

ORDINANCE NO. 1969-2

AN ORDINANCE PROHIBITING UNSIGHTLY AND UNSANITARY  
CONDITION OF PROPERTY WITHIN THE TOWN OF BROOKLAND;  
PROVIDING FOR NOTICE TO PROPERTY OWNERS; IMPOSING  
LIEN UPON THE PROPERTY FOR COST OF WORK DONE BY THE  
TOWN; PROVIDING FOR FURTHER ENFORCEMENT OF SUCH LIEN  
AND FOR RELATED PURPOSES

BE IT ORDAINED by the Town Council of the Town of Brookland,  
Arkansas:

Section 1: It shall be unlawful for any person owning any  
lot or real property within the Town to allow weeds to grow  
thereon to a greater height than eight (8) inches or to become  
unsightly and unsanitary, or to allow garbage, rubbish and other  
unsightly and unsanitary articles and things to accumulate on  
such lots and real property, or to fail to eliminate, fill up  
or remove stagnant pools of water or other unsanitary things  
or conditions, which might become a breeding place for mosquitoes,  
flies and germs harmful to the health of the community.

Section 2: If the owner of any lot or real property in the  
Town shall permit any weeds to become unsightly or unsanitary,  
or any garbage, rubbish or other unsightly and unsanitary thing  
or article to exist upon the property, the Mayor is authorized  
to give the owner of the property a written notice to remove such  
condition and correct same so as to comply with the provisions of  
Section 1. If the condition has not been removed and corrected  
within twenty (20) days after service of the notice by the Mayor  
or after posting of the notice on the premises and property in-  
volved in the case the owner is a non-resident, is unknown or  
his whereabouts is unknown, the Mayor is authorized and directed,  
on behalf of the Town to cut the weeds and to remove and correct  
said condition and charge the cost thereof to the owner of the

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property and also against the property. The cost and expense incurred in removing and correcting said condition is authorized to be fixed as a lien upon the property as provided by Act No. 100, enacted by the General Assembly of Arkansas on February 24, 1943, and as hereinafter set out in compliance with said Act.

Section 3: When the Mayor, on behalf of the Town, has incurred any expense in removing and correcting any of the conditions authorized by Section 2, he shall immediately prepare a written statement showing the expense incurred and notify the owner of the property in case he is a resident of the State of Arkansas and his whereabouts is known, such notice to be in writing and to be accompanied with the written statement of the expense incurred. This notice may be given by personal delivery or by a registered letter. In case the owner is a non-resident of the State of Arkansas, the notice and statement shall be sent to him by registered mail at his last known address. In case the address of the owner is unknown, the notice and expense statement shall be posted on the premises involved. The owner shall have ten (10) days after the service of the notice or posting of same to pay the expense.

Section 4: If the expense so incurred in removing and correcting the condition has not been paid within ten (10) days after the posting or serving of the notice, the Town attorney is directed to file suit in the name of the Town of Brookland, Arkansas, in the Chancery Court for the Western District of Craighead County, Arkansas, against the owner and ask for judgment for the expense so incurred and that same be declared and fixed as a lien upon the property involved, the land to be sold on such terms as the court may direct to satisfy the judgment lien. In case the owner of the property is unknown, the suit shall be against the land. If the whereabouts of the owner is unknown or if the owner is a non-resident of this state, before the suit is instituted, the Town Recorder shall make an affidavit setting out the facts of such



non-residence, unknown owner and unknown whereabouts. Such affidavit shall be attached to the pleadings in the cause, and constructive service of the summons issued in the cause shall be had as is now provided by law against non-resident defendants, and an attorney ad litem shall be appointed by the court to notify the defendant by registered letter, addressed to his last known address if same can be found, otherwise as the court may direct. The suit herein provided for must be instituted within eighteen (18) months after the work has been done removing and correcting the conditions as herein authorized.

Section 5: It is found and declared by the Town Council of the Town of Brookland, Arkansas, that several areas within the Town have been permitted by property owners to become unsightly and unsanitary to such an extent that it is a detriment to the health of the residents nearby and the Town does not now have in effect any Ordinance which would permit effective removal of these conditions and therefore an emergency is declared and this Ordinance being necessary for the preservation of the public peace, health and safety shall take effect from and after its passage and approval.

PASSED AND ADOPTED this 11th day of February, 1969.

Lester D. Elder  
MAYOR

ATTEST:

Lennis D. Elder  
Town Recorder