

ORDINANCE NUMBER 327

AN ORDINANCE REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF PROPERTY WITHIN THE CITY; AND REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Board of Directors of the City of Barling, Arkansas, as follows:

SECTION 1: When used in this Ordinance, the following terms shall have the stated meanings:

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be used under, on or above a said lot or lots.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison, spraying, fumigating, trapping or by any other approved pest elimination methods.

**GARBAGE.** The animal or vegetable waste resulting from handling, preparation, cooking and consumption of food.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**DISPOSAL OF GARBAGE.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court,

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**YARD.** An open space on the same lot with a structure.

**SECTION 2:** All property owners within the City of Barling are required to maintain their property and premises in a clean, safe and sanitary condition to prevent a condition that may constitute a health hazard or create such an unsightly condition as to be detrimental to property values. Property owners shall maintain their property, which they or a tenant occupies, or controls in accordance with the following:

A. All premises and exterior property including easements and alleys shall be maintained free from weeds or plant growth in excess of six (6) inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however the term shall not include cultivated flowers and gardens. Dead trees are to be removed as well as dead limbs within living trees. Limbs on the ground shall be removed.

B. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be harmful to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

C. Except as provided for in zoning regulations, no inoperative motor vehicle shall be parked, kept or stored on any premises for more than ten (10) days, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or similar enclosed area designed and approved for such purposes.

D. Exterior stairways, decks, porches, balconies and carports and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting imposed loads. Refrigerators and similar equipment not in operation shall be removed or stored indoors out of public view.

E. Private sidewalks, driveways, walkways, stairs, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

F. Swimming pools shall be maintained in a clean and sanitary condition.

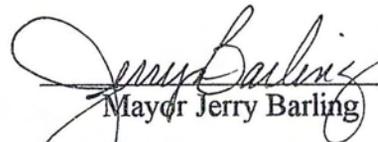
G. Property and premises shall be maintained free from any accumulation of rubbish or garbage. Each occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing rubbish in approved containers.

SECTION 3: If the owners of any real property located within the City fail to remedy the condition of the property after giving of ten (10) days written notice by the City Administrator, or his designated representative, then the City Administrator, or his designee, is hereby authorized to issue a citation to appear, or to enter upon the property and eliminate said condition determined to be in violation of this Ordinance. The cost of eliminating said condition shall be billed to the property owner by certified mail. In addition to actual charges for eliminating said condition an associated administrated cost of twenty-five dollars (\$25.00) will be added. The total costs will be charged against said premises and shall constitute a lien thereon for failure to pay such bill within thirty (30) days of receipt by the property owner.

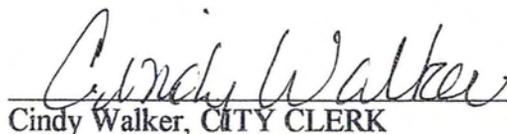
SECTION 4: The penalty for violation of this Ordinance, in addition to the remedies provides elsewhere in this Ordinance, shall be a fine in an amount not to exceed fifty dollars (\$50.00), and each separate day in which said property remains in violation of this Ordinance shall constitute a separate offense.

SECTION 5: Enactment of this Ordinance would ensure the protection of the health, safety, and welfare of the public and the City of Barling, Arkansas, so that an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage.

APPROVED: this 6<sup>th</sup> day of December 2005

  
Mayor Jerry Barling

ATTEST:

  
Cindy Walker, CITY CLERK

