, a violation means:

1. Doing an act that is prohibited or made or declared unlawful by this Ordinance;
2. The failure to perform an act that is required to be performed by this Ordinance;
3. Allowing a condition to exist or to continue that is prohibited or made or declared unlawful by this Ordinance.
4. The failure to perform an act if the failure is declared unlawful by this Ordinance.

B) Except as otherwise provided, a person convicted of a violation of this Ordinance shall be punished by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed One Hundred Dollars for each day that the same is unlawfully continued.

C) The imposition of a penalty does not prevent revocation or suspension of license, permit or franchise.

D) Violations of this Ordinance that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a "penalty" however does not prevent the simultaneous granting of equitable relief in appropriate cases.



**Section 6.**

All ordinance or parts of ordinance in conflict herewith hereby repealed.

**Section 7.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provision of this Ordinance are declared to be severable.

**Section 8**

As the accumulation of rubbish, trash, junk automobiles, furniture and unsightly or unsanitary matter on properties represent a serious health hazard to the citizens of the City of Austin, Arkansas, it has been determined that this ordinance is necessary and it vital to the health, welfare, and safety of the public, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

APPROVED:

9-22-2003

Daniel Chamblain  
Mayor

Attest:

Monica Rigg



CITY OF AUSTIN ARKANSAS  
ORDINANCE NO 08-2012

AN ORDINANCE PROHIBITING UNSIGHTLY AND UNSANITARY ITEMS UPON PRIVATE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, ARKANSAS; PROVIDING THE MANNER FOR REMOVAL; FIXING THE PENALTY THEREFOR; AND FOR OTHER PURPOSES.

WHEREAS, in many areas in the City of Austin, Arkansas grass, waste, tires, iceboxes, building materials and/or similar unsightly or unsanitary items have been permitted to remain on private property for long periods of time, and

WHEREAS, the storage of these types of items on private property is unsightly, obnoxious, and detrimental to the neighborhood, and results in the depreciation of property value.

NOW, THEREFORE, BE IT ORDNANED by the City Council of the City of Austin, Arkansas:

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Absentee: any person that resides outside the City of Austin, Arkansas.

Lot: A parcel of land within the city limits which is part of the city plat or a parcel within a subdivision, whether or not it has having a structure built upon it or not.

**Section 2: Prohibited generally; abatement**

1. It shall be unlawful for any person having supervision or control of any lot within the corporate limits of the city to suffer or permit any of the following:

- A. Grass, weeds, or any other plant that is not cultivated, to grow to a height greater than twelve (12) inches on any lot.
- B. Solid or liquid household, yard, commercial, industrial, construction or demolition waste, including but not limited to rubbish, trash, brush, and litter, whether dumped, spilled, burned or abandoned; dead trees; building materials; abandoned automobiles; openly stored appliances or furniture; stagnant pools of water or vessels in which water might accumulate where mosquitoes or other insects may breed; or any other objectionable, unsightly, unsanitary or unsafe matter of whatever nature to be present upon any lot or parcel or land, including in or along stream or drainage way and any adjacent right of way with the following exceptions:

1. Building materials may only be stored openly on the premises if covered and not deteriorated so as to be unusable for their ordinary purpose; and are stored in conjunction with an active building permit, a project on said premises not requiring a building permit, or a business enterprise that operates under a current , exhibited privilege license.
  2. No liquid or solid shall be placed in or along any stream or drainage way and no otherwise illegal dumping of any waste, furniture, appliances, or building materials shall be allowed on any parcel of land, including all adjacent rights-of-way an alleys, unless required permits have been obtained.
  3. Open storage of appliances or furniture shall only be permitted where such storage is in connection with an appliance sales or service business that is operated under a current and exhibited privilege license and located on a properly zoned parcel and if all doors, latches and locks are removed or made inoperable in a manner to ensure the safety of all citizens.
- C. Trees, shrubs, bushes or any other plant or object impeding the flow of public right-of-way or pedestrian traffic on any sidewalk, or in any other manner causing an unauthorized obstruction of the public enjoyment of a sidewalk or public right-of-way.
- D. Any act or condition contributing a nuisance under Ark. Code Ann. or current law.
- E. The occupant or owner of each residential dwelling or business shall provide an approved container with tight-fitting cover for the holding and storage of garbage. The container shall be placed at a point on the premises where the garbage collector can conveniently have access to the container. Approved garbage containers shall have handles suitable as aids for lifting the container.
- F. Whenever a city employee designated by the Mayor or his duly authorized agent or representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this section, he shall give notice of such alleged violation to the person responsible therefore, that such alleged violation shall constitute a nuisance. Such notice shall:
1. Be in writing.
  2. Include a statement of the reasons why it is being issued, and the section of the code that is alleged to be in violation.
  3. Allow no more than seven (7) days for performance of any act the notice requires to be completed.
  4. State that if the alleged violation is not corrected within the time set forth in the notice, the city employee designated by the Mayor or his duly authorized agent or representative

**ORDINANCE NO. 06, 2003**

**CITY OF AUSTIN, ARKANSAS**

**AN ORDINANCE REQUIRING PREMISES TO BE KEPT FREE FROM WEEDS, RANK GRASS, GARBAGE, RUBBISH AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES; REQUIRING PROPERTY OWNERS 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; PRESCRIBING A PROCEDURE TO BE FOLLOWED IN SUCH CASES; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.**

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

Section 1. All property owners within the City of Austin, are hereby required to cut weeds and grass, remove garbage, rubbish, and other unsanitary and unsightly articles and things from their 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. This Ordinance shall not be applicable to Farm Lands which are located inside the city limits

Section 2. If the owner or owners of any lot or other real property within the City of Austin, Arkansas, after the giving of seven (7) days notice in writing by the Mayor, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 1 hereof, the Chief of Police is hereby authorized to enter upon the property and have said weeds, rank grass or other vegetation cut and removed, or to eliminate any unsanitary and unsightly condition. The cost thereof shall be charged against said premises and shall constitute a lien thereon

Section 3. In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a nonresident of this State, then a copy of the written notice referred to herein above shall be posted upon the premises and before any action to enforce such lien shall be had, the City Clerk shall make an affidavit setting out the facts as to the unknown address or whereabouts of the nonresidents; and, thereupon service of publication as now provided for by law against a nonresident defendant may be had and an attorney ad litem shall be appointed to notify the defendant: by registered letter addressed to his last known place of residence, if same can be found.

Section 4. The lien herein provided for may be enforced and collected in either one of the following manners:

(A) The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Circuit Court; or,

(B) The amount of the lien herein provided may be determined at a hearing before the City Council held after thirty (30) days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known. If the name of the owner or owners cannot be determined, then after publication or notice of such hearing in a newspaper having a bona fide circulation in Lonoke County for one (1) insertion per week for four (4) consecutive weeks; and the amount so determined at said hearing, plus ten percentum (10%) penalty for collection, shall be certified by the City Council to the Lonoke County Tax Collector, and by him placed on the tax books as delinquent taxes, and collected accordingly. The amount, less three percentum (3%) thereof, when so collected shall be paid to the City of Austin, Arkansas.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 7. As the accumulation of rubbish, unsanitary and unsightly article on properties or overgrown property represents a serious health hazard to the citizens of the City of Austin, Arkansas, it has been determined that this Ordinance is necessary and vital to the health, welfare and safety of the public; therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

**APPROVED: June 23, 2003.**

  
**MAYOR**

**ATTEST:**

  
**CITY CLERK**



# PROOF OF PUBLICATION

(Mark an X in box from newspaper sending proof.)

- CABOT STAR-HERALD**  
P. O. Box 1058, Cabot, Arkansas 72023
- LONOKE DEMOCRAT**  
P. O. Box 747, Lonoke, Arkansas 72086
- CARLISLE INDEPENDENT**  
P. O. Box 47, Carlisle, Arkansas 72024
- JACKSONVILLE PATRIOT**  
P. O. Box 5329, Jacksonville, Arkansas 72078
- THE SHERWOOD VOICE**  
P. O. Box 6166, Sherwood, Arkansas 72124

*Publications of Magg Enterprises, Inc.*

- STATE OF ARKANSAS
- COUNTY OF LONOKE
- COUNTY OF PULASKI

1 SS

**ORDINANCE NO. 06, 2003**  
**CITY OF AUSTIN, ARKANSAS**  
 An ordinance requiring premises to be kept free from weeds, rank grass, garbage, rubbish and other unsightly and unsanitary articles; requiring property owners 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; prescribing a procedure to be followed in such cases; declaring an emergency, and for other purposes.  
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ARKANSAS:**  
 Section 1. All property owners

THIS IS TO CERTIFY that the attached legal advertisement being Ord. # 6  
 In the matter of \_\_\_\_\_  
 versus \_\_\_\_\_  
 \_\_\_\_\_ pending in the \_\_\_\_\_ court of said county, was published for 1 consecutive times on the following dates:  
7-23, 2003, \_\_\_\_\_, 2003  
 \_\_\_\_\_, 2003, \_\_\_\_\_, 2003  
 \_\_\_\_\_, 2003, \_\_\_\_\_, 2003

in the regular edition of the newspaper as checked above, a newspaper of general bonafide circulation, having a Second Class Postal Permit and published continuously for a period of more than one year in the County of Lonoke or County of Pulaski, State of Arkansas.

PUBLICATION FEE ..... \$ 151.60  
 COST OF PROOF ..... \$ 5.00  
 TOTAL ..... \$ 156.60  
 By: Bennie Roberts FOR THE PUBLISHER

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS DAY OF \_\_\_\_\_, 2003  
Jamie Minshew  
 JAMIE MINSHEW  
 Notary Public  
 Commission Expires 08/31/08



by required to cut weeds and grass, remove garbage, rubbish, and other unsanitary and unsightly articles and things from their 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. This Ordinance shall not be applicable to Farm Lands which are located inside the city limits.  
 Section 2. If the owner or owners of any lot or other real property within the City of Austin, Arkansas, after the giving of seven (7) days' notice in writing by the Mayor, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 1 hereof, the Chief of Police is hereby authorized to enter upon the property and have said weeds, rank grass or other vegetation cut and removed, or to eliminate any unsanitary and unsightly condition. The cost thereof shall be charged against said premises and shall constitute a lien thereon.  
 Section 3. In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a nonresident of this State, then a copy of the written notice referred to herein above shall be posted upon the premises and before any action to enforce such lien shall be had, the City Clerk shall make an affidavit setting out the facts as to the unknown address or whereabouts of the nonresidents; and, thereupon service of publication as now provided for by law against a nonresident defendant may be had and an attorney ad litem shall be appointed to notify the defendant: by registered letter addressed to his last known place of residence, if same can be found.

name and whereabouts of the owner or owners be known. If the name of the owner or owners cannot be determined, then after publication or notice of such hearing in a newspaper having a bona fide circulation in Lonoke County for one (1) insertion per week for four (4) consecutive weeks; and the amount determined at said hearing, plus ten percentum (10%) penalty for collection, shall be certified by the City Council to the Lonoke County Tax Collector, and by him placed on the tax books as delinquent taxes, and collected accordingly. The amount, less three percentum (3%) thereof, when so collected shall be paid to the City of Austin, Arkansas.  
 Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.  
 Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.  
 Section 7. As the accumulation of rubbish, unsanitary and unsightly articles on properties or overgrown property represents a serious health hazard to the citizens of the City of Austin, Arkansas, it has been determined that this Ordinance is necessary and vital to the health, welfare and safety of the public; therefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.  
 APPROVED: June 23, 2003.  
 Bennie Chamberlain, Mayor  
 ATTEST:  
 Cheryl Minshew, City Clerk

shall institute legal proceedings, charging the person with a violation of this section.

5. State that no further notice, warning or grace period will be given for any repeat alleged violation of the same subsection of this section within the remainder of the calendar year.

G. With the exception noted in subsection (2) below, the person responsible for the violation shall be notified by one (1) or more of the following methods:

1. By delivery to the owner, agent or responsible party, personally.
2. By leaving the notice at the usual place, abode or business of the owner, agent or responsible party, with a person of suitable age and discretion.
3. By depositing the notice in the US mail, addressed to the owner, agent or responsible party, at his last known address by certified mail, postage prepaid thereon.
4. By posting and keeping posted for a period of not less than twenty-four (24) hours a copy of the notice in a conspicuous place on the premises alleged to be in violation.

H. No further notice, warning, or grace period is required to be given for any alleged repeat violation of the same subsection of this section within the remainder of the same calendar year.

I. Violation of the provisions of this section may be prosecuted by the issuance of criminal information or by the issuance of a citation by a law enforcement or code enforcement officer.

### Section 3: Trash, Weeds, etc.

1. The head of the city department designated by the Mayor may order the owner of any real property within the city to cut weeds, remove garbage, rubbish and other unsightly and unsanitary articles and things that may be upon the property; and to eliminate, fill up or remove stagnant pools of water or any unsanitary thing, place or condition which becomes a breeding place for mosquitoes, flies or germs harmful to the health of the community. The order shall be in writing and shall be issued to the owner of the real property involved. If the owner of any real property is unknown or his whereabouts is not known or he is a non-resident of this state, then a copy of the written notice shall be posted upon the premises in some prominent place.

2. If the owner of any real property within the city neglects or refuses to remove, abate or eliminate an such condition as provided for in subsection (a) of this section after having been given a minimum of seven (7) days' notice in writing to do so, the city department designated by the Mayor may do whatever necessary to correct the condition and charge one hundred (100) dollars per hour to the owner of the real property. The city shall have a lien against such property for the cost.

3. The lien may be enforced and collected in either of the following manners:



- A. Within eighteen (18) months after work has been done, by an action in the circuit court.
- B. The amount of the lien may be determined at a hearing before the city council held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners is known. If the name of the owner or owners cannot be determined, then the hearing before the city council may be held after publication of notice of such hearing in a newspaper having a bona fide circulation in the county, for one (1) insertion per week for four (4) consecutive weeks. The amounts due the city as determined at the hearing including all costs incurred by the city relevant to the nuisance, plus ten (10) percent penalty for collection, shall be certified by the city council by ordinance to the county tax collector, to be placed on the tax books as a penalty to be collected in the manner and with the priority of delinquent taxes, and the amount, less three (3) percent thereof, when so collected, shall be paid to the city by the county tax collector. In the alternative, the lien provided for pursuant to this chapter and state law may be enforced in circuit court at any time within eighteen (18) months after work has been completed.

**Section 4: Fine**

Any person cited and found guilty of any section of this ordinance shall be fined no less than one hundred (100) dollars and no more than five hundred (500) dollars per offense.

**Section 5: Conflicting Ordinances**


All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED: 9-24-12

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder/Treasurer  
(SEAL)