

ORDINANCE 2025-12

AN ORDINANCE TITLED THE BULL SHOALS CODE, DEALING WITH “CLEAN PREMISES” VIOLATIONS AND ENFORCEMENT

WHEREAS, the Bull Shoals City Council has been asked by citizens to establish and enforce updated codes to keep privately owned areas clean and safe; and

WHEREAS, existing Ordinances need to be updated and replaced to accomplish City beautification and to eliminate health and safety issues; and

WHEREAS, for the health, safety, and well-being of the citizens of City of Bull Shoals, it is of the utmost urgency to adopt this ordinance, giving the city the ability to maintain codes and enforcement of Clean Premises.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BULL SHOALS, MARION COUNTY, ARKANSAS

SECTION 1. Clean Premises

- A. Requirements of owner(s), Property Manager(s), or Occupant(s) of Property. The Owner(s), property manager(s) or occupant(s) of any block or lot or part of block or lot abutting on any gutter, curb, or ditch of any street of said property within the Bull Shoals City limits are hereby required to:
- (1) Maintain yards, improved fields, and commercial lots; cut remove weeds, grass, and brush, or any other uncultivated plant(s), which are not used for agriculture purposes, which exceed the height of ten (10) inches. Property owner(s), property manager(s), or occupant(s) are responsible for the upkeep of their properties and the ditch line up to the street or highway or drivable roadway.
 - (2) Remove garbage, rubbish, or any other unsanitary or unsightly articles and things including, but not limited to, household furniture, boards, bricks, sheet metals, construction materials, appliances, plumbing fixtures, and inoperable machinery. This article applies to items which are in public view and are not being used in immediate construction projects.
 - (3) Take steps necessary to eliminate or remove stagnant pools of water or any other unsanitary thing, place, or condition which might become a breeding place for flies, mosquitoes, and germs harmful to the health of the community.
 - (4) Remove any items, whether valuable or junk, which may collect and interfere with the flow or drainage water in ditches, drains, or culverts.
 - (5) Once a property has been cleared by tree removal, grading, bushhogging, or improved by any means, the property owner(s), property manager(s) or occupant(s) of the property must maintain the property as described in Section 1. A. (1) of this ordinance. An exception shall be made for immediate construction projects, provided that once construction has concluded

and been approved by the city building inspector, adherence to the above-described requirements shall begin within fourteen (14) calendar days.

SECTION 2. Clean Premises Enforcement.

- A. Violators of Section 1 shall be given written notice that they have seven (7) calendar days to correct the violation. Notices shall be given by personal delivery, or certified mail to the last known address, or by posting the notice on the premises. If the condition is not corrected in the seven (7) days, the City, or private contractors hired on behalf of the City, shall be authorized to enter the violating premises to perform work as required to correct the violation. The owner(s), property manager(s) or occupant(s) may be issued such fines and citations, due to their own inaction, as are authorized in this or other ordinances or State laws and may be charged and cited into Bull Shoals District Court. The cost incurred by the City may be claimed as restitution, in addition to any associated fines or cost levied. In cases where notice has been provided and the violator does not respond, one notice shall be considered sufficient for situations where work to correct a violation must be done repeatedly, such as mowing or water drainage, provided said notice is given at least once per calendar year. After the work has been completed, the City shall provide second notice to the owner of the total costs to resolve the violation, including administrative and filing costs, and such second notice shall comport with the requirements of Arkansas Code Section 14-54-903 (e), and shall constitute notice of the amount of a clean-up lien, should one be sought.
- B. Procedure where owner's whereabouts are unknown or is a nonresident. In the event the owner has not been located, after a due diligent search, the City may file a lien against the premises for the cost of clean-up, as authorized by Arkansas Code 14-54-902 in which the lien may be enforced against the real estate within eighteen (18) months by filing suit in Marion County District or Circuit Court.
- C. Owners that refuse to comply will need to comply under Arkansas Code Section 14-54-903, or a clean-up lien will be filed, and the City of Bull Shoals will follow Arkansas Code Section 14-54-904.
- D. A person convicted of a violation of any of these codes for a first offense shall be guilty of an unclassified misdemeanor and shall be fined up to one thousand dollars (\$1,000) per offense by the District Judge. For premises violations that are not corrected, the fines may apply and be calculated for each day the violation continues, as well as any costs incurred by the City for the violation may be added as restitution.

SECTION 3. Severability

If any provision, clause, sentence, paragraph or section of this ordinance, or the application thereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared severable.

SECTION 4. This ordinance shall take effect immediately upon passage and posting.

SECTION 5. This ordinance repeals and replaces Ordinances 95-16, 96-08, 2008-02, 2008-05, and 2008-10.

Passed and adopted by the City Council of the City of Bull Shoals, Arkansas this 30 day of OCTOBER, 2025.

APPROVED: _____

Mayor Bill Stahlman

COUNCIL VOTE: YAYS 6 NAYS 0

ATTEST: _____

Recorder/Treasurer

Paula Reynolds

POSTED DATE: 11/13/2025 POSTED BY: BS