



STATE OF ARKANSAS
City of Brookland

ORDINANCE # 2002-3

AN ORDINANCE AUTHORIZING THE CITY OF BROOKLAND, ARKANSAS TO CONDEMN UNSAFE BUILDINGS; FOR PROVIDING A PROCEDURE OF CONDEMNATION; FOR REQUIRING PROPERTY OWNERS TO KEEP THEIR PREMISES FREE AND CLEAR OF LITTER, RUBBISH, GARBAGE, TRASH, AND OTHER UNSIGHTLY AND UNSANITARY THINGS; FOR DECLARING PENALTIES FOR VIOLATION OF THIS ORDINANCE; FOR DECLARING AN EMERGENCY AND OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF BROOKLAND, ARKANSAS:

1. That an unsafe building or structure is defined as one which is unsafe and is a hazard to public health and safety. In determining whether the building is unsafe the following factors may be taken into account:
 - (a) whether the building is occupied or unoccupied;
 - (b) whether the building has windows which are broken out or whether the windows are intact;
 - (c) the length of time that the building has remained unoccupied;
 - (d) whether the building presently complies with State Plumbing or Electrical Codes;
 - (e) whether the structure appears readily to the average person to be in a rundown and dilapidated condition;
 - (f) whether any part of the construction of the structure has spontaneously crumbled or fallen apart;
 - (g) the existence of rats or other disease producing characteristics;
 - (h) whether the structure or any part thereof has burned and has not been repaired commenced within 90 days.
2. If the City Council of Brookland, Arkansas determines that a building or structure is unsafe on account of a combination of the aforementioned factors then the City Council shall declare in its minutes at a regular or special meeting that the property is unsafe and shall take measures designed herein to correct the situation.
3. Upon making a determination that a building or structure is unsafe the City Council or its duly appointed representative shall inform the property owner or lessee, or person claiming a right to the building or structure of the determination of the City Council and at the same time shall give the individual thirty (30) days within which to either correct the deficiencies or satisfy the City Council of his intention to correct the deficiencies. The City Council shall on request advise the individual as to the exact deficiencies which exist on the property and just exactly what will have to be done in order for the building to comply with this Ordinance.
4. If upon giving the required notice, the owner, lessee, or person claiming a right to the property shall fail to either correct the deficiencies or satisfy the City Council of his intention to correct the deficiencies then in that event an additional notice shall be sent to the individual which shall be styled Notice of Condemnation. This Notice of Condemnation shall be served on the owner, or lessee, or other person claiming a right to the property by certified mail return receipt requested and shall include an accurate legal description of the property to be condemned if possible and if not, the best possible description of the property to be condemned shall be included and the notice shall further state that the individual has an additional thirty (30) days to correct the deficiencies in the property as stated herein. In the event the individual does not take any measures within the thirty day period of time to correct the deficiencies as stated herein, then the City of Brookland, Arkansas shall have a right of entry upon

the property in question and shall be entitled to demolish, raze, burn, tear down, or otherwise destroy the building or structure in question.

5. In the event the City is called upon to demolish the building as described herein, it shall have a lien on the property for any expenses or cost involved in the demolishing or razing of the building. The City of Brookland, Arkansas may secure this lien at any time within four (4) months of the razing or destruction by filing a statement of the lien with the Craighead County Chancery Clerk and said lien shall be under oath and shall contain a description of the property, a statement of how the property was demolished or razed, and an exact statement of the amount due and owing. In the event the lien is not satisfied by the owner, lessee, or person claiming a right to the property, then the lien may be enforced in chancery Court at any time within one (1) year from the filing thereof.
6. It is hereby declared that the old buildings which substantially meet the definition of this Ordinance are a public nuisance. In this connection no property owner shall be entitled to any compensation for loss of property resulting from the enforcement of this Ordinance.
7. There are many old buildings in the City of Brookland, Arkansas which meet the terms of this Ordinance and as such the health, welfare, and safety of the citizens of Brookland, Arkansas is in jeopardy and an emergency is hereby declared to exist. Therefore, this Ordinance is in force and effect immediately upon passage.
8. All persons, corporations, organizations, partnerships or associations are hereby, required and ordered to keep their premises or property free of garbage, rubbish, old appliances, piles of lumber, pools of stagnant water, seepage from septic tanks, trash, accumulations or worthless personal property, paper, litter, or any other things of like quality or kind which would constitute a health hazard or breeding place for mosquitoes or disease or which constitute a condition causing an unsightly appearance.
9. All persons, corporations, organizations, partnerships or associations are required to keep their lots mowed and trimmed. In this connection when the grass/weeds on a lot reaches twelve (12) inches the same shall be mowed or trimmed.
10. In the event the City Council or its duly appointed representative determines that an unsanitary or unhealthy condition exists on the property or that the same is unsightly or the lot needs mowing, then in that event a notice shall be given to the owner, lessee, or person claiming a right to the property in writing to his last known address that such a condition exists and that the same is to be cleaned up or abated within ten (10) days of the notice. In the event the property owner, lessee, or person claiming right to the property fails to clear up or abate the condition on the property then the owner, lessee, or person claiming a right to the property shall be in violation of this Ordinance and shall be guilty of a misdemeanor and subject to a fine of up to One Hundred Dollars (\$100.00). Each day that the condition continues to exist shall constitute a separate and continuing offense.
11. In addition to the criminal sanctions that a violation of this Ordinance constitutes a misdemeanor, the City of Brookland may clean up the property or mow the property at the expense and cost of the owner of lessee, and the City shall have a lien for any expenses or costs involved in cleaning up the property or mowing the property. The City of Brookland, Arkansas may secure this lien at any time within four (4) months of the service which is performed by filing a statement of the lien with the Craighead County Circuit Clerk and said lien shall be under oath and shall contain a description of the property a statement of what was done, and an exact statement of the amount due and owing. In the event the lien is not satisfied by the owner, lessee, or other person claiming a right to the property, the lien may be enforced in Chancery Court at any time within one (1) year from the filing thereof.
12. In the event that any part of this Ordinance is declared unconstitutional, the remaining provisions shall be severable so that the entire Ordinance shall not be declared unconstitutional.
13. An emergency is hereby declared to exist in the City of Brookland, Arkansas in that health hazards exist in virtue of property owners having unsanitary articles on their property and providing a breeding

place for mosquitoes and because of this emergency this Ordinance shall be in force and effect immediately upon passage.

ADOPTED this 14 day of MAY, 2002.



Joe McKeel, Mayor

ATTEST:


Beth Foster, Recorder