

8. That in order to prevent unsanitary and unsafe conditions in residences and other occupied structures 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 14th day of January, 2020.

CITY OF TYRONZA

By: Charles Glover
Mayor

Attest:

Donna DePaul
Recorder/Treasurer
(SEAL)



ORDINANCE NO. 2020-002

AN ORDINANCE REQUIRING FUNCTIONING WATER AND SEWER SERVICE AS A CONDITION FOR OCCUPANCY OR UTILIZATION OF STRUCTURES USED FOR RESIDENTIAL, BUSINESS OR CHARITABLE PURPOSES AND PROHIBITING THE UNLAWFUL OCCUPANCY OR UTILIZATION THEREOF; PROVIDING FOR 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 structure utilized for residential, business or charitable purposes is a condition for occupancy or utilization thereof, and the unlawful occupancy or utilization 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 by an adult occupant of a residence or an owner, manager, proprietor or one apparently in charge of a structure utilized for business or charitable purposes 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 may not constitute an adequate remedy at law, as some may choose to pay a fine and continue in violation of this ordinance.
4. That in the event an adult occupant of a residence or an owner, manager, proprietor or one apparently in charge of a structure utilized for business or charitable purposes has previously been found guilty of violation of this ordinance or one of its predecessors, Ordinance Nos. 2014-3 or 2017-2, and a violation of this ordinance by such person or organization occurs thereafter, the City shall have the right to seek injunctive relief to prohibit the occupancy or utilization of any structure occupied or utilized by such person or entity in violation hereof.
5. A structure utilized solely for storage purposes and without human occupancy or usage for more than two (2) hours per day shall not be subject to this Ordinance.
6. That this ordinance amends and supersedes Ordinance No. 2017-2.
7. That the provisions of this ordinance are severable.