

## **TITLE 5**

### **HEALTH AND SANITATION**

#### **Chapters:**

- 5.04 Maintenance of Real Property
- 5.05 Yard Waste Removal
- 5.08 Septic Tanks
- 5.12 Littering
- 5.16 Solid Waste Collection
- 5.20 Condemnation Proceedings

#### **CHAPTER 5.04**

##### **MAINTENANCE OF REAL PROPERTY**

#### **Sections**

- 5.04.01 Unlawful states declared
- 5.04.02 Violations and Definitions
- 5.04.03 Notice Required
- 5.04.04 Methods of Notice
- 5.04.05 Public Hearing
- 5.04.06 Enforcement
- 5.04.07 Liens
- 5.04.08 Habitation

5.04.01 Unlawful states declared It shall be unlawful for any person, firm, corporation, partnership, company, limited liability company or other business entity of any form, having ownership, supervision or control of any lot, tract, parcel of land or portion thereof within the city limits of Clinton, Arkansas, whether as owner, occupant or tenant, to suffer or permit the following:

- a) Grass, weeds, or other plant or plants that are not cultivated, to grow to a height greater than ten (10) inches on an average on an individual lot, tract, or parcel, or to grow in rank profusion upon the premises. This provision shall not apply to any land used for agricultural purposes or left in a natural condition and used for recreational purposes such as hunting.
- b) Rubbish, brush, trash, dead trees, scrap, building materials or any other unsightly or unsanitary matter of whatever nature to accumulate or be present upon any lot, tract, or parcel of land.

- c) Grass, weeds or any plant that is not cultivated , to grow in rank profusion, or otherwise, in, along, upon, or across the abutting sidewalk or parkway, to a height of more than ten (10) inches on the average . This provision shall not apply to any land used for agricultural purposes or left in a natural condition and used for recreational purposes such as hunting.
- d) The storage of a junk and/or abandoned automobile, RV, camper or other item that was designed or built to be moved under its own power or towed or pushed by such a vehicle , for a period not to exceed thirty (30) days, unless it is connection with an automotive sales or repair business enterprise which operates with any and all appropriate licenses and is located in an area zoned for such business . The term "abandoned automobile" means any motor vehicle, of any type, or any part thereof that is in a state of disrepair and incapable of being moved under its own power or does not have a current license plate.
- e) The open storage of iceboxes, refrigerators, freezers or any other appliance or furniture for a period not to exceed thirty (30) days unless it is in connection with an appliance or furniture sales or repair business enterprise which operates with any and all appropriate licenses and is located in an area zoned for such business. During the period of any outdoor storage, for any reason, all doors, latches and locks are to be removed or made inoperable to insure the safety of all citizens.
- f) The use of any stream, water flow or drainage way for the purpose of throwing or placing stumps, brush, litter, rubbish or any other liquid or solid material in or along the banks of any such stream, water flow or drainage way unless specifically permitted by any appropriate environmental agency.
- g) The accumulation of stagnant pools of water, or allow any form of vessel that might accumulate water in which mosquitoes or other insects might breed.
- h) The property, including all adjacent rights-of-ways and alleys, to be used for illegal dumping of any solid or liquid, household or commercial, industrial, construction or demolition waste, including but not limited to: garbage, trash, furniture, tin or aluminum cans, bottles, rubbish, refuse, lumber, whether dumped, thrown, burned, spilled or abandoned unless specifically permitted by any appropriate environmental agency.
- i) Trees, shrubs, bushes or any other plant impeding the flow of pedestrian traffic on any sidewalk and/or public right-of-way or impeding the flow of vehicular traffic on any street, road, highway, avenue, boulevard or other type of roadway.
- j) The scattering, throwing or placing or allowing the scattering, throwing or placing in any yards or on any porches of residences any advertising pieces, packages or envelopes containing any substance, drug sample or other article that would be injurious to small children if accidentally partaken by them.

- k) The burning of any substance that creates noxious fumes or odors or creates smoke that is so intense that it impedes the view of passing motorists or infiltrates any occupiable structure to such an extent that it constitutes a health or safety hazard for any occupants therein.
- l) Any act or condition constituting a nuisance under Arkansas state law or common law. (Ord. No. 2005-13, Sec. 1.)

5.04.02 Violations and Definitions It shall be a violation of this Ordinance for any owner, as defined in this Ordinance, to permit, allow to remain, fail to take action to demolish and/or remove or correct, or fail to board and secure any dangerous, dilapidated, substandard, or unsafe building or structure as directed by the City.

a) Definitions:

- 1) Dangerous means, with reference to a building or structure, that it:
  - A) Is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public regardless of whether or not the cause of the condition is from fire, storm or any kind of disuse or abandonment.
  - B) Lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupant or of the public.
  - C) Is a dilapidated building or structure.
  - D) Is a substandard building or structure.
  - E) Is an unsafe building or structure.
- 2) Dilapidated building or structure means a building, structure, dwelling, dwelling unit, multiple dwelling, apartment, apartment house including among others, a garage, shed, and similar accessory structures, which by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, is unsafe, unsanitary or which constitutes a fire hazard, or is otherwise dangerous to human life and are no longer adequate for the purposes for which they were originally intended.
- 3) Owner means the holder of the title in fee simple and any person in whose name tax bills on property are submitted. Owner also means any person who, alone or jointly or severally with others has legal title to, or care and control of, any building or structure with or without actual possession thereof or has charge, care or control of any building or structure as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possessions, assignee of rents, lessee, or other person in control of a building or structure.

- 4) Substandard dwelling or structure means a dwelling unit, multiple dwelling, apartment, apartment house or any other space used or intended to be used as a habitable living space in any building or structure, which is dangerous as defined above or constitutes a health or safety risk to the occupants or to the public.
- 5) Unsafe building or structure means a building or structure including, but not limited to, all dwellings, apartment houses, rooming houses or buildings or structures used as such, which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. (Ord. No. 2005-13, Sec. 2.)

5.04.03 Notice Required Whenever the Clinton Zoning Official, or other city employee designated by the Mayor or by subsequent Ordinance, determines that there are reasonable grounds to believe that there has been a violation of any provisions of Section 1 or 2 he or she shall give Notice of such alleged violation to the person responsible therefore, whether such person is the owner, occupier or tenant of the property in question, and that such alleged violation(s) shall constitute a nuisance. Reasonable grounds may be either actual notice or viewing by the City Official or based upon investigation of a complaint from citizens. In either event such Notice shall:

- a) Be in writing.
- b) Include a statement of the reasons why the Notice is being issued, and the subsection, or subsections, of Section 1 or 2 that are alleged to be in violation.
- c) Allow a maximum of thirty (30) days for performance by the owner, occupier or tenant of any remedial act required by the Notice. In the case of a violation of Section 2, state the time within which the building or structure occupants must be vacated, if appropriate, and advise the recipient of the Notice that all necessary permits must be procured and work commenced within thirty (30) days and continued to satisfactory completion within such time as is necessary to complete the necessary repairs or renovations in a timely manner. In this regard the owner of the property shall provide the City with a repair or renovation work plan and timetable. The Notice shall state that the owner shall board and secure the structure and maintain such boarding and security at all times until the structure is brought into compliance with this Ordinance or is demolished. In the case of a violation of Section 2, the Notice shall also state that if the repairs, reconstruction, alteration, removal or demolition are not completed with the time stated within the Notice then the City may demolish the structure, or otherwise abate the nuisance, after declaring the property to be a nuisance.

- d) Order the correction and abatement of the violation(s) and state, that if such alleged violation(s) are not corrected within the stated time as set forth in the Notice, shall present to the Clinton City Council a Resolution declaring the property in question to be a nuisance, and authorizing the City of Clinton to take any and all actions permitted by this Ordinance or state law to abate the nuisance.
- e) Provide the date of the Clinton City Council meeting wherein such Resolution shall be considered by the City Council provided, however, that the date of said City Council meeting shall be at least seven (7) days from the date of the Notice.
- f) The provisions of this Section shall not, in any way, be construed to limit or override the authority of the Clinton Police Department to enforce any other ordinances or state laws regarding illegal or improper burning of any objects in any manner allowed by law. (Ord. No. 2005-13, Sec. 3.)

5.04.04 Methods of Notice The owner, occupier or tenant of the property that is responsible for the violation(s) of Section 1 or 2 shall be notified by one (1) or more of the following methods:

- a) By delivery of the Notice to the owner, occupier or tenant as may be the case, personally.
- b) By leaving the Notice at the usual place, abode, residence or business of the owner, occupier or tenant that is the responsible party, with a person of suitable age and discretion, but in no event anyone under the age of fourteen (14).
- c) By depositing the Notice in the United States Postal System, addressed to the owner, occupier or tenant as the case may be, at his or her last known address, by certified mail, return receipt requested, postage prepaid.
- d) By posting and keeping posted for a period of not less than twenty four (24) hours, a copy of the Notice in a conspicuous place on the property or premises alleged to be in violation. (Ord. No. 2005-13, Sec. 3.)

5.04.05 Public Hearing If presented with a Resolution as described in Section 4 d), the City Council shall, prior to voting on said Resolution, conduct a public hearing and allow the presentation of evidence, documents, photos or other items by city officials and by the owner, occupier or tenant alleged to be in violation of this Ordinance. Upon the conclusion of the public hearing the City Council may take whatever action it deems prudent in regards to passage or defeat of the Resolution including the addition of conditions if desired. (Ord. No. 2005-13, Sec. 4.)

5.04.06 Enforcement If a Resolution is passed declaring a lot, tract, parcel of land or portion thereof to be a nuisance, the City shall have, and may use any or all of, the following options to enforce said Resolution:

- a) The City may take whatever steps are necessary to correct, remove, abate or eliminate the condition causing the nuisance and charge the cost thereof to the responsible party whether said party is the owner, occupier or tenant. The City of Clinton shall have a lien against said property for the costs incurred by the City to correct, remove, abate or eliminate the condition causing the nuisance. In the case of a violation of Section 3 the City may secure or demolish and remove the structure at its discretion and as provided in the Resolution.
- 1) The lien may be enforced and collected in either of the following manners:
    - A) Within eighteen months after the work has been done, by an action in Circuit Court.
    - B) The amount of the lien may be determined at a hearing before the City Council after thirty (30) days notice by certified mail to the owner, occupier or tenant as the case may be, if the name(s), and address(es) are known. If the name(s) and address(es) are not known then the hearing shall be held after publication of a Notice of such hearing in a newspaper having a bona fide circulation in Van Buren County for one (1) insertion per week for four (4) consecutive weeks. The amounts due the City as determined at the hearing, including all costs incurred by the City relevant to nuisance and any notices, plus ten (10) per cent penalty shall be certified by the City Council to the Van Buren County tax collector to be placed on the tax books as a penalty to be collected in the manner and with the priority of delinquent real or personal property taxes, and the amount so collected, less three (3) per cent thereof for the Collector's Office when so collected shall be paid to the City.
- b) The City Attorney may charge an owner, occupier or tenant as the case may be with a violation of this Ordinance in District Court and pursue a conviction thereof. Any person found guilty and convicted of violating this Ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed two hundred and fifty dollars (\$250.00) for each day that the same is unlawfully continued.
- 1) If a violation of this Ordinance is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law.
  - 2) The imposition of a penalty does not prevent the revocation or suspension of a license, permit or franchise if applicable.

- c) If the violation(s) of this Ordinance that are continuous with respect to time are a public nuisance then the City of Clinton may seek to obtain judicial relief in the form of a Declaration of a Nuisance and injunctive relief necessary to abate it.
- d) Nothing in this Ordinance shall be construed to limit the ability of the City from seeking equitable relief in Circuit Court whether or not other options are exercised or to limit the ability of the City from exercising any of its options while seeking equitable relief in Circuit Court. (Ord. No. 2005-13, Sec. 6.)
- e) As to any property upon which the City of Clinton, Arkansas has a lien pursuant to this ordinance, no building permit shall be granted as to such property nor shall any city services be provided to it until such lien has been satisfied. (Ord. No. 2011-06, Sec. 1.)

5.04.07 Liens In the event that removal of a nuisance produces any marketable scrap and/or building materials, the same shall be sold, upon reasonable advertisement and notice in a newspaper having a general circulation within Van Buren County, at a public sale to the highest bidder. All proceeds shall be applied first to the costs of the notice and sale, if any, then to the lien created in 5.04.07 a) with the City filing any required Satisfaction, or Partial Satisfaction, of Lien. The remaining balance, if any, shall be deposited into the city's General Fund or other accounts as the City Council may designate. (Ord. No. 2005-13, Sec. 7.)

5.04.08 Habitation Any building or structure that has been ordered to be vacated under this Ordinance shall be vacated within thirty (30) days after Notice to do so has been given to the owner, occupant or tenant thereof and no such building or structure that has been ordered vacated shall be used for human habitation until approved by the Zoning official. The Zoning official shall place a placard or other Notice on the property stating that the property is unfit for human habitation and occupancy thereof is prohibited until further notice. The Zoning official shall remove the placard upon the completion of the repairs, reconstruction or demolition of the property. (Ord. No. 2005-13, Sec. 8.)

**CHAPTER 5.05**

**YARD WASTE REMOVAL**

Sections:

5.05.01	Yard Waste Removal
5.05.02	Yard Waste Restrictions
5.05.03	Expansion of Services
5.05.04	Violations

5.05.01 Yard Waste Removal The City will conduct yard waste removal the week of the last Monday in each month. A resident in need of this service shall contact City Hall by 4:00 p.m. on the preceding Friday. The resident's address will be placed on a list and the City will attempt to pick up all yard waste on the list during the pickup week. (Ord. No. 2018-06, Sec. 1)

5.05.02 Yard Waste Restrictions

- a. Leaves shall be bagged and placed together near the street, or piled near a driveway accessible by the City's equipment, but not in any drainage ditch. Leaves shall be free of limbs.
- b. Grass clippings shall be bagged and placed near the street.
- c. Limbs or small trees must be 6" or smaller in diameter and cut to 6' or shorter in length.
- d. Monthly yard waste shall not exceed 54 cubic feet in volume (3'x6'x3') per residential address.
- e. Yard waste shall only consist of organic material and no lumber may be included. (Ord. No. 2018-06, Sec. 2)

5.05.03 Expansion of Services The Mayor may, in his or her own discretion, expand yard waste removal services following major storm events. (Ord. No. 2018-06, Sec. 3)

5.05.04 Violations Knowingly placing yard waste or other material into City drainage ditches is a violation subject to a fine of up to \$100.00 per occurrence. (Ord. No. 2018-06, Sec. 4)



**CHAPTER 5.08**

**SEPTIC TANKS**

Sections:

- 5.08.01 Water Superintendent shall be inspector
- 5.08.02 Overflows unlawful

5.08.01 Water superintendent shall be inspector. The Water Superintendent shall be the inspector, and shall regulate the erection, building and maintenance of all septic tanks now in use or to be put in use in the city and it shall be the duty of any person intending to build or erect a septic tank within the city limits to first make application to the Water Department Superintendent. It shall be the duty of the inspector to see that such septic tank shall be in conformity with the recommendations of the State Board of Health.

5.08.02 Overflows unlawful. It shall be unlawful to allow a septic tank to overflow or drain on the surface of the ground or in any street or ditch within the city.

**CHAPTER 5.16**

**SOLID WASTE COLLECTION**

Sections:

- 5.16.01 Service schedule
- 5.16.02 Rate schedule
- 5.16.03 Method of collection
- 5.16.04 Curb side pickups
- 5.16.05 Agreement reached with R.L. Sprott
- 5.16.06 Sprott landfill to be used solely
- 5.16.07 Penalty
- 5.16.08 City Council shall approve all rate schedules
- 5.16.09 “Waste” defined
- 5.16.10 Effective date
- 5.16.11 Inorganic debris

5.16.01 Service schedule Solid waste in the city shall be collected as follows:

- A. Residential sections shall be serviced with pick-up once each week;
- B. Business and commercial districts shall be serviced once each week or as conditions warrant.

5.16.02 Rate schedule The following rates shall be collected for the services rendered:

- A. Residential Sections \_\_\_\_\_per month
- B. Business and Commercial Sections \_\_\_\_\_ per month depending upon volume

5.16.03 Method of collection. The bills for solid waste collection by the city shall be rendered monthly with the monthly bills for water service.

5.16.04 Curb side pickups. Property owners shall use the curb side of front yard for pickups in residential sections unless there are alleys of sufficient width to allow the city equipment to pick up the solid waste at the rear of the property.

5.16.05 Agreement reached with R.L. Sprott R.L. Sprott shall provide a sanitary landfill for use of the City of Clinton and the inhabitants thereof. The landfill shall comply with all statutes of the State of Arkansas and regulations of the State of Arkansas Department of Ecology and Pollution control. R.L. Sprott shall be solely responsible for complying with all pertinent statutes and regulations. (Ord. No. 134 of 1984, Sec. 1.)

5.16.06 Sprott landfill to be used solely The City of Clinton, all inhabitants of the City and all trash collectors collecting within the City shall use the R.L. Sprott Sanitary Landfill, solely and exclusively. No trash generated within, found within, or collected within the City of Clinton may be deposited at any site except the Sanitary Landfill of R.L Sprott. (Ord. No. 134 of 1984, Sec. 2.)

5.16.07 Penalty Depositing any trash in violation of Section 2 hereof shall be a misdemeanor punishable by a fine not exceeding \$1,000.00. (Ord. No. 134 of 1984, Sec. 3.)

5.16.08 City Council shall approve all rate schedules The City Council of the city of Clinton shall approve all rate schedules charged by R.L. Sprott at his Sanitary Landfill. all other aspects of operation of the landfill shall be under the exclusive control of R.L. Sprott. The City agrees to subsidize R.L. Sprott in the amount \$2,388.24 for the first year of operation after final approval of the Landfill is gained and the Landfill commences operation. The City further agrees to subsidize Mr. Sprott for the succeeding two years under the following formula: Total subsidy for the County and City shall be Twenty Five Thousand (\$25,000.00) Dollars. The City shall pay that amount calculated by dividing the number of inhabitants of the city of Clinton by the total number of inhabitants of the County and multiplying by \$25,000.00.

The City agrees that absent failure of R.L. Sprott to comply with this Ordinance or the Rules and Regulations of the Department of Ecology and Pollution control, this Ordinance shall remain in effect for a period of at least three years following the date the Landfill commences operation. The City further agrees to approve rates that will permit R.L. Sprott to obtain a reasonable return upon his investment in obtaining and operating the landfill. (Ord. No. 134 of 1984, Sec. 4.)

5.16.09 "Waste" defined When used in this Ordinance, wastes means all putrescible and non-putrescible waste in solid or semi-solid form including, but not limited to garbage, rubbish, street refuse, process waste, and all other solid and semi-solid waste materials resulting from

industrial, commercial, and community and residential activities. Waste generated by the Banquet Food's Processing Plant shall not be included in the definition of wastes herein. (Ord. No. 134 of 1984, Sec. 5.)

5.16.10 Effective date This Ordinance shall be effective thirty days after publication as required by Arkansas Law except Paragraphs 1,2, and 3 shall become effective upon the date the Landfill is placed in actual operation. (Ord. No. 134 of 1984, Sec. 6.)

5.16.11 Inorganic debris The city hereby prohibits the disposal, storage, or abandonment of all inorganic debris of any kind on city property. Nothing in this ordinance shall prohibit the disposal of organic materials on city property.

“Organic materials” are plant or tree waste which has not been manufactured or refined. (Ord. No. 01-03, Sec. 1.)

## **CHAPTER 5.20**

### **CONDEMNATION PROCEEDINGS**

#### Sections:

5.20.01	Nuisances prohibited
5.20.02	Condemnation
5.20.03	Notice Required
5.20.04	Description of structure
5.20.05	Mailing or posting notice
5.20.06	Abatement
5.20.07	Auction
5.20.08	Use of proceeds
5.20.09	Lien
5.20.10	Fines
5.20.11	Judicial declaration

5.20.01 Nuisances prohibited That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the corporate limits of the City of Clinton, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council. Ord. No. 2013-08, Sec. 1.)

5.20.02 Condemnation That any such house, building and/or structure which is found and declared to be a nuisance by Resolution of the City Council will be condemned to insure the removal thereof as herein provided. Ord. No. 2013-08, Sec. 2.)

5.20.03 Notice Required

- (a) That prior to the consideration of a Resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lienholder(s) of such house, building and/or structure shall be mailed written notification of the date, time and place that the city Council will consider said Resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lienholder(s) of the right to be heard at the City Council meeting on the proposed Resolution declaring such house, building and/or structure to be a nuisance.
- (b) Should the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown, or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the Mayor or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s) mortgagee(s) and lienholder(s). Thereupon, service of publication as now provided by law against unknown and/or non- resident defendant(s) may be had and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business. Ord. No. 2013-08, Sec. 3.)

5.20.04 Description of structure That the Resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said Resolution an adequate description of the house, building, and/or structure; the name(s), if known, of the owner(s) and mortgagee(s) and/or lienholder(s) thereof; and shall set forth the reason or reasons said house, building and/ or structure is or has been condemned as a nuisance. Ord. No. 2013-08, Sec. 4.)

5.20.05 Mailing or posting notice After a house, building and/or structure has been found and declared to be a nuisance and condemned by Resolution as herein provided, a true or certified copy of said Resolution will be mailed to the owner(s) and mortgagee(s) and/or lienholder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lienholder(s) thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner(s) and mortgagee(s) and/or lienholder(s) of said house, building and/or structure be unknown, or if his or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice of the condemnation. Ord. No. 2013-08, Sec. 5.)

5.20.06 Abatement If the house, building and/or structure constituting a nuisance has not been torn down or removed, or said nuisance otherwise abated within thirty (30) days after posting the true copy of the Resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Mayor or his/her designee Inspector or his duly-designated representative. Ord. No. 2013-08, Sec. 6.)

5.20.07 Auction The Mayor or any other person or persons designated by him/her to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable materials thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the City, to insure its removal and the abatement of the nuisance. Ord. No. 2013-08, Sec. 7.)

5.20.08 Use of proceeds All proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Treasurer. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the City, plus any fine or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance. Ord. No. 2013-08, Sec. 8.)

5.20.09 Lien If the City has any net costs in removal of any house, building or structure, the City shall have a lien on the property as provided by A.C.A. 14-54-904. Ord. No. 2013-08, Sec. 9.)

5.20.10 Fines A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Thousand Dollars (\$1000.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance, and for each day thereafter said nuisance be not abated constitutes a continuing offense punishable by a fine up to Five Hundred Dollars (\$500.00) per day; provided the notice as herein provided in 5.20.5 hereof has been given within ten (10) days after said house, building and/or structure has been by Resolution found and declared to be a nuisance. Ord. No. 2013-08, Sec. 10.)

5.20.11 Judicial declaration In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the City, and the only notice to be given to the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or

structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Circuit Court. When any such house, building, and/or structure has been declared judicially to be a nuisance by a Court of competent jurisdiction, a fine up to One Thousand Dollars (\$1000.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the Court and for each day thereafter, said nuisance be not abated constitutes a continuing offense punishable by a fine up to Five Hundred Dollars (\$500.00) per day. (Ord. No. 2013-08, Sec. 11.)