

ORDINANCE 2001-02

AN ORDINANCE REQUIRING OWNERS OF LOTS AND OTHER REAL PROPERTY WITHIN THE CITY OF PERRYVILLE TO CUT WEEDS, REMOVE GARBAGE, RUBBISH AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES AND THINGS UPON SAID PROPERTY , AND TO ELIMINATE, FILL UP OR REMOVE STAGNANT POOLS OF WATER OR ANY OTHER UNSANITARY THING, PLACE OR CONDITION WHICH MIGHT BECOME A HEALTH HAZARD; PROVIDING FOR NOTICE TO OWNERS OF ANY LOT OR OTHER REAL PROPERTY VIOLATING THE PROVISIONS OF THIS ORDINANCE; SPECIFYING THE METHOD FOR ENFORCEMENT OF THIS ORDINANCE; DECLARING VIOLATION OF THIS ORDINANCE TO BE PUNISHABLE BY FINE; ESTABLISHING LIENS AND FOR OTHER PURPOSES.

SECTION 1.

It is hereby made the duty and responsibility of the owners of lots and other real property within the City of Perryville to cut weeds, remove garbage, rubbish and other unsightly and unsanitary articles and things upon said property, and to eliminate, fill up or remove stagnant pools of water or other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. The expression "other unsightly and unsanitary articles or things" shall include, but not limited to inoperable vehicles (ones that are in a state of disrepair and are incapable of being moved under their own power, or ones that do not have current, valid registration papers), ice boxes, refrigerators, stoves, glass, tires, building materials, paper, building debris, and the remains of buildings which have been destroyed or partially destroyed by fire or other casualty.

SECTION 2

If the owner of any lot or other real property within the city of Perryville 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 fifteen days notice in writing to do so by the City of Perryville as authorized and ordered by the city council, the City of Perryville is authorized to do whatever is reasonably necessary to correct said condition.

(A)

After being given fifteen days notice, such owner or owners shall be deemed to be in violation of this ordinance and shall be punished by a fine of not less than \$10.00 nor more than \$50.00 a day with each day such violation occurs being considered a separate offense.

(B)

After owner or owners have been given fifteen days notice, If deemed necessary by the City of Perryville the city is authorized to enter upon the property and have said condition or conditions eliminated or abated .

(C)

Any fine not paid under SECTION 2(A) and/or any costs incurred under SECTION2(B) and SECTION 3 will be charged against said premises and shall constitute a lien thereon.

SECTION 3

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 the work has been done by an action in the proper court.

(B)

The amount of the lien herein provided may be determined at a hearing before the city council held after thirty (30) days written notice by mail to the owner or owners of the property and publication of notice of such hearing in a newspaper having a bona fide circulation in Perry County for one (1) insertion per week for two(2) consecutive ← weeks and the amount so determined at said hearing, plus ten percentum (10%) penalty for collection, shall be

*should be run
for 4 weeks*

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certified by the city council to the Perry County Tax Collector and by them placed on the tax books as delinquent taxes and collected accordingly. The amount when so collected, less three percentum (3%), shall be paid to the City of Perryville.

SECTION 4

Written notice as required in section two will be hand delivered to owner or owners or by certified letter mailed to the last known address and if this letter isn't delivered, written notice will be posted upon the premises and such notice will be placed in a newspaper having a bona fide circulation in Perry County for one (1) insertion per week for two (2) consecutive weeks.

SECTION 5

If for any reason any portion of this ordinance be held invalid, such invalidity shall in no way affect the remaining portions hereof which are valid, but such valid portions shall be and remain in full force and effect.

SECTION 6

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

SECTION 7

The clearance of unsightly and unsanitary conditions of real property is an urgent concern of the City of Perryville and its inhabitants and such conditions are an endangerment to the health and safety of the citizens. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate protection of the public health, peace, safety, and welfare shall be in full force and effect from and after its adoption and publication.

PASSED ON THIS 12th DAY OF APRIL IN THE YEAR OF 2001 BY A VOTE OF
5 YES 1 NO

Kenneth Brandon
MAYOR

Joel D. Woolf
RECORDER/TREASURER