

AN ORDINANCE PROVIDING FOR THE CONDEMNATION AND REMOVAL OF THE HOUSES BUILDINGS AND STRUCTURES CONSTITUTING A NUISANCE WITHIN THE CORPORATE LIMITS, PROVIDING FOR A LIEN ON THE PROPERTY, PROVIDING A PENALTY THEREFOR, AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENLAND, ARKANSAS.

SECTION 1. That it shall be unlawful for any person to own, keep or maintain any house, building or structure (structure within the corporate limits of the City of Greenland Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council.

SECTION 2. That any such structure which is found and declared to be a nuisance by Resolution of the City Council will be condemned to insure the removal thereof as herein provided.

SECTION 3. That the Resolution of the City Council condemning any structure which constitutes a nuisance will include in said Resolution an adequate description of the structure, the name if known, of the owner thereof and shall set forth the reason said structure has been condemned as a nuisance.

SECTION 4. After a structure has been found and declared to be a nuisance and condemned by Resolution as herein provided, a true or certified copy of said Resolution will be mailed to the owner, if the whereabouts of said owner be known and a copy shall be posted at a conspicuous place on said structure. Provided, that if the owner of said structure be unknown or if his whereabouts be unknown, the posting of the copy of said Resolution will suffice as notice.

SECTION 5. If the structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of

orn down or removed by the Building Inspector or his duly designated representative

SECTION 6. The Building Inspector or any other person designated by him to tear down and remove any such structure will insure the removal thereof and dispose of the same in a manner deemed appropriate in the circumstances. To that end the Building Inspector may, sell said structure, or any saleable material, by public sale to the highest bidder for cash, ten (10) days' notice being first given by one publication in some newspaper having a general circulation in the City.

SECTION 7. All the proceeds of the sale of any such structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person collecting the same to the City Treasurer. If any such structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance including the cleaning up of the premises by the City, plus any fine imposed, the balance thereof will be returned by the City Treasurer to the former owner of such structure.

SECTION 8. If the City has any net costs of removal of any structure, the City shall have a lien on the property as provided by Section 1 of Act 8 of 1983. The lien may be enforced in the following ways:

(a) The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court; or,

(b) The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner of the property, if the name and whereabouts of the owner be known, and if the name or whereabouts of the owner

county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks. The amount determined at said hearing, plus ten per centum (10%) penalty for collection, shall be Certified by the City Council to the Washington County Tax Collector and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three per centum (3%) thereof, when so collected shall be paid to the City of Greenland, Arkansas.

SECTION 9. A fine of Fifty Dollars (\$50.00) is hereby imposed against the owner of any house, structure found and declared to be a nuisance by Resolution of the City Council and which is not abated within thirty (30) days after notice as herein provided has been given. Each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each said separate and distinct offense

SECTION 10. In the event it is deemed advisable by the City Council that a particular structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the City, and the only notice to be given to the owner of any such structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in Chancery Court. When any such structure has been judicially declared to be a nuisance by a Court of competent jurisdiction a fine of Fifty Dollars \$50.0 is hereby imposed against the owner thereof from the date said finding is made by the Court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each separate and distinct offense. In the event the owner of any such structure judicially found to be a nuisance fails or

refuses to abide by the orders of the Court, the Building Inspector or other person referred to in Section 5 of this ordinance will take action as provided in Section 6 hereof, and Section 7 of this ordinance will be applicable to such owner. The provisions contained in the immediately preceding sentence apply independently of any action as may be taken by the Court judicially declaring the nuisance.

SECTION 11. If, for any reason, any portion of this ordinance be held to be invalid, such invalidity shall in no way affect the remaining portions thereof which are valid, but such valid portions shall be and remain in full force and effect.

SECTION 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed

PASSED:

APPROVED:

DATED:

August 14, 1984

Mary E. Harris

ATTESTED:

Pat Watkins
CLERK