

**ORDINANCE NO. 5392**

**AN ORDINANCE AMENDING SECTION 42-77 OF THE  
CODE OF ORDINANCES OF THE CITY OF SPRINGDALE,  
ARKANSAS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Chapter 42, Article IV, of the Code of Ordinances of the City of Springdale, Arkansas, contains the regulations pertaining to unsanitary and unsightly conditions on private property within the City of Springdale, Arkansas;

**WHEREAS**, it is in the best interests of the citizens of the City of Springdale, Arkansas, and to ensure the effective enforcement of the City's ordinances, that Section 42-77 of the Code of Ordinances of the City of Springdale, Arkansas, be amended to clarify the responsibility for maintenance of property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:**

**Section 1:** Section 42-77 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

**Sec. 42-77. - Clearance of unsightly or unsanitary conditions on real property.**

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- (a) It shall be unlawful for the owner or occupant of real property to permit the accumulation or development of weeds, garbage, rubbish, inoperative motor vehicle or other unsightly or unsanitary things or conditions on real property within the city.

*Exception:* As to inoperative motor vehicles as set out herein, this section does not apply to any inoperative motor vehicle held in conjunction with a business enterprise lawfully licensed by the city for the storage, servicing, or repair of motor vehicles so long as the property where the inoperative vehicle is located is in compliance with all zoning ordinances of the city.

- (b) It shall be unlawful for an owner or occupant of real property to fail to cut weeds and grass to the back of the street curb, if such curb exists, on the following streets within the City of Springdale: Highway 265/Old Missouri Road, Thompson Avenue, Don Tyson Parkway, Robinson Avenue, Emma Avenue, Sunset Avenue, Huntsville/Elm Springs Road, Wagon Wheel Road, Butterfield Coach Road, and HarBer Avenue.

- (c) The dumping of tree cuttings, tree trunks, fill dirt and other appropriate fill material may be permitted to reclaim gullies and ravines upon application to, and approval by, the city planning commission under the following conditions:

- (1) Written certification by the applicant that he is the legal owner of the property or that he has the written permission of the property owner.
- (2) Access must be completely restricted to the applicant only.
- (3) All material must be covered by fill dirt and smoothed over at intervals not to exceed two weeks.

Failure to comply with the above conditions will be grounds for revocation of the permit and may result in the issuance of a citation pursuant to subsections (a) and (b) of this section.

That which is underlined is added, that which is stricken through is deleted.

- (d) Nothing covered by this article is intended to preclude or conflict with the provisions of chapter 102 and all substances not governed by chapter 102 are to be governed by this article. This article is intended to supplement chapter 22.
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- (e) No person shall permit any tree, shrub, hedge, flower or other form of vegetation to grow in such a manner as to block or obscure any traffic signage, or to block or obscure the traffic line-of-sight at any intersection.
- (f) The owner or occupant of private property abutting a public street or alley right-of-way shall keep that portion of said right-of-way from the center line thereof to the private property line free from tall grass, weeds, debris and other growths, articles, and things. Provided, however, the City may maintain rights-of-way where the City has installed trees or other landscaping, so as to maintain the integrity of those improvements for the benefit of the public. Additionally, the City may elect to maintain any other rights-of-way or easement areas (such as drainage easements), where it is in the best interests of the City to maintain those areas, or where it is not reasonably feasible for a private property owner to maintain those areas.

**Section 2:** All other provisions of Chapter 42 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically modified herein shall remain in full force and effect.

**Section 3: Emergency Clause.** It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

**PASSED AND APPROVED** this 11<sup>th</sup> day of June, 2019.

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Brian Powell, President Pro Tempore

ATTEST:

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Denise Pearce, City Clerk

APPROVED AS TO FORM:

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Ernest B. Cate, City Attorney