

ORDINANCE NO. 704

AN ORDINANCE AMENDING ORDINANCE NO.
539 OF THE CITY OF MONTICELLO REDUCING
THE PERIOD OF NOTICE PROVIDING FOR
ACTION AGAINST ABSENT OR UNKNOWN
LANDLORDS AND FOR OTHER PURPOSES

Whereas the city of Monticello has determined that the failure of property owners to cut weeds, remove garbage, rubbish, and other unsightly and unsanitary articles has become a serious problem in the city and;

Whereas such a condition is an endangerment to the health and safety of the citizens of the City of Monticello; and

Whereas it is necessary to take action as quickly as possible, as permitted by Arkansas State Law to pursue such nuisances:

NOW THEREFORE BE IT ORDAINED by the City Council of Monticello, Arkansas, as follows:

Section 1. that Ordinance No. 539 of this City, enacted May 13, 1976, shall be amended as follows:

"Section 2. If the owner of any lot or any other real property within the City of Monticello shall neglect or refuse to remove, abate, or eliminate any such condition or conditions as are provided for under this ordinance, after having been given seven (7) days notice in writing to do so, by the mayor, chief of police of this city, or a property inspection officer designated by

the Mayor, then

"a) The City of Monticello is authorized to do whatever is reasonably necessary to correct said condition and to charge the cost thereof to the owner or owners of said lots or other real property and to enforce the lien granted in and imposed by Act 100, Arkansas Acts of 1943, for such costs, in accordance with provisions of said act; and

"b) Such owners shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten (\$10.00) dollars, nor more than fifty (\$50.00) dollars, with each day such violation occurs being considered separate offense.

"Section 3. In the event 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 here and above 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 nonresidents, and thereupon service of publication is now provided for by law against nonresidents 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 4. The lien herein provided for may be enforced and collected in either one of the following manners:

"a) The lien may be enforced at any time within eighteen (18) months after work has been done by an action of the Chancery Court; or

"b) The amount of the lien herein provided may be determined at a hearing before the Monticello City Council held after thirty (30) days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then after publication of the notice of such hearing in a newspaper, having a bona fide circulation in Drew County, Arkansas for one (1) insertion per week for four (4) consecutive weeks; then the amount so determined at said hearing, plus an additional 10 percent in penalty for collection shall be certified by the City Council to the Drew County Tax Collector, and by him placed upon the tax books as delinquent taxes, and collected accordingly, in the amount, less 3 percent thereof when so collected shall be paid to the City of Monticello."

Section 2. That Sections 4, 5, and 6 of Ordinance No. 539 shall be renumbered, and shall become Sections 5, 6, and 7,

respectively.

Section 3. The clearance of unsightly and unsanitary conditions of real property continues to be an urgent concern of the City of Monticello and its inhabitants, and this ordinance is necessary, and it is vital to the health, welfare, and safety of the public, therefore an emergency is hereby declared to exist; and this ordinance, being necessary for the immediate protection of the public peace, health, safety, and welfare, shall be in full force and effect from and after its adoption.

ORDAINED on this 20 day of July, 2000.



City Clerk-Treasurer

APPROVED on this 20 day of July, 2000.

By 

Harold D. West, Mayor