

Ordinance 01-05

**AN ORDINANCE RELATING TO THE PUBLIC HEALTH AND SAFETY OF
IT'S CITIZENS WITHIN LAKEVIEW, ARKANSAS, BY PROHIBITING THE
CONTAMINATION OF PROPERTY, LAND, WATER OR AIR WITHIN
LAKEVIEW, ARKANSAS BY MEANS OF MANUFACTURING
METHAMPHETAMINE OR SIMILAR ILLEGAL DRUGS.**

Whereas, State and Federal Health Departments have determined that the manufacture, or the "cooking" of chemicals and materials to produce Methamphetamine, or similar illegal drugs, can produce contamination to the structure of a building, furniture, heating and ventilation systems, carpets, floors, walls and ceilings, soil and ground water, and,

Whereas, many of the ingredients to manufacture, or attempt to manufacture Methamphetamine or similar illegal drugs, are hazardous substances such as, but not limited to, PAINT THINNERS, PHOSPHEROUS, LITHIUM FROM BATTERIES AND ANHYDROUS AMMONIA, and that during the manufacture of this drug, it releases into the air these hazardous substances, and

Whereas, the hazardous substances that are released in to the air can cause harm to people and animals in the form of headaches, nausea, dizziness, skin and eye irritation, burns, eye damage, increased heart rate, anemia, kidney and liver damage, and birth defects, and

Whereas, Methamphetamine residues can be fatal to young children, and,

Whereas, guidelines are necessary to assist and direct a property cleanup, to protect current and future tenants, owners, and occupants of the property.

Therefore, be it ordained by the city council of Lakeview, Arkansas:

Section I: Contamination Violation

It shall be a violation of this ordinance for any person to contaminate any property, land, air or water within the City of Lakeview, Arkansas by means of manufacturing (cooking) Methamphetamine or any similar drug, it shall be the responsibility of the Chief of Police, or his designate, to take control of the property to determine if the property has been contaminated.

If the Chief of Police or his designate should find evidence of property contamination, the owner shall be advised to have the property vacated, and institute a proper decontamination according to the city adopted "Guideline Booklet for Cleaning Up Former Methamphetamine Labs". After the cleanup has been completed the Chief of Police, or his designate, shall be provided confirmation of the property cleanup.

Section II: Adoption of the Cleanup Guideline Booklet:

The city agrees to adopt the attached Lakeview Police Department Guidelines Booklet for the "Cleaning Up of Former Methamphetamine Labs", for the enforcement of this ordinance.

Section III: Contamination Site Defined

Many of the ingredients used in the manufacture of Methamphetamine, or similar drugs, are known to be hazardous substances. These substances are, but not limited to, hydrochloride acid, ephedrine, anhydrous ammonia, acetone, paint thinner, sodium hydroxide, lithium from batteries, and phosphorous from matches and flares. Physical evidence that a combination of these substances have been mixed and heated, and that hazardous vapors and residue are present in the structure, constitutes a contaminated site.

Section IV: Penalty

Any person violating any provision of this ordinance, shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed Five hundred (\$500.00) Dollars, or confinement in jail for not more than one (1) year, or both.

Section V: Restitution

Any person deemed guilty of any provision of this ordinance, may be ordered to make restitution to aggrieved parties for the contamination and/or damage to their property by this ordinance.

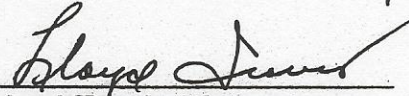
Section VI: Previous Ordinances

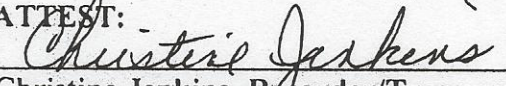
All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section VII: Emergency Clause

It has been determined that this ordinance is necessary and vital to the health, welfare and safety of the public; therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect after it's passage and approval.

Passed and approved this 12 day of June, 2001.


Lloyd Travis, Mayor

ATTEST:

Christine Jenkins, Recorder/Treasurer