

ORDINANCE 2001-03

AN ORDINANCE PROHIBITING THE PLACEMENT OR ALLOWING THE PLACEMENT OF ANY TYPE OF PAPER, RUBBISH, CONCRETE, METAL, LIMBS, TREES, TREE STUMBS, AND ANY AND OTHER TYPES OF UNSIGHTLY AND UNSANITARY ARTICLES ON THE STREETS; IN THE DITCHES; CULVERTS, DRAIN TILES, ON ANY CITY OF PERRYVILLE RIGHT OF WAY; AND ON ANY AND ALL PROPERTY OWNED OR CONTROLLED BY THE CITY OF PERRYVILLE; 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 will be the property owner, owners, property managers or any other persons responsibility to not place or allow to be placed on a street, in a ditch, culvert, drain tile, on any city of Perryville right of way, or any property owned or controlled by the city of Perryville any type of paper, rubbish, concrete, metal, limbs, trees, tree stumps, and any all other types of unsightly and unsanitary articles, unless specifically authorized to do so by the city of Perryville.

SECTION 2

It will be a violation of this ordinance by any property owner, owners, property managers or any other persons to allow placement of any of the above items by a contractor hired by owner, owners or property managers, any person hired by owner, owners, or property manager, or by allowing any person to take any of the items in section one from any property and be placed on any city street, ditch, right of way or any property owned or controlled by the city of Perryville.

SECTION 3

It will be a violation of this ordinance to place any matter in any ditch, right of way, or upon any property owned or controlled by the city of Perryville that will impede, hinder, change, stop or in any other way change the flow of water unless specifically authorized to do so by the city of Perryville.

SECTION 4

If the owner, owners, or property managers of any property 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 days notice by the city of Perryville in writing, will be in violation of this ordinance and the city of Perryville is authorized to do whatever is reasonably necessary to correct said condition.

(A)

After being given seven days notice, such owner or owners or property managers shall be in violation of this ordinance and shall be subject to a fine of not less than \$10.00 a day nor more than \$50.00 a day with each day such violation exist being considered a separate offense.

(B)

After owner, owners, or property managers have been given seven days notice, if deemed necessary by the city of Perryville the city is authorized to have said condition or conditions eliminated or abated.

(C)

Any fine not paid under Section Section 4(A) and/or any cost incurred by the city under Section 4(B) and Section 5 will be charged against said property owner, owners, or property managers and shall constitute a lien thereon.

SECTION 5

The lien provided for in SECTION 4(C) 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 to the owner, owners, or property managers 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 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 6

The seven days notice required in SECTION 4 will be hand delivered or by certified mail mailed to the last known address and if this letter is not delivered, written notice will be posted on 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 7

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 8

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

SECTION 9

The protection of ditches and right of ways is an urgent concern of the city of Perryville and its inhabitants and such conditions can be an endangerment in heavy rains or great concern from fires during dry conditions and an endangerment to the health and safety of the citizens. Therefore, an emergency is hereby declared to exist and this ordinance 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
6 YES 0 NO

Kenneth Brandon
MAYOR

Joel D. Woolf
RECORDER/TREASURER