3-19-2012

18/31

ORDINANCE NO. 5 of 2012

AN ORDINANCE REQUIRING PREMISES WITHIN THE CITY OF CABOT, ARKANSAS TO BE KEPT FREE FROM WEEDS, RANK GRASS, GARBAGE, RUBBISH, AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CABOT, 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 own power, or not licensed in accordance to Arkansas State laws.

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

Improved/Developed Lot: a parcel of land having a structure built upon it.

Unimproved/Undeveloped Lot: a parcel of land without a structure.

SECTION 2: It shall be unlawful for any person having supervision, ownership, or control of any lot, tract, parcel of land or portion thereof, within the corporate limits to suffer or permit the following:

1. Grass, weeds, or any other plant that is not cultivated, to grow to a height greater than 8 inches on any individual lot, tract, or parcel, to grow in rank profusion upon the premises in, along upon, or across the abutting sidewalk, parkway, street and easement/right-of-way (e.g. open ditches, utility, and alley), unless specifically regulated herein.
2. Solid or liquid household, yard (to include grass clippings), 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; openly stored appliances or furniture; stagnant pools or 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 any adjacent right-of--way or alley, with the following exceptions:

(a) Building materials may only be stored openly on the premises if they are covered and not deteriorated so as to be unusable for their ordinary purpose; stored at least two (2) inches off the ground; and are so stored in conjunction with an active building permit; a project on said premises not requiring a building permit, or business enterprise that operates under current, exhibited privilege license.

3. No liquid or solid shall be placed in or along any stream or drainage way.
4. No dumping of any waste, furniture, appliances or building materials is allowed on any individual lot, tract, parcel of land, to include all adjacent right-of ways, abutting sidewalk, parkway, street or alley, unless required permits have been obtained.
5. The open storage of an abandoned or inoperable automobile.
6. Trees, shrubs, bushes or any other plant or object impeding the flow of a 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.

SECTION 3: Any undeveloped lot, not adjacent any developed lot, shall be cut away from the street twenty-five (25) feet or to the tree line whichever is less.

SECTION 4: Any undeveloped lot shall be cut, in its entirety, when adjacent to any developed lot.

SECTION 5: Whenever the code officer, 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, he shall give notice of such alleged violation to the person responsible thereof, that such alleged violation constitutes 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 that seven (7) days for the 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, code officer, designated by the Mayor, or his duly authorized agent or representative shall issue a citation charging the person with a violation of this ordinance.
5. State that no further notice, warning or grace period will be given for any repeat alleged violation of this ordinance within the remainder of the same calendar year.

SECTION 6: With the exception as noted above in Section 5, paragraph 5, the person responsible for the violation shall be notified by (1) or more of the following methods:

1. By hand delivery to the owner, agent or responsible party or any occupied premises.
2. By leaving the hand delivered notice at the usual place, home or business of the owner, agent or responsible party, with a person of suitable age and discretion.
3. By depositing the notice in the United States mail, addressed to the owner, agent or responsible party at his last know address by certified mail. (This method is only to be used in the event of an "absentee owner")
4. By posting and keeping posted for a period of not less than 24 hours, a copy of the notice in a conspicuous place on the premises alleged to be in violation. (This method is only to be used in the event of an "unknown owner")
   (a) If the owner of occupied premises fails to comply with these requirements, a citation or warrant may be issued to the individual in violation to appearance in Cabot District Court. (b) If the owner of an absentee/unknown owner of a vacant premises or any vacant weed lot fails to comply, the city may take corrective action after giving (7) day notice by mail and by certified mail, (return receipt requested) and charge the owner or responsible party for said action to include administrative fees and postage. The city shall place a lien against such property for the cost.

SECTION 7: Any person convicted of a violation of this Code shall be punished by a fine, not less than $100.00 but not to exceed $500.00 for each violation. 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 $250.00 for each day that the violation is unlawfully continued.

SECTION 8: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

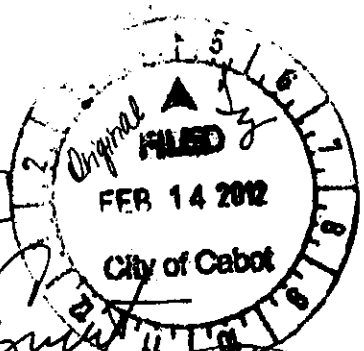
SECTION 9: The proper and appropriate planning of the city is of great importance to the health and welfare of its citizens. An emergency is therefore declared and this Ordinance being necessary for the preservation of the public peace, health, safety, and welfare shall be in full force and effect from and after its passage.

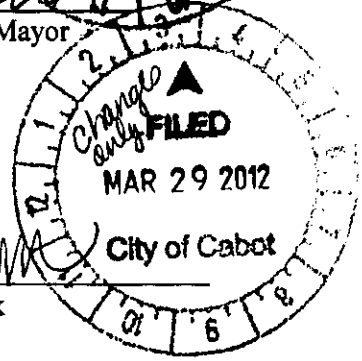
SPONSOR:
Public Works Committee
Date Passed: February 6, 2012
Vote: 4-0-1 (Abstain-Hutton)

Ed Long, Committee Chairman

PASSED: 6-0
DATE: 3-19-2012
APPROVED:

William "Bill' A. Cypert, Mayor





APPROVED AS TO FORM:

Jim Taylor, City Attorney

ATTEST:

Tammy Yocom, City Clerk