

ORDINANCE NO. 2017-002

AN ORDINANCE REQUIRING FUNCTIONING WATER AND SEWER SERVICE AS A CONDITION FOR OCCUPANCY OF RESIDENTIAL STRUCTURES AND PROHIBITING THE UNLAWFUL OCCUPANCY THEREOF; PROVIDING A PENALTY AND FOR ALTERNATIVE INJUNCTIVE RELIEF; AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYRONZA, ARKANSAS, AS FOLLOWS:

1. That functioning water and sewer service to a residence is a condition for occupancy thereof, and the unlawful occupancy thereof without such functioning water and sewer service for a period of ten (10) days or more is prohibited and shall constitute a violation, as such constitutes an unsanitary and unsafe condition.

2. That any violation of this ordinance shall be punishable by a fine of up to \$100.00 per day, and each day such violation continues shall constitute a separate offense.

3. That notwithstanding the foregoing provision for imposition of a fine, such does not constitute an adequate remedy at law, as some persons may choose to pay a fine and continue occupancy in violation of this ordinance.

4. That in the event a person has previously been found guilty of violation of this ordinance or of Ordinance No. 2014-3, and a violation of this ordinance by such person occurs thereafter, the City shall have the right to seek injunctive relief to prohibit the occupancy of any structure occupied by such person in violation hereof.

5. That this ordinance supersedes and repeals Ordinance No. 2014-3.

6. That the provisions of this ordinance are severable.

7. That in order to prevent persons from living in unsanitary and unsafe conditions without functioning water and sewer service, an emergency is declared to exist, and this ordinance being necessary for the preservation of the public peace, health and safety, shall be in full force from and after its passage.

PASSED AND ADOPTED this 8th day of August, 2017.

CITY OF TYRONZA

By: Charles Blower

Mayor

Attest:

Donna Scubbed
Recorder/Treasurer
(SEAL)