

## **ORDINANCE 08-05**

### **AN ORDINANCE PERTAINING TO THE MAINTENANCE OF REAL PROPERTY FOR THE CITY OF LAKEVIEW, BAXTER COUNTY, ARKANSAS**

Be it ordained by the City Council of Lakeview, Baxter County, Arkansas:

#### **Section 1 – Intent**

The intent of this Ordinance is to establish property maintenance requirements and standards for all properties within the city limits of Lakeview, Arkansas, to fix the responsibility of property owners for this maintenance, and to provide for the enforcement of these measures and penalties for non-compliance.

#### **Section 2 – Unsightly Conditions on Real Property**

All property owners within the city are hereby required to cut weeds, grass, remove garbage, rubbish and other unsanitary and unsightly articles and things from their property, and to fill all manmade holes and remove stagnant pools of water or any other unsanitary things, or conditions which might affect become harmful to the health of the community.

Grass or weedy vegetation shall not exceed ten inches (10") in height in all residential or commercial zones, specifically, in that part of a property as viewed from its frontage, nor exceed twenty-four inches (24") in height on residential or commercial lots on which no structure is located. Undeveloped or agricultural lands are exempted.

#### **Section 3 – Notification, Collection of Costs and Enforcement of Lien**

Any owner of real property within the city, whose property violates this Ordinance shall be notified of the violation by the city and shall be given ten (10) days to correct said violation. Such notice shall be sent regular and certified mail to the owner of the property at the address of record at the Office of the Baxter County Assessor.

If the owner, after being sent notice as provided hereinabove, fails to remove, abate or eliminate any conditions or to correct the ordinance violation within the ten (10) day period, then the city may take any and all actions necessary to correct such violation and shall charge the costs thereof to the owner of said real property. As used herein, the term "costs" shall include the actual cost to correct the ordinance violation plus an administrative fee, collection and legal costs incurred by the city. The city shall be entitled to a lien against the property for all such costs, provided that the lien shall be imposed and collected in the time and manner set forth in A.C.A 14-54-903 and 14-54-904.

#### Section 4 – Vacated Properties and Notification of Unknown Reap Property Owners

In the event a violation exists with a property which has been vacated and is for sale, the city shall work with the real estate agent to determine the address of the owner of the real property involved. In case the owner or any lot or other real property is unknown or his or her whereabouts is not known or he or she is a nonresident of this State, the city shall follow the process provided for under A.C.A. 14-54-902..

#### Section 5 - Penalties

A person or company in violation of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) per day. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

#### Section 6 – Severability

The invalidity or unconstitutionality of this Ordinance shall not effect any other section hereof, but shall remain in full force and effect.

#### Section 7 – Emergency Clause

It has been determined that this change 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 from and after its passage and approval

Passed: Dec 18, 2005

Approved: Lloyd Travis  
Lloyd Travis, Mayor

Attest: Rebecca Barton  
Rebecca Barton C/R/T