

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 All previous ordinances in conflict herewith are hereby repealed only to the extent of the conflict and this amendment does not alter any subdivision regulations but those specifically addressed herein, and those necessary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
Jane Waters, Mayor

ATTEST:

Glenda Pettus
Glenda Pettus, City Clerk/Recorder