

ORDINANCE NO. 974

AN ORDINANCE TO REPEAL ORDINANCE NO. 742, AND PROVIDING FOR THE CONDEMNATION AND REMOVAL OF HOUSES, BUILDINGS AND/OR 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 NASHVILLE, ARKANSAS:

SECTION 1. That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the corporate limits of the City of Nashville, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council, be defined as follows:

- A. The physical condition, use of occupancy of any premise regarded as a public nuisance at common law;
- B. Any physical condition, use or occupancy of any premise or its appurtenances considered an attractive nuisance to children, including, but not limited to abandoned wells, shafts, basements, excavations, or other structures;
- C. Any premises which have unsanitary sewerages or plumbing facilities;
- D. Any premises which is considered a fire and safety hazard due a hazardous electrical condition in electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock, electrocution, or fire hazard;
- E. Any premise which is considered a fire hazard or so unsafe or unsecure as to be considered a danger to persons or property.
- F. Any premises from which the plumbing, heating or facilities required by ordinance or other regulation or codes have been removed, or from which utilities have been disconnected, destroyed, removed or rendered in effective, or the required precautions against trespassers have not been provided; or
- G. Any structure or building that is in a state of dilapidation, deterioration or decay; or faulty construction; open, vacant or abandoned; damaged by fire to the extent so as not to be capable of providing shelter; or is in danger of collapse or structural failure and is dangerous to anyone on or near the premises.

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

SECTION 3.

(a) That prior to the consideration of a Resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lienholder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the city Council will consider said Resolution. In addition, said notice shall inform the

owner(s) and any mortgagee(s) or lienholder(s), of the right to be heard at the City Council meeting on the proposed Resolution declaring such house, building and/or structure to be a nuisance.

(b) Should the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown, or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the mayor or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s), mortgagee(s), and lienholder(s). Thereupon, service of publication as now provided by law against unknown and/or non-resident defendant(s) may be had and attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business.

SECTION 4. That the Resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said Resolution an adequate description of the house, building, and/or structure; the name(s), if known, of the owner(s) and mortgagee(s) and/or lienholder(s) thereof; and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance. .

SECTION 5. After a house, building and/or 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(s) and mortgagee(s) and/or lienholder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lienholder(s) thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner(s) and mortgagee(s) and/or lienholder(s) of said house, building and/or structure be unknown, or if his or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice of the condemnation.

SECTION 6. The owner or owners shall have thirty (30) days to commence the abatement process after posting a true copy of said Resolution at a conspicuous place on said house, building or structure so constituting a nuisance. If work has not commenced within said thirty (30) days, then the house, building or structure so constituting a nuisance shall be torn down and/or be removed by the Code Enforcement Officer or his duly designated representative.

SECTION 7. The owner or owners shall have ninety (90) days from the time the abatement process has begun to complete the removal of said nuisance.

SECTION 8: Once the nuisance structure has been removed, including the removal of steps and foundation, all utility hookups shall be capped or plugged, and the excavation site shall be left in a manner that will allow continued maintenance of the property.

SECTION 9: The Code Enforcement Officer or any person or persons designated by him to tear down and remove any such house, building or structure constituting a nuisance, will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the

circumstances and to that end may, if the same has a substantial value, sell said house, building or structure, or any saleable material thereof by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance.

SECTION 10. All proceeds of the sale of any such house, building and/or 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 or persons collecting the same to the City Treasurer. If any such house, building and/or 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 or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance.

SECTION 11. If the City has any net costs in removal of any house, building or structure, the City shall have a lien on the property as provided by A.C.A. 14-54-904.

SECTION 12. A fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance, and for each day thereafter said nuisance be not abated constitutes a continuing offense punishable by a fine up to One Hundred Dollars (\$100.00) per day; provided the notice as herein provided in Section 5 hereof has been given within ten (10) days after said house, building and/or structure has been by Resolution found and declared to be a nuisance.

SECTION 13. In the event it is deemed advisable by the City Council that a particular house, building and/or 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(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Circuit Court. When any such house, building, and/ or structure has been declared judicially to be a nuisance by a Court of competent jurisdiction, a fine up to One Hundred Dollars (\$100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the Court and for each day thereafter, said nuisance be not abated constitutes a continuing offense punishable by a fine up to One Hundred Dollars (\$100.00) per day.

SECTION 14. 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 said valid portions shall be and remain in full force and effect.

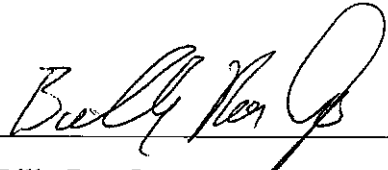
SECTION 15: Any Code Enforcement Official, officer or employee of the city of Nashville, Arkansas, who acts in good faith in the discharge of the duties of enforcement of this ordinance,

shall be held harmless and indemnified by the city of Nashville, Arkansas, for all personal liability for any damages or costs incurred as a result of enforcement acts or any failures to act.

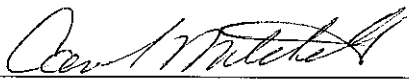
SECTION 16. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 17: It is determined that this ordinance is necessary and is vital to the health, welfare, and safety of the public, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

Date: 6-27-22



Billy Ray Jones, Mayor



Carol Mitchell, City clerk

