

ORDINANCE NO. 756

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; AND PRESCRIBING A PROCEDURE TO BE FOLLOWED IN SUCH CASES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY MONTICELLO, ARKANSAS:

Section 1. Requirements of All Property Owners. All property owners within the City of Monticello, 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 a breeding place for mosquitoes, flies and germs harmful to the health of the community. Weeds or grass allowed to grow over twelve inches high shall be deemed a violation of this section.

Section 2. Non-Compliance by Property Owner. If the owner or owners of any lot or other real property within the City of Monticello, after the giving of seven (7) days' notice in writing by the Mayor or his designated representative, 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. Unknown Property Owners. 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 Clerk 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 item 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. Enforceability. Enforcement of this ordinance shall be as provided in Ark. Code Ann. § 14-54-903 and 14-54-904.

Section 5. Severability. If any part of this ordinance shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 6. Conflicts. Any other ordinances or resolutions of the City in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Emergency Clause. It is found and determined that weeds, grass, garbage, rubbish and other unsanitary and unsightly articles and things existing upon properties located within the City limits constitute a nuisance to the health and beauty of the City which may create a risk of harm to the public; therefore, an emergency is declared to exist, and this ordinance being necessary for the preservation of the public peace, health and safety of the citizens of Monticello, shall be in full force and effect from and after its passage.

ADOPTED on this 21 day of January, 2010.



City-Clerk-Treasurer

APPROVED on this 22 day of January, 2010.



Mayor

AGREEMENT

The following is an Agreement between the City of Monticello, Arkansas (hereinafter referred to as "City") and the County of Drew (hereinafter referred to as "County") under the provisions of Ark. Code Ann. § 14-54-904.

1. To enable the Drew County Tax Collector to perform the requirements of Ark. Code Ann. § 14-54-903, the City agrees to perform the following:

A. To provide a form in triplicate to the County Tax Collector which lists the property owner, property description, corresponding school district, parcel number and total to be collected, and accrual date of the City Council. Said form shall have a cover listing the above information.

B. To provide said form between the tenth and fifteenth of each month. It is to be provided that no form shall be delivered to the County in the months of January, February and March of each year.

2. It is understood that once the above-mentioned form has been turned over to the County, the payment required by the City must be made to the County Tax Collector.

3. County Tax Collectors are to collect the taxes under § 14-54-903 and the County shall pay the City funds collected less the three percent for cost of collection in the same manner of the distribution for other delinquent collections.

4. Any changes in this Agreement must be mutually agreed upon before they are binding to either party.

County of Drew

City of Monticello, Arkansas

By: *Dennis Smith* 1-6-10
County Judge Date

By: *Joe Rogers* 1/22/10
Mayor Date

By: *Mark Soben* 1-6-10
Tax Collector Date

By: *Adrian T. Chiles* 1/22/10
City-Clerk-Treasurer Date



MONTICELLO POLICE DEPARTMENT

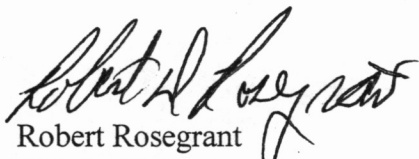


101 North Church Street • Monticello, AR 71655 • Phone: (870) 367-3411 • Fax: (870) 367-8761

January 22, 2010

To Whom It May Concern:

Mr. Truman Hamilton, an agent of the Monticello Police Department, is hereby authorized to act on behalf of the Chief of Police to enter upon property and enforce City Ordinance 756 as adopted by the Monticello City Council on January 21, 2010.


Robert Rosegrant
Chief of Police