THE CITY COUNCIL OF THE CITY OF KENSETT, ARKANSAS

ORDINANCE NO. 2020-0002

A MASTER CLEAN UP ORDINANCE FOR THE CITY OF KENSETT, ARKANSAS, AND FOR OTHER PUROSES.

WHEREAS, the Kensett City Council has previously adopted various ordinance from time to time dealing with nuisance, unsightly conditions, grass cutting requirements, non-operating vehicle, property clean up requirements for situations within the city limits of Kensett so as to prevent such conditions from creating health hazards for the residents of Kensett, Arkansas, and devaluing the property values of surrounding owners, and

WHEREAS, the Kensett City Council desiring to simplify the procedure to provide a healthy and clean environment for the residents of the City of Kensett, Arkansas, declare that the previous ordinances and procedures should be updated and revised by the adoption of this Master Clean Up Ordinance along with penalties to enforce the ordinance provisions.

NOW, THEREFORE, BE IT ORDAINED AND AFFIRMED BY THE CITY COUNCIL OF THE CITY OF KENSETT, ARKANSAS, TO-WIT:

SECTION 1

UNSIGHTLY OR UNSANITARY CONDITIONS ON REAL PROPERTY

All property owners or the tenants renting property within The City of Kensett, Arkansas, are hereby required to cut weeds and grass on or before any part of the yard growth reaches the height of 6 inches

The property owner or tenant are prohibited from allowing garbage, debris, lumber, inoperable appliances, rubbish, and other unsanitary and unsightly articles to be placed on the property.

If any tenant fails to adhere to the provisions of this section the property owner shall be responsible for adhering to the provisions of this section.

SECTION 2

NON-OPERATING VEHICLE

It is unlawful for any person or entity to have or maintain a non-operating vehicle of any type on any property located within the city limits of Kensett, Arkansas. A non-operating vehicle is defined as a vehicle with one or more of the following characteristics: the vehicle's motor does not operate or said vehicle cannot be moved under its own power; any of the wheels of said vehicle have been removed; the vehicle has two or mor flat tires; the vehicle does not possess a current license plate or any of the major vehicle components such as transmission, drive train, windshield or doors are missing.

This ordinance does not apply to antique vehicles provided said antique vehicle is at least 25 years old and has

been restored to operating conditions and can be operated on the streets and highways of the State of Arkansas and has an Arkansas Antique license plate attached to the vehicle.

It is an exception from the prohibition of this ordinance if the non-operating condition is temporary and the vehicle is being restored to an operable condition within 10 days from the vehicle's disablement date or from the notice given to the owner under the provisions of this ordinance.

It is further an exception to the prohibition of this ordinance if the non-operating vehicle is completely enclosed within a structure or located within privacy fences so said non-operating vehicle is shielded from the public view and that of the neighbors of the owner of said non-operating vehicle.

SECTION 3

UNSAFE, DILAPIDATED, NUISANCE STRUCTURES ON REAL PROPERTY

No property owner shall allow any house, structure or building to exist upon real property within the city limits of Kensett, Arkansas in a condition which is nuisance or health hazard to the residents of the City of Kensett. Any such structure which is unsafe structurally, abandoned or unoccupied or fails to meet applicable code requirements for plumbing, electrical or construction standards shall be deemed a nuisance or health hazard.

Any property owner determined by the City of Kensett to be the owner of property which has been declared a nuisance shall be required a nuisance shall be required to restore, cure or bring up such house, structure or building up to health, safety or code requirements or shall be required to tear down and raze such structure under the provisions of this ordnance.

SECTION 4

DECLARATION OF CRIMINAL CONDUCT

A violation of any provision of the Master Clean Up Ordinance is deemed to be an unclassified misdemeanor which can be prosecuted as such in the White County District Court, Kensett Department. Upon conviction of such a misdemeanor the landowner or tenant may be sentenced to pay fine in the amount of $150.00 plus applicable court costs and fees for each day the landowner or tenant fails to cure or correct the violation after notice thereof. A second or subsequent violation requiring misdemeanor prosecution of the same landowner for the same or similar violation of the provisions of this ordinance shall include a fine in the amount of not less than $250.00 nor more than $500.00 plus applicable court costs and fees for each day the landowner or tenans fail to cure or correct the violation after notice thereof.

SECTION 5

ENFORCEMENT OF MASTER CLEANUP ORDINANCE

any property within the city limits of Kensett, Arkansas, which is regulated, controlled or prohibited by Sections 1, 2, & 3 herein the Mayor or any person designated by the Mayor shall cause an inspection of the property to be made with the help of the building inspector and/or the police department. If the Mayor determines after such inspection that there is a violation or violations of Section 1, 2, & 3 herein the Mayor shall undertake the following actions:

1. Issue a directive to the property owner and/or tenant to have the condition corrected within 7 days of the directive date or within a period of time deemed reasonable by the Mayor.
2. In the even the property owner and/or tenant fails to cure or correct the condition within the time frame determined by the Mayor then the Mayor shall have the Kensett Police Department to issue a citation to the landowner or tenant for any violation of the provisions of this ordinance with said violation to be prosecuted in the White County District Court, Kensett Department, as provided herein.
3. That in the even the landowner fails to cure or correct any violation of the provisions of Section 1 and 3 of this ordinance and in addition to the provisions to prosecute any violation of the provisions of this ordinance the City of Kensett, Arkansas, shall have the right pursuant to ACA § 14-54-901 et seq and as amended for the Mayor to give the landowner a 7 day written notice that if the landowner fails to cure or correct or abate the conditions cited by the Mayor within that time frame or any other time frame deemed by the Mayor to be reasonable for the conditions cited then the City of Kensett, Arkansas, may proceed to undertake whatever work is necessary to cure and correct the condition or conditions and charge the cost of that work to the landowner and shall be granted a lien against the real property for all costs including all administrative and collection fees.
4. The City of Kensett, Arkansas, may enforce the clean up lien allowed by this Ordinance and ACA § 14-54-901 et seq, as amended, by filing its lien within 120 days of completing any and all cleanup or correction work. Notices to the landowner shall be sent to both b y regular and certified mail to the address known to the city or on file with the White County Assessor's Office.
5. That in addition to the above remedies the City of Kensett, Arkansas, may after notice to the landowner and a hearing before the Kensett City Council to confirm and determine the cost of curing and abating the violation of any of the conditions prohibited by Sections 1 and 3 herein certify to the White County Tax Collector pursuant to ACA § 14-54-901 et seq, and as amended, that the lien amount be added to the landowner's tax parcel as delinquent taxes to be collected by the tax collector accordingly.

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SECTION 6

CONFLICTS AND EXISTING APPLICABLE CLEAN UP ORDINANCES

In the event any portion of this ordinance is declared to be invalid such invalidity shall in no way affect the remaining portion of this ordinance which shall remain in full force and effect. All ordinances and any parts of ordinances in conflict herewith are hereby repealed, except as to any pending actions against any landowner or tenant for violations of any previously adopted ordinances.

SECTION 7

EMERGENCY CLAUSE

It is hereby found and declared by the City Council of the City of Kensett, Arkansas that the need to ratify a modified Mast Clean Up Ordinance for the City of Kensett, Arkansas, is such a pressing and needed matter for the preservation of the public peace, health, safety and welfare, an emergency is hereby declared, and except as otherwise provided herein, this Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED this 17th day of March 2020.

Allen Edge

Allen Edge, MAYOR

ATTEST: Julie Meade

Julie Meade, RECORDER