

ORDINANCE NO. 2024-02

AN ORDINANCE REGULATING INOPERABLE MOTOR VEHICLES AND UNSIGHTLY, UNSANITARY ITEMS ON PRIVATE PROPERTY; MAINTAINING PREMISES FREE OF WEEDS, OVERGROWN GRASS, OVERGROWN SHRUBS, GARBAGE, AND RUBBISH; DISPOSING OF ITEMS; REQUIRING PROPERTY OWNERS TO ADDRESS STAGNANT WATER AND UNSANITARY CONDITIONS; NOISE REGULATIONS; HAZARDOUS MATERIALS; SIGNAGE; PLACEMENT OF RECREATIONAL EQUIPMENT AND STORAGE SHEDS; ESTABLISHING A LIEN PROCEDURE; SETTING PENALTIES; DECLARING AN EMERGENCY; AND OTHER PURPOSES

WHEREAS, in various areas of Keiser, inoperable vehicles, tires, appliances, paper, glass, building materials, rubbish, weeds, grass, garbage, signage, hazardous materials and other unsightly and unsanitary items have been left on private property for extended periods, and

WHEREAS, such items create an attractive nuisance for children, harbor rats, animals, and mosquitoes, posing a threat to public health, safety, and welfare, and

WHEREAS, storing these items on private property and failing to address them negatively impacts neighborhoods and property values,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KEISER, ARKANSAS:

SECTION ONE: Definitions

(a) "Inoperable motor vehicle" means any motor vehicle that is in disrepair, unable to move under its own power, or lacks current, valid license plates.

(b) "Unsightly and unsanitary items" is defined as "any items that could be detrimental to public health, safety, or welfare, including but not limited to inoperable motor vehicles, appliances, tires, glass, building materials, paper, rubbish, weeds, overgrown grass, garbage, stagnant water, or similar items."

(c) "Rubbish," "Weeds," "Overgrown grass," "Overgrown shrubs," and "Garbage" are terms that will be defined as per the existing state and local regulations.

(d) "Unsanitary conditions" refer to conditions that could breed harmful insects, germs, or contribute to disease propagation or other health risks as per existing health guidelines.

(e) Sign: Any device, fixture, placard, structure, or piece of material that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or

identify the purpose of a person or entity, or to communicate information of any kind to the public.

(f) **Commercial Signage:** Any sign that pertains to the sale, lease, or rental of merchandise, products, services, or facilities, or signs that direct attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises where the sign is located.

(g) **Residential Signage:** Any sign located within a residentially zoned area that does not pertain directly to commercial activities. This includes but is not limited to signs that identify the resident, announce a residential event, or express the occupant's opinions on non-commercial matters.

(h) **Temporary Sign:** A sign not intended to be permanent in nature and which is not attached to a structure or the ground in a permanent manner. This includes signs made of cloth, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a specific short-term event, promotion, or other temporary purposes.

(i) **Permanent Sign:** A sign that is constructed of durable materials and intended to be long-lasting and continuously displayed. This includes signs affixed to the ground, buildings, or other structures in a manner that enables them to withstand environmental elements over time.

(j) **Prohibited Signage:** Any sign that is not expressly permitted under this ordinance or that violates specific regulations set forth herein, including but not limited to signs that are unsafe, contain obscene matter, or signs that may be misleading or cause visual impairment to motorists.

(k) **Illuminated Sign:** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. Illumination may be direct or indirect and may include light transmitted from within or reflected from the surface of the sign.

(l) **Non-Illuminated Sign:** A sign that does not incorporate any element of lighting directly on or within the sign and relies upon ambient light for visibility.

(m) **Banner:** A sign made of fabric or any non-rigid material with no enclosing framework that is mounted to a structure or between poles or buildings for temporary purposes.

(n) **Billboard:** A large outdoor board for displaying advertisements in public places, not including signs related to the premises on which the billboard is located.

(o) **Window Sign:** Any sign, letter, model, banner, pennant, or other devices that are attached to, placed upon, or painted on the interior or exterior windows or the interior of a building in a manner that is visible to the public from the exterior of the building.

(p) **Yard Sign:** A temporary sign placed within the property limits of a residential or commercial property that is not attached to a building. This includes political signs, real estate signs, and signs advertising a residential event or sale.

(q) "Hazardous Material": refers to any element, compound, mixture, or substance that poses significant risks to public health, safety, or the environment due to its nature, concentration, or physical or chemical characteristics. This includes materials identified and regulated under federal, state, or local law as toxic, corrosive, flammable, reactive, radioactive, or biologically hazardous. Hazardous materials require specific handling, storage, transportation, and disposal procedures to mitigate potential adverse effects on human health and the environment. The classification and management of hazardous materials shall be in accordance with the guidelines established by the Environmental Protection Agency (EPA), the Department of Transportation (DOT), and other relevant regulatory bodies.

SECTION TWO: Storage and Maintenance of Property

(a) From the passage and approval of this ordinance, it is prohibited for owners or occupants of property in Keiser, Arkansas, to openly store inoperable motor vehicles (not currently licensed), appliances, tires, glass, building materials, paper, rubbish, or similar unsightly and unsanitary items.

(b) Property owners or occupants are strictly prohibited from letting their properties deteriorate into unsightly or unsanitary conditions. These conditions could be the result of not cutting grass or weeds, not removing garbage or rubbish, allowing stagnant water to accumulate, or failing to address other unsanitary conditions that could become breeding grounds for harmful insects and germs. The responsibility of property owners or occupants extends to ensuring the area around fences, trees, poles, and other structures is well maintained with trimmed lawns. Additionally, any dead trees on the property should be promptly removed to prevent them from posing a threat to public safety or causing damage to adjacent properties. Finally, if grass cuttings or other debris end up in the streets during lawn maintenance, it is the property owner's or occupant's responsibility to remove this debris immediately to maintain cleanliness and prevent any potential hazards or obstructions on public roads.

(c) In addition, all property including open carports must not be excessively cluttered and must be maintained in a neat and orderly manner. Any items stored in the carport must be neatly arranged and must not create an obstruction or hazard.

(d) Maintenance of Residential and Commercial Structures and Fences

Property owners and occupants must ensure their buildings and fences are free from decay, deterioration, and blight. They are responsible for maintaining the integrity of exterior walls, doors, windows, fences, and for repairing or replacing damaged or missing materials like shingles, siding, or roofing.

Fences must be kept in a state of good repair and must not be allowed to become overgrown with weeds or vines that could contribute to their deterioration or create a nuisance or hazard.

Foundations, walls, floors, stairways, decks, balconies, and other elevated structures need to be safe and stable. The exterior of the structure must be clean and sanitary, and all heating, cooling, plumbing, and electrical systems must be in safe working order.

(e) Residential property with a swimming pool, hot tub, or any similar body of water greater than 18" must be surrounded by a locking non-climbable fence that is at least five (5) feet high to prevent unauthorized access. A non-climbable fence is defined as a fence designed in such a manner or of such material that climbing it would be difficult or nearly impossible.

(f) All trash receptacles should be stored out of view from the street, except on days of garbage collection as required by ordinance 2022-04.

(g) Placement of Recreational Equipment

To maintain the aesthetic integrity and safety of our community, trampolines and other large recreational equipment must not be placed in the front yards of residential properties. These items should be in the backyard or other non-visible areas, properly secured, and maintained in a safe and tidy manner. Violation of this regulation may result in fines, liens, or other penalties as per law.

(h) Placement of Outside Storage Buildings

Outside storage buildings on private property must be placed in the rear of the home and not in the front or on the side of the home, unless otherwise approved by the Keiser City Council based on specific circumstances. The placement of such buildings should not obstruct the view from the street or neighboring properties or interfere with the aesthetic and overall appearance of the neighborhood. These requirements aim to maintain community standards and property values within the City of Keiser, Arkansas.

(i) Storage and Disposal of Hazardous Materials

The storage, handling, and disposal of hazardous materials within the City of Keiser, Arkansas, must adhere to stringent guidelines to protect public health, safety, and the environment. Property owners and occupants are responsible for ensuring that any hazardous materials on their premises are:

1. **Stored in Approved Containers:** Hazardous materials must be stored in containers specifically designed for such materials. These containers should be clearly labeled, structurally sound, leak-proof, and secured against unauthorized access or accidental spillage.
2. **Handled with Care:** The handling of hazardous materials must be carried out in a manner that minimizes the risk of exposure or release into the environment. Appropriate safety equipment and procedures must be used at all times.
3. **Disposed of Properly:** The disposal of hazardous materials must comply with federal, state, and local regulations. This may involve arranging for pickup by a licensed hazardous waste disposal service, participating in community hazardous

waste collection events, or following specific disposal guidelines for certain types of hazardous materials.

4. **Reporting Spills:** In the event of a spill or accidental release of hazardous materials, property owners and occupants must immediately report the incident to the appropriate local authorities and take all necessary steps to mitigate any potential harm to human health or the environment.
5. **Educational Requirement:** Property owners and occupants are encouraged to educate themselves and their employees or family members about the risks associated with hazardous materials and the proper procedures for storage, handling, and disposal.
6. **Inspections:** Properties may be subject to inspection by city officials or designated environmental health and safety officers to ensure compliance with hazardous material storage and disposal regulations. Non-compliance may result in fines, mandatory corrective action, or other penalties as deemed necessary by the City of Keiser, Arkansas.

SECTION THREE: Noise Regulations

(a) **General Prohibition:** It is illegal to make any loud, unnecessary, or unusual noise that disturbs the peace or quiet of the neighborhood, causing discomfort or annoyance to reasonable people living in the area. Noise levels should be no more than 65 dBa or higher during the hours of 8 A.M. to 10 P.M. or 55 dBa or higher during the hours of 10 P.M. to 8 A.M.

(b) **Specific Prohibitions:** The following activities are considered loud, disturbing, and unnecessary noises that violate this section, although this list is not exhaustive:

- **Horns, Signaling Devices, etc:** Sounding a horn or signaling device on any vehicle in the city, except in situations of danger.
- **Radios, Televisions, Phonographs, etc:** Using or operating radios, televisions, phonographs, or any sound-producing devices in a manner that disturbs the peace, quiet, and comfort of nearby residents.
- **Loudspeakers, Amplifiers for Advertising:** Using or operating radios, musical instruments, phonographs, loudspeakers, sound amplifiers, or any other sound-producing devices that project sound onto public streets for the purpose of commercial advertising or attracting public attention.
- **Construction or Repair of Buildings:** Erecting, demolishing, altering, or repairing buildings outside the hours of 7:00 a.m. to 8:00 p.m. on weekdays, unless there is an urgent necessity for public safety and a permit is obtained from the Code Enforcement Office.
- **Vehicles, either stationery or moving with loud exhaust system or playing radio that exceeds the above standards.**

(c) **Exceptions:** This section shall not apply to:

Any police vehicle, ambulance, fire engine, or emergency vehicle while engaged in necessary emergency activities.

Warning devices required by OSHA or other state or federal safety regulations.

Public utilities in situations of emergency.

Governmental agencies in the performance of their duties, drills, or public demonstrations.

Sounds caused by any event authorized by the city or other lawful activity, for example yearly Fall Festival, park activities that are authorized by the city.

(d) Enforcement and Penalties: Violations of any provisions of this section shall be deemed a misdemeanor and upon conviction thereof shall be fined as provided in SECTION TEN of this ordinance. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such.

SECTION FOUR: Illicit Discharge of Stormwater

(a) For the purpose of this ordinance, "illicit discharge" is defined as any discharge to the municipal storm sewer system that is not composed entirely of stormwater, except as exempted in subsection (b).

(b) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from emergency firefighting activities, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and similar occasional incidental non-stormwater discharges, unless the city has identified any such discharges as significant contributors of pollutants to the city's storm sewer system.

(c) The illicit discharge of stormwater includes, but is not limited to, sewage, industrial waste, and other wastes connected to the storm sewer system via illicit connections.

(d) Removing a sewer clean out plug to drain water from private property into the municipal storm sewer system is expressly considered an illicit discharge. This action may cause overflow and contaminate public areas and local bodies of water, which is detrimental to public health, safety, and welfare. Such conduct is prohibited under this ordinance and may result in penalties, fines, and corrective measures as established by this and other city ordinances.

(e) The city has the right to inspect facilities subject to regulation under this ordinance and as a means of determining compliance with this ordinance. Inspections may include, but are not limited to, checking home property for clean out plugs that have been removed, reviewing maintenance and repair records; sampling discharges,

surface water, groundwater, and material or water in dumpsters and similar containers on site; and evaluating the condition of stormwater control measures.

(f) Penalties for illicit discharges may include, but are not limited to, fines, orders for remediation or corrective measures, prosecution in a court of law, and injunctions. The severity of the penalties will depend on the nature and circumstances of the violation, the extent and gravity of the harm caused by the violation, the history of past violations, any prior efforts to comply with relevant requirements, the economic benefits gained by the violator as a result of non-compliance, and such other matters as justice may require.

SECTION FIVE: Signage Regulations

(a) Purpose and Intent: The intent of this section is to establish regulations for the placement, size, design, construction, and maintenance of signs within the city to ensure safety, prevent visual clutter, and enhance community aesthetics. These regulations are intended to balance the needs of businesses for signage with community values and the visual environment.

(b) General Requirements:

All signs must conform to the standards outlined in this section, including but not limited to size, height, illumination, and location.

No sign shall be erected, maintained, or used in any manner that may obstruct or impair vision or traffic, or in any way create a hazard or disturbance to the health and welfare of the public.

(c) Content Restrictions: No sign shall display or include any verbiage, images, or graphics that are offensive, vulgar, pornographic, or that otherwise contravene public decency or moral standards. Specifically, signs must not contain:

1. **Offensive Language:** Words or phrases that are widely considered offensive, derogatory, or inappropriate for public display.
2. **Vulgar Content:** Material that is explicitly crude or indecent, including but not limited to profanity, obscene gestures, and explicit sexual content.
3. **Pornographic Material:** Any depiction of sexual acts, nudity, or sexual content intended to arouse a sexual response.
4. **Hate Speech:** Content that promotes hatred, violence, or discrimination against individuals or groups based on race, ethnicity, religion, gender, sexual orientation, disability, or any other characteristic.

Such content is deemed to have a detrimental effect on the community's welfare, potentially leading to public disorder and is not protected under the guidelines for permissible signage within the city. The city reserves the right to require the immediate removal of any sign deemed to be in violation of this provision. Failure to comply with a removal request can result in penalties, including fines and legal action, as outlined in the enforcement and penalties section of this ordinance.

(d) Permit Requirement:

A sign permit must be obtained from the city's Code Enforcement Office prior to the erection, alteration, or relocation of any sign, except for those signs specifically exempted by this ordinance.

The permit application shall include the sign design, dimensions, materials, method of illumination (if applicable), and location on the property.

Yard Sale or Election Signs do not require a permit, however they MUST be removed immediately after the event or the election.

(e) Prohibited Signs:

Signs that blink, flash, or are animated to attract attention are prohibited.

Billboards are prohibited within the city limits, except in areas designated by the City Council.

Signs placed on public property or within the public right-of-way, except as permitted by the city.

(f) Maintenance and Appearance:

All signs and their supporting structures must be maintained in good repair, structurally sound, and clean.

Any sign that is found to be in disrepair, poses a potential hazard, or is abandoned must be removed or repaired promptly by the property owner.

(g) Non-conforming Signs:

Signs that do not conform to the requirements of this ordinance but were legally installed prior to the enactment of this ordinance, are considered non-conforming signs. These signs may remain but cannot be replaced, altered, or expanded without bringing the sign into compliance with this ordinance.

(h) Enforcement and Penalties:

Violations of this section will result in a notice to the property owner to correct the violation within a specified timeframe.

Failure to comply with the notice may result in fines, removal of the sign at the owner's expense, or other penalties as outlined in SECTION TEN of this ordinance.

(i) Appeals:

Property owners may appeal decisions made by the Code Enforcement Office regarding signs to the City Council. Appeals must be filed in writing within ten (10) days of the decision.

This section aims to ensure that signs within the city are constructed, erected, and maintained in a manner that supports the city's goals for safety, community aesthetics, and economic development. By regulating signs, the city seeks to minimize potential hazards and visual clutter while allowing for effective business identification and communication.

SECTION SIX: Exceptions

(a) Motor Vehicles: Any person operating a licensed business for the repair or restoration of motor vehicles is exempt from the regulations in Section Two (a) provided they comply with all zoning and other applicable ordinances and regulations.

(b) Special Events: Special event permits may be issued allowing exemptions to this ordinance for specific periods.

SECTION SEVEN: Notice to Comply

(a) The Code Enforcement Officer will provide written notice to the owner or occupant of the property in violation, requiring them to remove the items or address the unsanitary conditions within twenty (20) days.

(b) The owner or occupant can appeal the notice to the City Council within five (5) days of receiving the notice.

(c) If the owner or occupant fails to comply with the notice, the Code Enforcement Officer will address the situation according to the specific guidelines set forth by the city regulations and established health and safety standards. These guidelines ensure that the actions taken by the Code Enforcement Officer align with the relevant laws and regulations, as well as promote the well-being and safety of the community.

SECTION EIGHT: Abatement

(a) If the owner or occupant fails to comply with the notice, the city may remove or abate the nuisance. The cost of removal or abatement will be charged to the owner or occupant.

(b) The city has the right to enter the property to remove or abate the nuisance under circumstances where the property owner or occupant fails to comply with the notice or in situations deemed necessary to ensure public health, safety, and welfare. Such entry may occur by the Code Enforcement Officer, Police Officer or designated official, by the city after a reasonable period has been given for the owner or occupant to address the issue, and when it is determined that immediate action is required to mitigate the nuisance and prevent further harm or hazards to the community.

SECTION NINE: Lien Procedure

(a) If the cost of removal or abatement is not paid within thirty (30) days, the city may file a lien against the property. The lien will include the cost of removal or abatement and administrative costs.

(b) The property owner has the right to appeal the lien by following the specific procedures established by the city and state regulations. These procedures typically outline the steps and requirements for initiating an appeal, including the submission of appropriate documentation, forms, or requests to the designated authorities responsible for handling such appeals. By following these established procedures, the property owner can exercise their right to challenge the imposed lien and present their case for review and consideration.

SECTION TEN: Penalties

(a) Violations of this ordinance are subject to a fine of not less than \$50 and not more than \$200. The fine amount is determined based on various factors and could vary from case to case. Each day a violation persists is considered a separate offense, and a corresponding fine could be issued for each day.

Factors that determine the amount of fine include:

1. **Severity of the Violation:** The seriousness of the violation is considered. More severe or hazardous conditions may warrant a higher fine.
2. **Duration of the Violation:** The duration for which the violation has continued also impacts the fine. Longer durations may result in a larger fine, considering each day as a separate violation.
3. **Repeat Offenders:** If the property owner or occupant has a history of similar offenses, the fine may be increased. This acts as a deterrent to further non-compliance.
4. **Remediation Efforts:** If the violator takes immediate action to rectify the violation once it has been brought to their attention, this can potentially mitigate the fine.
5. **Impact on Neighbors and Community:** The extent of nuisance caused to neighbors and the overall community is also taken into consideration. If a violation has adversely impacted the living conditions or safety of the surrounding community, a larger fine may be imposed.

The exact amount within the maximum limit is calculated by the enforcement agency based on these factors. An accurate record of the violation along with documented proof, such as photographs or written complaints from neighbors, is kept supporting the decision on the fine amount. The intention behind this fine is not only to penalize but also to ensure future compliance and maintain the cleanliness and safety of our community.

(b) These penalties are in addition to any costs incurred by the city to abate the nuisance.

(c) For rental properties, the property owner, or landlord, is held responsible for all compliance matters in this ordinance for their rental property. In case of a violation, the

notice and any subsequent penalty will be issued to the landlord, not the tenant. This provision emphasizes the landlord's responsibility in maintaining the rental property as per the established standards and regulations and encourages their proactive role in preventing any possible violations.

(d) It is the landlord's duty to communicate and enforce the compliance of this ordinance to their tenants, where applicable. The landlord cannot delegate this responsibility to their tenants, and any violation by a tenant does not absolve the landlord of their obligations and potential penalties under this ordinance.

SECTION ELEVEN: Lien Procedure and Penalties Not Exclusive Remedies

The remedies provided in this ordinance are not exclusive and do not prevent the city from pursuing other legal remedies to enforce this ordinance.

SECTION TWELVE: Nuisance Declared

A violation of this ordinance is declared to be a public nuisance, which refers to any act or condition that interferes with the public's use and enjoyment of their property, poses a threat to public health, safety, or welfare, or substantially interferes with the peaceful and orderly functioning of the community. Examples of violations include, but are not limited to, the storage of inoperable motor vehicles, unsightly and unsanitary items, excessive noise, failure to maintain property, and disregard for health and safety regulations. In response to such violations, the city reserves the authority to take necessary actions to abate the nuisance, either directly or through judicial proceedings, to restore and maintain the public peace, health, and safety.

SECTION THIRTEEN: Ordinance to be Liberally Construed

This ordinance should be liberally construed to achieve its purposes and intents.

SECTION FOURTEEN: Severability

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION FIFTEEN: Conflict with Other Ordinances

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION SIXTEEN: Compliance with Laws

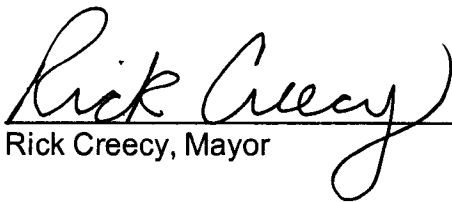
(a) This ordinance complies with all state and federal laws and regulations.

(b) Any other regulations set forth by the State or Federal government regarding these matters shall supersede this ordinance.

SECTION SEVENTEEN: Emergency Declaration

It is hereby declared that an emergency exists due to the ongoing and escalating concerns regarding public peace, health, and safety within the community. This emergency declaration is necessary to address and mitigate the immediate risks and threats posed by inoperable motor vehicles, unsightly and unsanitary items, overgrown weeds, excessive noise, and other hazardous conditions on private properties. By implementing this ordinance, the city aims to promptly restore order, protect public well-being, and ensure the safety of its residents. As a result, this ordinance shall take effect and be enforced immediately upon its passage and approval.

PASSED this 20th day of May 2024

A handwritten signature in cursive script that reads "Rick Creecy". The signature is written in black ink and is positioned above a horizontal line.

Rick Creecy, Mayor

A handwritten signature in cursive script that reads "Peggy Sellers". The signature is written in black ink and is positioned above a horizontal line.

Peggy Sellers, Recorder/Treasurer