

**CITY OF WARD
ORDINANCE 2024-14**

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; REPEALING AND REPLACING O-2007-07; AND FOR OTHER PURPOSES

WHEREAS, ARKANSAS CODE ANNOTATED (A.C.A.) § 14-54-901 authorizes and empowers cities of the first class to order the owners of lots and other real property within their cities to cut weeds; to remove garbage, rubbish, and other unsightly and unsanitary articles and things up the 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; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARD, THAT:

SECTION 1 – DEFINITIONS: (A.C.A. § 14-54-903)

- a) “Clean-up lien” means a lien securing the cost of work undertaken by a town or city to remove, abate, or eliminate a condition in violation of local codes or ordinances. A clean-up lien may have priority against other lienholders as provided in this section;
- b) “Court lien” means a lien securing the fines or penalties imposed by a court of competent jurisdiction against the owner of an unsafe and vacant structure or weed lot for failure to comply with applicable building codes that have been secured by a court lien by action of the local governing body;
- c) “Priority clean-up lien” means a clean-up lien for work undertaken by a city or town on an unsafe and vacant structure or weed lot that is given priority status over other lienholders following notice and hearing;
- d) “Unsafe and vacant structure” or an “abandoned home or residential property” means:
 - a. A structure located on previously platted and subdivided property that is not fit for human habitation and has been declared unsafe and vacant by the city or town in which it is located in violation of an applicable ordinance; or

- b. A home or residential property that is:
 - i. Unoccupied;
 - ii. In violation of a city safety standard; and
 - iii. Located in an area eligible for federal funds under § 14-54-905; and
- e) "Weed lot" means a previously platted and subdivided lot that is vacant or upon which an unsafe and vacant structure is located and that contains debris, rubbish, or grass which is higher than that permitted by this ordinance.

SECTION 2: All property owners within the City of Ward, Arkansas, are hereby required to:

- a) Cut weeds, 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 things, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. Weeds or grass allowed to grow over twelve (12) inches high, on any lot, parcel or tract within the city except as noted below, shall be deemed a violation of this section.
- b) Not allow 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; openly stored appliance or furniture; stagnant pools of water or vessels in which water may accumulate where mosquitoes or other insects may breed; or any other objectional, 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:

- i. Exceptions:
 - a. Building material may only be stored openly on the premise if the material is 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 license¹.
 - b. Open storage of appliances or furniture shall only be permitted where such storage is in conjunction 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 and locks are removed or made inoperable in a manner to ensure the safety of all citizens.

SECTION 3: If the owner or owners of any lot or other real property within the City of Ward, Arkansas, after the giving of seven (7) days' notice in writing by an official authorized to do so, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 2 hereof, the City is hereby authorized to enter upon the property and have said weeds, rank grass or other vegetation cut and removed, or eliminate any unsanitary and unsightly condition, and the cost thereof shall be charged against said premises and shall constitute a lien thereon. The notice must also contain a statement that no further notice, warning, or grace period will be give for any repeat violations of this ordinance within the same calendar year.

SECTION 4: In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a non-resident of this State, then a copy of the written notice hereinabove referred to 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 unknown address or whereabouts of non-residents, and thereupon service of publication as now provided for by law against non-resident defendants 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. **(A.C.A. § 14-54-902)**

SECTION 5 ENFORCEMENT: Enforcement of this ordinance shall be as provided in A.C.A. §§ 14-54-903 and 14-54-904.

¹ Also known as a Business License

SECTION 6 – PENALTY: Any person or persons cited and found guilty of violating any section of this Ordinance, shall be fined no less that one hundred dollars (\$100) and no more than more than five hundred dollars (\$500) per offence.

SECTION 7 – O-2007-07 is hereby repealed and replaced by this Ordinance upon enactment.

SECTION 8 – SEVERABILITY: If, for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions.

SAID ORDINANCE WAS ADOPTED ON August 20, 2024.

Brooke No, Chapman Absent, Hall Yes, Hefner No, McMinn Yes, Ruble Yes

YEAS: 4 NAYS: 2

Mayor (if needed) Yes

APPROVED:

ATTEST:



Charles Gastineau, Mayor



Krystal Rummel, City Clerk

