

ORDINANCE NO. 958

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; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF EUREKA SPRINGS, ARKANSAS THAT:

SECTION 1. All property owners within the City of Eureka Springs, Arkansas, are hereby required to 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 an attractive nuisance or a breeding place for mosquitoes, flies and germs harmful to the health of the community.

SECTION 2. If the owner or owners of any lot or other real property within the City of Eureka Springs, Arkansas, after the giving of twenty (20) days notice in writing by the City Council of Eureka Springs, Arkansas, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 1 hereof, the Chief of Police 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.

SECTION 3. In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a nonresident 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

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Clerk shall make an affidavit setting out the facts as to the unknown address or whereabouts of nonresidents, and thereupon service by publication as now provided for by law against a nonresident defendant 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.

SECTION 4. The lien herein provided for may be enforced at any time within eighteen (18) months after work has been done by an action in the Chancery Court.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. It has been found, and it is hereby declared, that the City is in immediate need of regulations vital to the health, welfare and safety of the public, therefore, an emergency is declared to exist whereby this Ordinance shall be effective from and after its passage, approval and publication as required by law.

PASSED AND APPROVED by the City Council of Eureka Springs, Arkansas, this 4th day of October, 1973.

  
FRED L. NAFF, MAYOR

ATTEST:

  
TRUIE WALSH, CITY CLERK