

CITY OF DIAMOND CITY, BOONE COUNTY, ARKANSAS

ORDINANCE NUMBER: 12-2022

AN ORDINANCE TO AMMEND CERTAIN SECTIONS IN ORDINANCES NUMBERED 03-11 AND 06-2012, TO ESTABLISH SPECIFIC REGULATIONS CONCERNING THE WATER AND SEWER USAGE OR NONUSAGE IN DIAMOND CITY, ARKANSAS.

WHEREAS, the City of Diamond City is responsible for the safe and sanitary conditions within the city limits of Diamond City: and

WHEREAS, the City of Diamond City does not have clear and specific regulations for the use or nonuse of water and sewer for people who may dwell in Diamond City; and

WHEREAS, the City of Diamond City must have established regulations for the safety and well-being of the citizens of Diamond City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DIAMOND CITY:

SECTION I: DEFINITIONS FOR THE PURPOSE OF THIS ORDINANCE

ADD THE FOLLOWING PROVISIONS FOR CLARIFICATION:

1. **Occupy:** To inhabit a place of residence, dwelling or property at least one day/night per month either as a renter, invited or uninvited guest or owner of said property with the purpose of sleeping or overnight stay.
2. **Renter:** A person(s) that enters into a verbal or written agreement from the owner of a residence, dwelling or property to inhabit said property, residence or dwelling at least one day/night per month whether permanent or temporary.
3. **Inhabit:** To live in or occupy a residence, dwelling or property at least one day/night per month to include, but not limited to sleeping or overnight stay.
4. **Owner:** A person that has a legal deed of ownership to a residence, dwelling or property, Whether permanent or temporary.
5. **Uninvited Guest:** Any person that occupies, inhabits or resides in a residence, dwelling or property without permission of owner or legal renter of said residence, dwelling or property.
6. **Invited Guest:** Any person that occupies, inhabits or resides in a residence, dwelling or property with either written or verbal permission from the owner or renter of said residence, dwelling or property.

SECTION II: GENERAL PROVISIONS

ADD THE FOLLOWING PROVISIONS FOR CLARIFICATION:

1. No Residence, dwelling or property in Diamond City may be inhabited or occupied until a proper sewerage connection is established and a proper water connection has been made. If a person(s) including the owner, renter, invited guest or uninvited guest inhabits or occupies a residence, dwelling or property without these proper connections, will, after fifteen (15) days, be fined \$100.00. If after fifteen (15) they have not instituted the proper connection(s) they may be fined at a rate of \$50 per day until the proper connection have been made and satisfactorily inspected by the director of the Diamond City Public Works Department. If after 45 days the proper connections have not been made, the City of Diamond City may take appropriate action to remove the temporary structure at the cost of the owner or have the permanent structure deemed uninhabitable and have the person(s) who were inhabiting, residing or occupying the residence, dwelling or property to be immediately evicted from the premises by a judge's order.
2. No resident, occupant, inhabitant, invited or uninvited guest that has had their City water officially shutoff from their residence, dwelling and/or their property, because of non-payment or any other

reason, shall, after FIFTEEN (15) days of the actual shut-off date, and no satisfactory arrangements have been made and approved with the City of Diamond City, and while still residing, occupying or inhabiting the residence, dwelling or property, shall be issued a warning notice from the City Code Enforcement Department. If after fifteen (15) days of the official warning notice and they have not instituted the properly approved reconnections, the person(s) residing, dwelling or inhabiting the residence, dwelling or property, shall be fined \$100.00 and be cited into the Boone County District Court. Each and every day thereafter will constitute a separate offence and the cited person(s) may be fined at a rate of \$50 per day until the proper connection has been made and satisfactorily inspected by the director of the Diamond City Public Works Department. If after 45 days from the date of the water shut-off the proper reconnections have not been made, the City of Diamond City may take appropriate action to remove a temporary structure at the cost of the owner or, if a permanent structure, have the permanent structure deemed uninhabitable and have the person(s) who were inhabiting, residing or occupying the residence, dwelling or property to be immediately evicted from the premises by a judge's order and fined the full amount accumulated to date.

Section III: SEVERABILITY

1. Should any section or subsection be declared by the courts to be unconstitutional or invalid, such decision shall not affect the ordinance of the whole, or any portion thereof other than the section or subsection to be declared unconstitutional or invalid.
2. This ordinance amends ordinance number 03-11 AND 06-2012 for Clarification purposes.

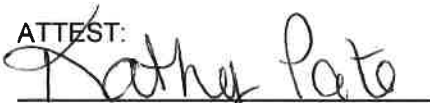
SECTION IV: EMERGENCY CLAUSE

1. This Ordinance being necessary to ensure that the City of Diamond City is providing clean and sanitary conditions to all residents for the health and welfare of the citizens of Diamond City, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect and after its passage and approval and the filing of adequate copies of the same with the City Recorder.

Approved and adopted by roll call vote as follows this 22 Day of November, 2022.

Ayes 5 Nays 0 Absent: 1

ATTEST:



Kathy Pate, Recorder

APPROVED:



Jaime Nuessner, Mayor