



STATE OF ARKANSAS
City of Brookland
ORDINANCE NO. 2009-9

AN ORDINANCE PROHIBITING UNSIGHTLY AND UNSANITARY CONDITION OF PROPERTY WITHIN THE CITY OF BROOKLAND; PROVIDING FOR NOTICE TO PROPERTY OWNER, PERSON WITH LEASE, OR RENTER, OF VIOLATION; IMPOSING LIEN UPON THE PROPERTY FOR COST OF WORK DONE BY THE CITY OF BROOKLAND OR CONTRACTOR HIRED BY THE CITY OF BROOKLAND; PROVIDING FOR FURTHER ENFORCEMENT OF SUCH LIEN AND FOR RELATED PURPOSES.

Be it ordained by the City Council of the City of Brookland, Arkansas:

ARTICLE 1: Ordinances 1969-2, 2002-3, 2002-4, 2003-8 are hereby revised and amended to read as follows:

SECTION 1: It shall be unlawful for any owner, leaser, and renter of any lot or real property within the City of Brookland to allow weeds to grow thereon to a greater height than eight (8) inches. It shall be unlawful for any owner, leaser, and renter of any real property within the City of Brookland 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. It shall be unlawful for any owner, leaser, and renter of any real property within the City of Brookland to fail to eliminate, fill up or remove stagnant pools of water or other unsanitary things of conditions, which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community.

SECTION 2: If the owner, leaser, and renter of any lot or real property in the City of Brookland 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 Code Enforcement Officer, Brookland Police Department, Mayor is authorized to give the owner of the property a written notice to remove such conditions and correct same so as to comply with the provisions of Section 1. If the condition has not been removed and corrected within TEN (10) days after service of the notice by the City of Brookland Code Enforcement Officer, Brookland Police Department, Mayor after posting of the notice on the premises and property involved in the case the owner is a non-resident, is unknown of his whereabouts is unknown, the mayor is authorized and directed, on behalf of the City of Brookland to cut the grass, weeds, unsightly conditions and to remove and correct said condition and charge the cost thereof to the owner of the property and also against the property at a cost of \$50.00 per hour or by contract with outside service provider. 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: If the owner, leaser, and renter of any lot or real property in the City of Brookland shall permit any weeds, grass, garbage, rubbish, rotting or dead limbs, unsafe building or other things or condition existing upon the property, the City of Brookland Code Enforcement Officer, Brookland Police Department is hereby authorized to issue a warning and/or summons citing the owner and/or tenant to District Court for the first offense violation of the provisions of above Ordinances. Such summons will require the appearance of the owner and/or tenant and shall carry a fine of not less than \$50.00 plus Court costs. Upon failure of the owner and/or tenant to remedy said violation within ten (10) days of the date cited for the first offense, the City of Brookland Code Enforcement Officer, Brookland Police Department Officer is authorized to issue a second offense Summons in the same manner as the first offense summons, which shall carry an additional fine of \$100.00 plus Court costs. Upon failure of the owner and/or tenant to remedy said violation within ten (10) days of the date of the second Summons, the City of Brookland Code Enforcement Officer, Brookland Police Department Officer is authorized to issue a third offense Summons in the same manner as the first offense Summons, which shall carry an additional fine of \$150.00 plus Court costs. Each day that the condition continues to exist after the third Summons shall constitute a separate and continuing offense and the party violating this Ordinance shall be subject to a fine of One Hundred Dollars (\$100.00) plus Court costs for each day thereafter until the violation is corrected.

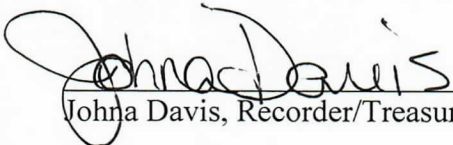
SECTION 4: Act No. 503 Section 1 (D) Notwithstanding any other provision of law, after a notice has been issued for a specific violation of an order under Arkansas Code Annotated Sec. 14-54-901 directing an owner to eliminate a condition on the owner's property, an additional notice for a subsequent violation of that specific violation within the same calendar year **SHALL NOT BE REQUIRED BEFORE THE ISSUANCE OF A CITATION.**

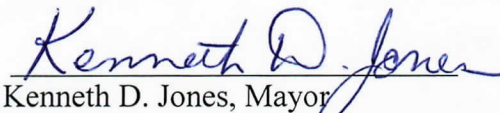
SECTION 5: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

EMERGENCY CLAUSE: It is hereby determined the health, welfare and safety of the populace of Brookland are of utmost importance and an emergency is hereby declared to exist, and this ordinance shall be effective from the date of its passage.

APPROVED AND ADOPTED this 11th day of August, 2009.

ATTEST:


Johna Davis, Recorder/Treasurer


Kenneth D. Jones, Mayor

