ORDINANCE NO. 188 Aut

An ordinance to require the construction and maintenance of side walks on certain streets in the City of Atkins, Pope County, Arkansas.

SECTION 1. For the purpose of providing safe and convenient facilities for travel and passing along the public streets of the City of Atkins, and maintaining proper side walks therein; Side walks shall be constructed and maintained on the Streets of the materials and dimensions at the time and on the streets herein after named and prescribed.

SECTION 2. Beginning at the northeast corner of block Eighteen of the original town of Atkins and run west on the south side of Main or Second street to the northwest corner of Block "C" Reynolds Addition to the City of Atkins; and beginning at the northeast corner of the T. B. Burnett property in Section 19 in Township 7 North, range 18 west and run west along the south side of the Highway to the north west corner of the L. D. Ford property in said section, township, and range and beginning at the Northeast corner of the T. B. Burnett property in Section 19 in Township 7 north, range 18 west and run west along the south side of the Highway to the north west corner of the L. D. Ford property in said Section Township and Range, and beginning at the southeast corner of Block Twleve in the original town of Atkins, and begin at the southeast corner of the T. J. Richmond property in section 19, township 7 north, range 18 west, and run west on the north side of the highway to the southwest corner of the E. H. Lazenby property; and begin at the southeast corner of Lot one in Block "M" and run north to the northeast corner of Block "P" all in Reynolds Addition, being on the west side of North street, and begin at the southwest corner of Block Two original town of Atkins, and run north to the northwest corner of Block "I" Highland Addition to the Town of Atkins, being on the east side of West Street, begin at the southeast corner of Blotk One of Johnson's addition to the Town of Atkins and run west to the southwest corner of said block 3. Begin at the southeast corner of Block 13 in the original town of Atkins and run north to the northeast corner of said Block 13; and begin at the southeast corner of Block 12 in the original Town of Atkins and run north to the northeast corner of said Block 12; and begin at the southwest corner of Block 21 in the original town of Atkins and run East on the north side of Highway of Railroad Ave. to the southeast corner of Block 17 of the original Town of Atkins. Begin at the southwest corner of Block 11 original town of Atkins and run east to the Southeast corner of Lot 86, Smith and Hays addition to the Town of Atkins, being on north side of Center Street, begin at the northeast corner of Block 25 original Town of Atkins and run south to the southeast corner of said Block 25, being on west side of Galla street. Begin at the northwest corner of Block 8 original Town of Atkins, and run east to the northeast

corner of said Block 8; begin at the southwest corner of Block A Highland addition to the Town of Atkins, and run north to the northwest corner of said Block A; begin at the southeast corner of Block C Highland addition to the Town of Atkins and run north to the northeast corner of Block F in said Highland addition to the Town of Atkins; begin at the northwest corner of Block 4 original town of Atkins, and run east to the northeast corner of Block 5, said original Town of Atkins; begin at the southwest corner of Block 1, Reidmiller addition to the Town of Atkins, Pope County, Arkansas, and run east to the southeast corner of the said Block 1; begin at the northwest corner of Block 20 original Town of Atkins and run east to the northeast corner of the said Block 20; begin at the northeast corner of Block 31, original town of Atkins, thence south on west side of Galla street to bridge across White Oak Creek.

SECTION 3. Every person owning a lot or lots abutting upon any street in any of the territory mentioned in section 2, shall construct and maintain on and along the street and adjacent to all such lots, a side walk of the dimentions hereinafter prescribed, which side walk shall be laid in a substantial manner and of material known as concrete; provided that when proper side walks have already been constructed in substantial compliance with this ordinance, now exists; the owner shall only be required to keep the same in good repair, and shall not be compelled to build any new walk in lieu thereof.

SECTION 4. The side walks built under this ordinance shall be of the following dimensions: In all of the territory described in section 2 of this ordinance except the east side of Block 25 and the north side of Block 20, in the original Town of Atkins, shall be constructed of a width of four feet, and that built on the east side and north side of Blocks 25 and 20 in the original Town of Atkins shall be constructed of a width of six feet.

SECTION 5. It shall be the duty of the Mayor to cause side walks to be constructed in compliance with this ordinance within one year from the date of its passage or upon notice by the Mayor duly served as hereinafter provided.

SECTION 6. It shall be the duty of the Mayor any time after sixty days after the passage of this ordinance, to notify each and every owner of real property in the territory described in section 2 of this ordinance. If such owner is a resident of the City of Atkins, the notice shall be served upon him or her by the City Marshal, who shall deliver the person to be notified a copy of the notice and file the original in the office of the City Recorder, together with his return in writing thereon, showing when and how the same was served. Such notices shall be signed by the Mayor and may be substantially in the following form to-wit:

ATKINS, ARK._____day of_____19____

MR._____

"You are hereby notified to construct, within sixty days after the service of this notice upon you, a side walk along the property owned by you abutting on_____Street, and described on the City map as follows:_____(description of lot)_____. Said side walk must be constructed in accordance with anordinance of the City of Atkins, Arkansas, numbered on the City Record as Ordinance Number_____, and passed _____day of_____1924.

SECTION 7. If any such owner shall be a non-resident of the city, an insane person, a person in confinement, a minor or non-compos mentis, the totice required by section six shall be served by delivering a copy thereof to the Lessee, tennant or occupant of the premises, if same are occupied, and if not so occupied, then by posting such copy and keeping a copy posted in some conspicuous place on the premises for the space of sixty days, and such service shall be deemed actual notice to such owner, his parent, keeper, or guardian to the same extent as if served on him or them in person.

SECTION 8. If any person who is now or may hereafter be required to maintain any side walk within the City of Atkins, Ark. shall fail to maintain such side walk as required, it shall be the duty of the Mayor to notify such persons of any needed repairs upon such side walk, and if such persons shall fail to make such repairs within ten days after having been so notifed, such person shall be fined in any sum not less than one dollar nor more than fifteen dollars for each day that said neglect, failure or refusal to repair as provided shall be continued: Provided, that the penalty herein prescribed shall not apply to persons non-composmentis persons in confinement, or non-resident of the city.

SECTION 9. If any lot owner shall fail, neglect or refuse for sixty days after being notified as aforesaid, to build such walk as may be required under this ordinance, it shall be the duty of the Mayor to cause the same to be built, of the minimum width and material and the cost thereof, together with a penalty of 5 per centum and interest at the rate of six per centum per annum from the completion of the work, shall be charged against and become a lien against the abutting lot. And it shall be the duty of the City Attorney to bring suit to recover the same and subject the property to sale for the satisfaction thereof, in the proper court, within sixty days after the completion of the building of such work.

SECTION 10. The building of side walks in the terriotry in section two, and proper repairing of all the side walks within the City of Atkins, Arkansas, shall be enforced in the manner prescribed in sections 5, 6, 7, 8 and 9 of this ordinance.

SECTION 11. All laws and parts of laws in conflict herewith are hereby repealed and this ordinance shall be in full force and effect from its passage.

Passed and approved the 2nd day of Dec., 1924.

E. A. WILLIAMS, Mayor
E. L. HENDRICK, Recorder