

ORDINANCE NO. O-17-34

BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS AN ORDINANCE TO BE ENTITLED:

“AN ORDINANCE TO AMEND THE NUSIANCE PROPERTY ORDINANCE O-07-22; AND FOR OTHER PURPOSES.”

WHEREAS, the Environmental Services, Public Works and Buildings and the Public Health, Welfare & Safety Committees have reviewed Ordinance O-07-22 for the purpose of making updates and revisions; and,

WHEREAS, the Environmental Services, Public Works and Buildings and the Public Health, Welfare & Safety Committees previously met in a joint meeting and recommended that the updates and revisions to Ordinance O-07-22 listed below be ratified by the full Quorum Court.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS:

**Section 1. Authorization**

Arkansas Code Annotated 14-14-813 authorizes counties to regulate unsightly and unsanitary conditions on property and order property owners to remove unsightly and unsanitary conditions on property within the county. Further, this Ordinance is authorized pursuant to the principles of the police power to regulate the health, safety and welfare of the community conferred by Amendment 10, Unites States Constitution.

**Section 2. Definitions**

1. **Abandoned, dilapidated or burned out buildings or structures:** Any structure that is not occupied and for an extended period of time has been without proper upkeep sufficient to prevent structural decay and possible partial or complete collapse and/or has been partially burned out and not repaired for over one (1) year and is open to unauthorized entry.
2. **Abatement:** Any action the County may take or require on public or private property as may be necessary to remove or alleviate a nuisance property situation, including but not limited to cleanup, demolition, sale, removal, repair and boarding.
3. **County:** Garland County, Arkansas and any authorized representative thereof, including: Sheriff's Deputies, County Environmental Officers, Illegal Dumps Control Officers, and County Environmental Inspectors, are authorized by the County Quorum Court to enforce this ordinance and are serving in a capacity to protect the health, safety and welfare of the citizens of Garland County.
4. **Hazardous, safety or environmental or health threat:** Any situation on a property that is, or is likely to become, a threat to the health, safety and welfare of the residents of Garland County.
5. **Imminent safety hazard:** Any condition which creates a present, extreme and

- immediate danger to life, property, health or public safety.
6. **Junked or abandoned vehicles and mobile homes:** Automobiles, trucks, mobile homes or other mobile equipment that are no longer serviceable and operable and have been abandoned or stripped of parts and are not part of an established junkyard operation.
  7. **Junk:** This term shall have the definition set forth in Arkansas Code Annotated 27-74-402.
  8. **Mobile home:** Any type of house, office, dwelling or trailer that was originally manufactured to be capable of being towed down the highway on detachable axles and wheels.
  9. **Nuisance property:**
    - (a) Any property where it is determined an unsafe condition exists that poses a threat to the health, safety and welfare of the community.
    - (b) Any property where it is found that a party allows unsightly and unsanitary conditions of any building or structure, the area around any building, property, or accessory apparatus that is a hazardous, safety, environmental or health threat and is found in any way to adversely affect or devalue the surrounding properties.
  10. **Owner:** The owner of record based on the County Assessor's record.
  11. **Offending party:** A party who is determined by a County authorized representative to be responsible for a nuisance property.
  12. **Party:** Any person, owner, tenant, partnership, trust, corporation, firm, institution, association, city, town, municipal authority, agency, office, employee, venture or other legal entity or agent or organization thereof that owns or operates on a property within the County.
  13. **Property:** Any real property, premises and/or structures or apparatus thereon.
  14. All other terms set forth herein shall be given, and construed by, their common meaning.

### **Section 3. Offensive, Unsanitary, or Hazardous Conditions on Property**

That it shall be unlawful and constitute a violation for any party to allow unsanitary and unsightly conditions or unsafe conditions of any building or structure, nor shall a party allow or cause the area around any building, property, or accessory apparatus to become a hazardous, safety, environmental or health threat. Such violating property shall be considered to be a Nuisance Property. This enumeration shall include but not be limited to the following:

1. Any abandoned, dilapidated or burned out building or structure, which imposes a threat to public safety, or is weakened and likely to collapse, or that is in any way a hazardous, safety or environmental or health threat.
2. Garbage, rubbish, junk, or accumulations of materials and/or articles, whether containerized or not, that pose an unsanitary and unsightly condition or unsafe condition.
3. The overt storage of more than three (3) junked or abandoned vehicles or mobile homes or any other large equipment unless reasonably out of sight.
4. The overt storage of more than 30 tires.
5. The overt storage of any white goods and other appliances or furnishings normally utilized inside a structure or dwelling.
6. The overt storage of any unprotected building or manufacturing supplies and materials in unsightly quantities and arrangements or in such a manner as to allow rapid

deterioration or scattering.

7. Illegal storage, handling, or disposal of any solid or liquid household, automotive, commercial, demolition, or agricultural waste, whether improperly containerized, dumped, spilled, piped, burned, or abandoned, that risk present or future harm in any way to the neighboring area or to the waters of the state.

#### **Section 4. Emergency Abatement**

That whenever a nuisance found on any property in the County constitutes an imminent safety hazard to life or property, the County authorized representatives can immediately abate the nuisance in such manner as they may direct to rectify the hazard sufficiently so it no longer poses an imminent safety hazard to life or property.

#### **Section 5. Contact and Action by County**

That the following contact and action sequence shall be followed when County authorized representatives require a party to mitigate a nuisance within the County:

**Initial Inspection:** The County shall physically inspect the property in question and determine the seriousness of the situation and assess if there is a violation of this ordinance. If one exists, the owner of the property shall be determined utilizing County records.

**First Contact:** The County shall in written form notify any offending party who owns or operates on any property within the County of a nuisance found on the property with a written **Notice of Pending Action**. If the offending party is not the owner, an attempt will also be made to contact the owner. This notice shall define the nuisance found on the property and an expected method of remediation. Depending on the nature of the violation, and so long as there is no imminent serious danger or hazard to life or property, the County shall, in writing, give the offending party up to 30 days to remedy the violation on the property. In the case of imminent serious danger and hazard to life or property the County shall have the right to immediately begin emergency mitigation without notification of any party but shall attempt to in writing notify the offending party as soon as reasonably possible as to the reasons for the emergency corrective actions being implemented on said property.

**Second Contact:** If after the time allowed following the initial Notice of Pending Action, the violation is not adequately corrected a **Notice of Violation** shall be sent to the party by certified mail and be conspicuously posted on the egress to the property. This notice shall clearly define the seriousness of the violation and the possible penalties and fines that may be imposed if the violation is not immediately and properly addressed.

**Third Contact:** If after seven (7) days from the date of Notice of Violation the nuisance is not corrected properly or the offending party has not shown a concerted attempt to correct the violation, the party will be cited to appear in District Court to face charges of violation of this ordinance.

**Extenuating Circumstances:** If the offending party has shown a concerted effort to rectify the violation but needs more time, the County shall have the authority to extend a defined period of time commensurate to the proper mitigation of the violation. If the violation is not rectified within the extended defined period of time, the County shall serve a citation on the party to appear in district court to face charges of violation of this ordinance.

If any offending party operating on a property within the County neglects or refuses to abate the nuisance in accordance with such notice as provided in this subsection, the County authorized

representative, may abate said nuisance by any means necessary, including seeking a Quorum Court resolution of condemnation of a structure and selling, razing or boarding up, and assess net costs of abatement against the responsible offending party thereof, to be collected by payment, lien, attachment to property tax, or any other means allowed by law.

**Section 6. Exemptions:**

This Ordinance does not apply to:

- (a) Land valued as agricultural property that is being farmed or otherwise used for agricultural purposes; or
- (b) A parcel of land larger than ten (10) acres if the unsanitary and unsightly condition on the parcel is not visible from a public road or highway.

**Section 7. Violation Fees, Penalties and Fines**

That any offending party who maintains a violation in the County as defined under this Ordinance, shall, on conviction thereof, be punished by fine of not less than Fifty Dollars (\$50.00) nor more than Five Thousand Dollars (\$5,000.00), for any one (1) specified offense or violation, or double that sum for each repetition of the offense or violation. If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the ordinance, shall not exceed Two Hundred Fifty Dollars (\$250) for each day that it may unlawfully continue.

**Section 8. Adoption of New Laws**


Garland County through the Quorum Court may exercise the powers with respect to new state regulations and codes pertaining to unsightly and unhealthy properties or structures within the County and adopt any rules and regulations deemed necessary to accomplish the purposes of the Ordinance.


**Section 9. Severability**

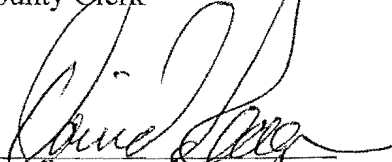
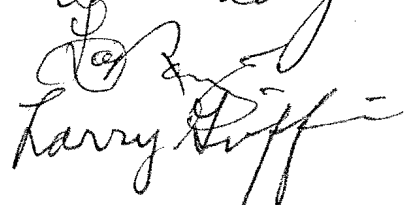
If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.

**Section 10. Codification**

This Ordinance shall be codified in the Garland County Code of Ordinances and the sections may be re-numbered and re-lettered to accomplish such intention.

ATTEST:   
Sarah Smith  
County Clerk

APPROVED:   
Rick Davis  
Judge Davis

SPONSOR:   
  
Harry Huff

DATE: 07.10.2017