



STATE OF ARKANSAS
City of Brookland

ORDINANCE NO. 2018-15

AN ORDINANCE PROHIBITING AN UNSIGHTLY AND UNSANITARY CONDITION OF PROPERTY WITHIN THE CITY OF BROOKLAND; PROVIDING FOR NOTICE OF VIOLATION AND PENALTY; IMPOSING LIEN UPON THE PROPERTY FOR REMOVAL OF VIOLATION; AND ENFORCEMENT OF LIEN.

WHEREAS, Arkansas Code Annotated §14-54-901 allows the City of Brookland to regulate unsightly and unsanitary articles and conditions within its city limits; and

WHEREAS, grass and weeds greater than eight (8) inches, inoperable vehicles, inoperable equipment, lawnmowers, tires, iceboxes, refrigerators, paper, stoves, glass, building materials, building rubbish and/or similar items allowed to remain on private property for long periods of time are unsightly and unsanitary; and

WHEREAS, grass and weeds greater than eight (8) inches, inoperable vehicles, inoperable equipment, lawnmowers, tires, iceboxes, refrigerators, paper, stoves, glass, building materials, building rubbish and/or similar items constitute an attractive nuisance for children, provide for harborage for rats, animals, and mosquitoes, constituting a menace to the public's health, safety and welfare; and

WHEREAS, grass and weeds greater than eight (8) inches, the storage of inoperable vehicles, inoperable equipment, lawnmowers, tires, iceboxes, refrigerators, paper, stoves, glass, building materials, building rubbish and/or similar items is not only a danger to the public's health, safety and welfare but is also unsightly, obnoxious and detrimental to the surrounding citizens property value.

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

SECTION 1: DEFINITIONS.

For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Department" refers to the Brookland Police Department and/or Code Enforcement Official, which shall have the responsibility of administering this article.

"Enforcement authority" refers to the chief of police of the Brookland Police Department authorized to enforce the removal of weeds and rank vegetation, or his or her designee.

“Owner” refers to the owner of record, as found in the records of the Craighead County Recorder’s office.

“Owner’s address” refers to the most recent mailing address of the owner and being that address to which the County Treasurer sends tax duplicates.

“Renter/Leaser” refers to the current tenant/occupant of residence.

“Person responsible” shall mean tenant or occupant of the premises who has in writing agreed to be responsible for cutting the weeds or removal of the rank vegetation.

“Rank vegetation” refers to any plant growth 8 inches or more in height.

“Weeds” refers to any growth of vegetation, other than trees, bushes, shrubs, ornamental plants, or agricultural plants cultivated in an orderly manner for the purpose of producing food or other agricultural products. “Weeds” and “rank vegetation” do not include agricultural crops, such as hay and pasture. In addition, “weeds” and “rank vegetation” shall not include agricultural products and practices so long as the established plantings are comprised of native background vegetation or other recommended species perpetually and appropriately maintained in a structured program to establish, enhance and preserve natural habitat and soil and water resources in accordance with recommendations and guidelines provided by pertinent federal, state, or local regulatory agencies. Further, “weeds” and “rank vegetation” shall not include certified rain gardens, wildflower plantings, green roofs, backyard habitats, and shade gardens.

SECTION 2: ABANDONED REFRIGERATORS AND/OR CONTAINERS.

A. No person shall leave outside of any building or dwelling in a place accessible to children any abandoned, unattended, or discarded icebox, refrigerator, or any other container of any kind which has an airtight door.

B. No person shall leave outside of any building or dwelling in a place accessible to children any abandoned, unattended, or discarded icebox, refrigerator, or any other container of any kind which has an airtight snap lock or other device thereon without first removing the doors from the icebox, refrigerator or container. Any icebox, refrigerator or other container, with or without these doors, so found, may be impounded by any police officer.

SECTION 3: INOPERABLE VEHICLES, INOPERABLE EQUIPMENT, LAWNMOWERS, TIRES, PAPER, STOVES, GLASS, BUILDING MATERIALS, BUILDING RUBBISH AND/OR SIMILAR ITEMS.

No person shall leave outside of any building or dwelling in a place accessible to children any inoperable vehicle, inoperable equipment, lawnmower, tire(s), paper, stove(s), glass, building materials, building rubbish and/or similar items.

SECTION 4: WEEDS AND RANK VEGETATION.

(A) No owner of real property shall allow any growth of grass or weeds in excess of eight (8) inches in height upon his property.

(B) No owner of real property shall allow the growth of rank vegetation upon his property.

(C) 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 or conditions, which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community.

SECTION 5: COMPLAINT, NOTICE OF VIOLATION, PENALTY AND ENFORCEMENT.

(A) When a written complaint alleging a violation of any part of this ordinance is received by the Department from any person, or through its own employees, the Department shall investigate and document any violation of this ordinance, then if necessary issue a notice to the owner to eliminate the violation within 10 calendar days. The notice becomes final 10 days after notice is given.

(B) Notice of violation.

(1) Notice to Owner – Content. For any property found to be in violation of this ordinance, the Department may issue a notice to eliminate said violation to the owner notifying the owner of the violation and giving the owner 10 calendar days to abate the violation. Said notice shall also state the amount of penalty included if the violation is not abated within the 10 days. If the violation is corrected by the owner or other responsible party within 10 days, no further action will be taken, and no penalty imposed. Notwithstanding any other provision of law, after a notice has been issued for a specific violation of an order under Arkansas Code Annotated §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.

(2) Manner of Service. The notice to eliminate the violation shall be in writing and shall be sent in accordance with Arkansas Code Annotated §14-54-903.

(3) Emergency Action. No section of this Ordinance shall prevent the Department from executing emergency action.

(C) Penalties.

Any owner or occupant of any lot or ground within the Brookland city limits, after notice has been served upon him as provided herein, who shall fail to comply with the order of the Department within ten (10) days thereafter shall be fined not more than one hundred dollars (\$100.00) and costs for the

first violation; two hundred and fifty dollars (\$250.00) and costs for the second violation; and five hundred dollars (\$500.00) and costs for all subsequent violations. Each day that the condition continues to exist after the third violation shall constitute a separate and continuing offense and the party violating this Ordinance shall be subject to a fine of Five Hundred Dollars (\$500.00) plus Court costs or the maximum amount allowed by law, whichever is greater, for each day thereafter until the violation is corrected.

(D) Removal of violation by the Department and Lien.

(1) If the violation has not been abated by the owner as noticed, the Department may do whatever is necessary to correct the condition and to charge the cost thereof to the owner in accordance with Arkansas Code Annotated §14-54-903.

(2) The Department may issue an invoice to the owner or occupant of the real estate for the costs incurred in removing the violation, including administrative costs and penalties. If the owner of the real estate fails to pay an invoice issued under this section, the Department may, after thirty (30) days, may do whatever is necessary to obtain a "Clean-up lien", "Court lien", or "Priority clean-up lien" in accordance with Arkansas Code Annotated §14-54-903.

(E) Enforcement of Lien.

Should the City of Brookland obtain a "Clean-up lien", "Court lien", or "Priority clean-up lien" as allowed herein and under Arkansas law. The City of Brookland may be enforced and collected in accordance with Arkansas Code Annotated §14-54-904.

SECTION 6: Ordinances 1969-2, 2002-3, 2002-4, 2003-8, 2005-9, 2009-9 are hereby revised and amended to read as stated herein. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

1st Reading November 11, 2018

2nd Reading December 10, 2018


3rd Reading January 14, 2019

APPROVED AND ADOPTED this 14 day of January, 2019.




Kenneth D. Jones, Mayor

ATTEST:


Clerk/Treasurer