

ORDINANCE NO, A- 413

AN ORDINANCE REQUIRING ALL OWNERS AND/OR TENANTS OF REAL PROPERTY WITHIN THE CITY OF CONWAY, ARKANSAS TO CUT GRASS AND WEEDS, REMOVE RUBBISH **AND** ARTICLES, **AND** ELIMINATE STAGNANT POOLS **OF** WATER THEREUPON; DEFINING CERTAIN TERMS; PROVIDING A LIEN IN FAVOR OF THE CITY; PROVIDING A PENALTY **FOR** FAILURE TO COMPLY WITH THE TERMS HEREOF; REPEALING CERTAIN ORDINANCES; DECLARING AN **EMERGENCY**; AND FOR OTHER PURPOSES.

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

SECTION 1. All owners and/or tenants of real property situated within the corporate limits of the City of Conway, Arkansas, whether such property shall be improved or unimproved, occupied or unoccupied, shall cut the grass and weeds, **remove** rubbish, other unsightly and unsanitary articles and things upon said property, and shall 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, insects, reptiles and **germs**.

SECTION 2. For the purposes of this ordinance the grass and weeds upon any such real property shall not be **considered** to be properly cut and mown during the months of May, June, **July**, August and September unless the weeds and grass thereon are cut at least one time during each of said months, each such mowing or cutting being not more than thirty days apart, **Such** lands and property shall be considered to be properly maintained with reference to grass and weeks during the remaining months if the weeds and grass are cut or mown in such manner as to prevent such premises from becoming a fire hazard or a place for the breeding of mosquitoes, files, insects, reptiles and germs,

SECTION 3, For the purposes of this ordinance any such

same shall not be exposed so as to collect and hold water, affording a breeding place for mosquitoes,

SECTION 4, If the owner of any lot or other real property within the City of Conway shall neglect, fail or refuse to remove, abate or eliminate any such condition or conditions hereinabove set forth after having been given twenty days notice in writing to do so, then the City is authorized to do and perform any and all acts, deeds and things necessary and requisite to correct said condition and to charge the cost thereof to the owner or owners of said lot or other real property, and the City of Conway shall have a lien against such property for all Costs expended in correcting said condition or conditions.

SECTION 5. In the event the owner or owners of any lot or other real property is unknown or his, her or their whereabouts shall be unknown or if any such owner or owners shall be a non-resident of the State of Arkansas, then a copy of the written notice designated in Section 4, above, of this Ordinance, shall be posted upon the premises, and prior to instituting any action to enforce such lien the City Clerk of said City shall make an affidavit setting out the facts as to the unknown address or whereabouts of nonresidents, and thereupon service of process by publication as now provided by law against nonresident defendants may be had and an attorney ad litem shall be appointed by the Court or the Clerk thereof in which action is filed, to notify the defendant by registered or certified United States Mail, with return receipt **requested**, addressed to the last known place of residence of such defendant or defendants, if the same can be found,

SECTION 6. The lien herein provided for may be enforced at any time within eighteen months after such work, acts, deeds and things have been done and performed by proper action filed in the Chancery Court of Faulkner County, Arkansas.

SECTION 7, Any person, firm or corporation violating any of the provisions of Sections 1, 2 or 3 of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$5.00 nor more than \$25.00, and each day any such violation shall be permitted to continue shall

constitute a separate offense and shall be punishable as such, It is the express intention of the City of Conway that the penalties set forth in this Section 7 of this Ordinance shall be in addition to the remedies provided in Sections 4, 5 and 6 of this Ordinance, and the imposition of a fine under the criminal provisions hereof shall not bar or otherwise prevent the City from impressing a lien upon such lot or real property for the costs expended by it to correct the condition or conditions set forth in this Ordinance,

SECTION 8. Ordinance No, 140, passed by the City Council of the City of Conway, Arkansas, on August 8, 1905, and Ordinance No, A-109, passed by said City Council on May 30, 1930, are hereby specifically repealed, and all other ordinances or portions thereof which are in conflict with this Ordinance are hereby repealed.

SECTION 9, It is hereby declared that the provisions of this Ordinance are separable and if any provision herein contained shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of the Ordinance,

SECTION 10, It is hereby ascertained and declared that this Ordinance is necessary for the health of the inhabitants of the City of Conway, Arkansas, and is necessary for the protection and safety of such inhabitants and their property from fire; by reason thereof an emergency is hereby declared to exist and this Ordinance shall take effect and be in force from and after its passage and publication,

PASSED: June 9, 1964,

APPROVED : _____
Mayor

ATTEST: _____
City Clerk

(SEAL)