

## CITY OF DYER, ARKANSAS

### ORDINANCE NO. 2015-04-28-01

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS FOR THE USE AND MAINTENANCE OF ALL LANDS LOCATED WITHIN THE CITY LIMITS OF DYER, ARKANSAS; GIVING THE MAYOR AUTHORITY TO APPOINT A REPRESENTATIVE WHO SHALL HAVE FULL AUTHORITY TO, AT ANY GIVEN TIME, INSPECT PROPERTY FOR EXISTING CONDITIONS WHICH CREATE ONE OR MORE OF THE FOLLOWING DANGERS: HEALTH, FIRE OR FLOODING; REPEALING CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DYER, ARKANSAS, AS FOLLOWS:

**SECTION 1:** All property owners within the City of Dyer are required to cut weeds and grass growing thereon, remove garbage, rubbish, and other unsanitary or unsightly articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsightly things, place or condition which might become a breeding place for mosquitoes, flies, rodents, reptiles, and germs harmful to the health of the community. Said aforementioned conditions shall include but shall not be limited to the following: unused furniture, unmounted tires or wheels, limbs or other brush, building materials, abandoned toys, etc. Weeds, grass, or brush allowed to grow over six (6) inches high shall be deemed a violation of this section except on those lands which constitute one contiguous tract larger than two (2) acres in size.

**SECTION 2:** All land constituting one contiguous tract larger than two (2) acres in size within the City of Dyer must be cut, i.e. mowed, brushhogged, or cut and bailed for hay, at least twice each calendar year, with the first cutting occurring no earlier than May 1<sup>st</sup> and no later than July 1<sup>st</sup> and the second or final cutting occurring no earlier than September 1<sup>st</sup> and no later than October 15<sup>th</sup> of each year. This practice will control unsightly growth and reduce fire hazards during dry and dead seasons. Property may be exempt from mowing if sufficient numbers of livestock grazing on the land control growth of weeds, grass, or brush to less than six (6) inches of height.

**SECTION 3:** Any automobile or other conveyance including but not limited to trailers, wagons, bicycles, motorcycles, race cars, tractors, farm implements, farm equipment, construction equipment, and similar items (hereinafter "conveyance"), sitting on blocks with tires removed or sitting disabled or used as a storage for garbage or that does not have current licensing registration and valid insurance where required for operation upon the public streets, roads, and highways within this state will be considered as one or more of the conditions described in Section 1 and a removal order will be

issued. If a conveyance has not been moved for a period of ninety (90) days a rebuttable presumption shall arise that the conveyance is disabled. This section shall not apply to conveyances kept or stored inside buildings or other structures of a nature that when all doors are closed the conveyance is not visible from any public street or adjoining landowners' property.

**SECTION 4:** If any property owner shall suffer the loss either total or partial of a house or trees by fire or storm, it shall be the owners' responsibility to remove debris from the property. The debris shall be removed within ninety (90) days from the date of the loss.

**SECTION 5:** From and after the passage of this ordinance all burning will be governed by the laws, ordinances, regulations, and other requirements or restrictions imposed by the county or state.

**SECTION 6:** If any property owner shall fail or refuse to correct the offending condition(s) set forth in this ordinance within the times fixed by this ordinance after receiving such notice from the City, he or she shall, upon conviction be fined \$75.00, and each day that such property owner refuses to comply with this ordinance after the expiration of the time limits provided shall be considered a separate offense, and will be fined \$75.00 per day until the offending condition is corrected or abated.

**SECTION 7:** After an on-sight inspection by the Mayor's representative and a formal notice issued by the City, the offending property owner(s) will have seven (7) days to comply. An additional seven (7) days may be granted if the property owner(s) can show just cause as to why a grace period is needed, the grace period will be granted only by the Mayor's representative and recorded by with the City Clerk.

**SECTION 8:** Pursuant to Ark. Code Ann §§ 14-54-901 *et seq.* the City of Dyer may take necessary steps to clean-up or abate any condition that is a violation of this ordinance seven (7) days after written notice has been provided to the property owner or lien holder and shall take the necessary steps to perfect a lien pursuant to state statute for the costs of said work.

**SECTION 9:** 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 notices hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Recorder/Treasurer 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.

**SECTION 10:** All prior ordinances that conflict with the terms and provisions of this ordinance are hereby repealed.

**SECTION 11:** This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Dyer, Arkansas, because of the currently existing unsightly and unsanitary conditions existing within the City of Dyer and the hazards these conditions pose to the citizens. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 21<sup>st</sup> DAY OF APRIL 2015.

APPROVED:

ATTEST:

  
MAYOR

  
RECORDER/TREASURER