

ORDINANCE NO. 2003- 18

AN ORDINANCE TO CLARIFY AND MODIFY THE CONTROLLED ACCESS HIGHWAYS AND THOROUGHFARES WITHIN THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS AND DECLARING AN EMERGENCY THEREOF

WHEREAS, after consideration and deliberation, the City Council of the City of Elm Springs, Washington County, Arkansas, established within the City of Elm Springs, certain controlled access highways, pursuant to A.C.A. 27-68-102, et seq., and other statutes of the State of Arkansas; and

WHEREAS, it has been brought to the attention of the City Council that some modification of its controlled access highway or thoroughfare regulation is required to clarify the definition of vehicles so regulated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS:

SECTION 1: The City of Elm Springs, Arkansas, shall have the right to establish certain controlled access highways, within the City of Elm Springs, upon which the Council can restrict vehicle traffic.

SECTION 2: Upon posting of said streets or roadways with adequate signs stating No Through Trucks, or providing for similar limitations, restrictions provided for in the signs shall be in effect. Posting shall be as set forth in the Regulations of the Arkansas Highway and Transportation Department.

SECTION 3: For purposes of no through truck postings, a truck shall be considered any vehicle in excess of 10,000 lbs., or any combination of a truck and trailer which exceeds 10,000 lbs.

SECTION 4: No Through Truck postings shall not apply to trucks with a beginning point, or final destination on the posted street, within the corporate limits of the City of Elm Springs.

SECTION 5: PENALTY. The penalty for violating the provisions of this Ordinance shall be court costs as established by the Court in setting judgment of said violation, and pursuant to 93-4-B, Section 2 of the Ordinances of the City of Elm Springs, plus an additional penalty of not more than \$50.00.

SECTION 6. Should any portion of this Ordinance be deemed illegal and/or unconstitutional and/or held null and void, said findings and/or holdings shall not affect

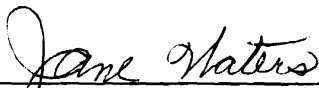
the other portions of this Ordinance and any portion of this Ordinance not so found shall remain in full force and effect.

SECTION 7. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. Because of the danger posed to the citizens of Elm Springs by the vehicle traffic which is regulated by this Ordinance, this Ordinance is declared necessary for the immediately health, safety and welfare of the citizens of the City of Elm Springs, Washington County, Arkansas, and therefore an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this 15 day of December, 2003.

APPROVED:



Jane Waters, Mayor

ATTEST:



Glenda Pettus, City Clerk

AN ORDINANCE ESTABLISHING THE RIGHT TO CREATE CONTROLLED ACCESS HIGHWAYS OR THOROUGHFARES WITHIN THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS AND DECLARING AN EMERGENCY THEREOF

Whereas, after consideration and deliberation, the City Council of the City of Elm Springs, Washington County, Arkansas, is of the opinion that there should be established within the City of Elm Springs, certain controlled access highways, pursuant to A.C.A. 27-68-102 et. Seq., and other statues of the State of Arkansas.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS:

SECTION 1: The City of Elm Springs, Arkansas shall have the right to establish certain controlled access highways, within the city of Elm Springs, upon which the Council can restrict traffic by trucks and other commercial vehicles.

SECTION 2: Upon posting of said streets or roadways with adequate signs stating No Through Trucks, or providing for similar limitations, restrictions provided for in the signs shall be in effect. Posting shall be as set forth in the Regulations of the Arkansas Highway and Transportation Department.

SECTION 3: For purposes of no through truck postings, a truck shall be considered any commercial vehicle in excess of 10,000 lbs., or any commercial vehicle having in excess of three axles, including trailer, which may be pulled behind the truck.

SECTION 4: No Through Truck postings shall not apply to trucks with a beginning point, or final destination within the corporate limits of the City of Elm Springs.

SECTION 5: PENALTY. The penalty for violating the provisions of this Ordinance shall be court costs as established by the Court in setting judgment of said violation, and pursuant to 93-4-B, Section 2 of the Ordinances of the City of Elm Springs, plus an additional penalty of not more than \$50.00.

SECTION 6: Should any portion of this Ordinance be deemed illegal and/or unconstitutional and/or held null and void, said findings and or holding shall not affect the other portions of this Ordinance and any portion of this Ordinance not so found shall remain in full force and effect.

SECTION THREE: The City Planning Commission and/or the Code Enforcement Officer shall have the authority and discretion to grant exceptions.

SECTION FOUR: In addition to the above requirements, sidewalks shall be constructed in accordance with the American National Standards Institutes' Accessibility requirements (ANSIA 117.1)

SECTION FIVE: This Ordinance shall become effective immediately after its passage, approval, and publication.

PASSED AND APPROVED THE 27th DAY OF July, 1998.


MAYOR

ATTEST:


CLERK/RECORDER

Ordinance No. 99-001 (cont.)

Section 7: This Ordinance is declared necessary for the immediate health, safety and welfare of the citizens of the City of Elm Springs, Washington County, Arkansas, and therefore an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this 4th day of January, 1999.

Therefore:

APPROVED:


ED THIESSE, Mayor

ATTEST:


BARBARA DILLARD, City Clerk

ORDINANCE NO. 2008-17

CITY OF ELM SPRINGS, WASHINGTON AND BENTON COUNTIES,
ARKANSAS

AN ORDINANCE TO AMEND CITY OF ELM SPRINGS ORDINANCE 93-3-4,
WHICH REGULATES UNSAFE, UNSIGHTLY AND UNSANITARY
CONDITIONS TO CLARIFY ENFORCEMENT AUTHORITY AND CLARIFY
THE DEFINITIONS OF UNSANITARY, UNSIGHTLY OR UNSAFE
CONDITION

WHEREAS, the City Council of Elm Springs, Arkansas deems it necessary to amend Ordinance 93-3-4 to clarify that the code enforcement official may enforce the ordinance, and to clarify the definitions in the ordinance.

**NOW THEREFORE BE IT ORDAINED, BY THE CITY COUNCIL OF THE
CITY OF ELM SPRINGS, ARKANSAS:**

Section 1. The Definition of an unsanitary, unsightly or unsafe condition shall be amended to add and include the following:

In addition, *Unsightly* means that a place, condition or thing is unsightly when it is in public view and offends the then-prevailing standard of the community as a whole, and not limited to a specific area, as to aesthetics or order

In evaluating whether lots which are not in agricultural use are unsightly, unsanitary or unsafe, or otherwise in violation of this ordinance, the official enforcing this ordinance shall determine that a violation has occurred if the grass, weeds or other vegetation has exceeded twelve (12) inches in height.

Weeds means any vegetation, lush or decayed, regardless of its beauty or utility and regardless of the fact that it might serve as a sanctuary for animals beneficial to man, which, because of its natural condition or lack of maintenance by the owner or occupant of the property, threatens the health or safety of the community or creates an unsightly condition thereon

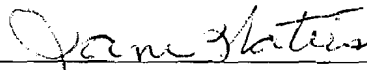
Section 2. The responsibility for enforcement of the provisions of Ordinance 93-3-4 and this ordinance shall be with the Code Enforcement Official, or other designee of the Mayor, in addition to the Police Department for the City of Elm Springs. These officials shall make investigations, serve notices, make arrests, arrange for towing and storage and

dispose of motor vehicles, in accordance with state and federal law, and prohibit the reentry of any person into structures which have been deemed unsafe or inhabitable or otherwise in violation and too dangerous to occupy, and perform all other duties as are necessary or incidental to the enforcement of these ordinances, in accordance with state and federal law.

Section 3. All previous ordinances in conflict herewith are hereby repealed only to the extent of the conflict and this amendment does not alter any subdivision regulations but those specifically addressed herein, and those necessary to carry out this ordinance, and if any portion of this ordinance is declared invalid for any reason, then that part shall be considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.


PASSED AND APPROVED this 17 day of Nov., 2008

APPROVED:



Jane Waters, Mayor

ATTEST:



Glenda Pettus, City Clerk/Recorder