

AMENDMENT 2014- 01

AN AMENDMENT TO THE CHEROKEE VILLAGE ORDINANCE 99-11 FOR THE ADOPTION OF RULES AND REGULATIONS CONCERNING GARBAGE AND TRASH DISPOSAL

BE IT ORDAINED BY THE CHEROKEE VILLAGE CITY COUNCIL THAT;

SECTION I. Depositing on Public or Private Property:

(a) No person shall dump, place, deposit, throw, or in any manner leave or abandon, or permit to be deposited, on public or private property within the City of Cherokee Village, or in any area under jurisdiction of the city, any solid wastes including, but not limited to, human or animal excrement, garbage, tin cans, bottles, rubbish, refuse, or household trash upon property owned by another person without the written permission of the owner or occupant of the property or upon any public highway, street, road, public park or recreation area, or any other public property except as designated for disposal of waste.

(b) There is created a rebuttable presumption that shall arise in any administrative, civil, or criminal action under this section to the effect that, if it can be proved that one (1) or more items of solid waste bear the name or names of one (1) or more persons in such a form as to indicate that the person or persons were the owners of those items and those items were unlawfully disposed of, then the person or persons are presumed to have violated Ordinance 99-11.

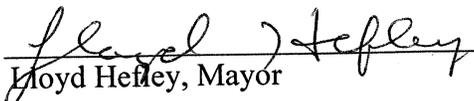
SECTION II. Penalty: Any violation of this ordinance shall be deemed as an unclassified misdemeanor and upon conviction shall be punishable by a fine of not less than \$100.00 nor more than \$1000.00, and each day such violation occurs shall be considered a separate offense. An additional sentence of not more than eight (8) hours of community service shall be imposed under this subdivision.

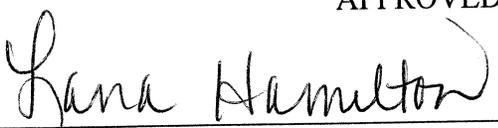
SECTION III. Severability clause: If any part of this ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION IV. Emergency: Because the inappropriate dumping of trash and waste within the City of Cherokee Village represents an immediate danger to the health, safety, welfare and wellbeing of the residents of the City of Cherokee Village, and to the orderly and efficient governance of the City of Cherokee Village, the City Council of the City of Cherokee Village recognizes and declares an emergency to exist, and this Ordinance, being necessary for the preservation of the public peace, health, comfort, convenience, morals, safety and welfare of the City of Cherokee Village, Arkansas, shall be in full force and effect from the date of its adoption.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: 06-19-2014

APPROVED: 
Lloyd Heffley, Mayor

ATTEST: 
Lana Hamilton, Clerk/Treasurer