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AN ORDINANCE AMENDING SECTION 5.08.07 AND 5.08.08 OF THE CONWAY MUNICIPAL CODE; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and City Council desire to amend Section 5.08.07 and 5.08.08 of the Conway Municipal Code

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

SECTION 1. That Section 5.08.07 Penalty shall be amended to read as follows:

"5.08.07 Penalty.

(1) Any person, firm or corporation violating any of the provisions of Section 5.08.01 - 5.08.03 or Section 5.08.08 of this ordinance shall be deemed guilty of:

(a) An unclassified misdemeanor for a first offense, and shall be fined up to one thousand dollars (\$1,000) or sentenced to up to one hundred (100) hours of community service in lieu of the fine if the judge determines that the offender is financially unable to pay the fine; and

(b) A Class A misdemeanor for a second or subsequent offense.

(2) In addition to those penalties, any violator may also be required to remove litter from alongside highways or streets and at other appropriate locations for any prescribed period.

(3) All or any portion of the fines and imprisonment penalties provided by this section may be suspended by the judge if the violator agrees to remove litter from alongside highways and at other appropriate locations for a prescribed period or if the judge finds the violator indigent and unable to pay any fine assessed.

(4) Any time any person supplies information to law enforcement officials which leads to the conviction of a person who violates this subchapter, the person giving such information is entitled to a reward of one-half (1/2) the amount imposed by the fine, if any, to the violator.

It is the express intention of the City of Conway that the penalties set forth in Section 5.08.07 of this ordinance shall be in addition to the remedies provided in Sections 5.08.04 - 5.08.06 of this ordinance, and the imposition of a fine under the criminal provisions hereof shall not bar or otherwise prevent the city from impressing a lien upon such lot or real property for the costs expended by it to correct the condition or conditions set forth in this ordinance."

SECTION 2. That Section 5.08.08 Littering Declared Illegal shall be amended to read as follows:

"5.08.08 Littering declared illegal. It shall be unlawful to drop, deposit, discard, or otherwise dispose of litter upon any public or private property in this state or upon or into any river, lake, pond, or other stream or body of water within this state, unless:

(1) The property has been designated by the Arkansas Department of Environmental Quality as a permitted disposal site;

(2) The litter is placed into a receptacle intended by the owner or tenant in lawful possession of that property for the deposit of litter, if it is deposited in such a manner as to prevent the litter from being carried away or deposited by the elements upon any part of the private or public property or waters; or

(3) (A) The person is the owner or tenant in lawful possession of the property and the litter remains upon the property and the act does not create a public health or safety hazard, a public nuisance, or a fire hazard.

(B) However, a property owner shall not be held responsible for actions of his tenant.

SECTION 3. That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

SECTION 4. That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 12th day of December, 2000.



MAYOR TAB TOWNSELL

ATTEST:



MICHAEL O. GARRETT, CITY CLERK