

ORDINANCE NO. 0-07-22

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

“AN ORDINANCE AUTHORIZING THE COUNTY TO REGULATE UNSANITARY CONDITIONS AND OTHER THINGS ON REAL PROPERTY WITHIN THE COUNTY; PROVIDING A PENALTY THEREFORE AND FOR OTHER PURPOSES.”

WHEREAS, Garland County is a popular tourist and visitor destination; and,

WHEREAS, the Garland County Quorum Court is interested in preserving the scenic beauty of our county; and,

WHEREAS, the Garland County Quorum Court wants a safe and healthy environment for the citizens of our county; and

WHEREAS, the Garland County Quorum Court wants to eliminate unsanitary and hazardous health conditions from the county.

WHEREAS, the Public Health, Welfare and Safety Committee has met and recommended the passage of this ordinance.

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

**SECTION 1. Authorization:** That A.C.A 14-14-813 authorizes counties to regulate and order property owners to remove unsightly, and unsanitary conditions on real property within the county.

**SECTION 2. Offensive, Unsanitary, or Hazardous Conditions on Property:** That it shall be unlawful and constitute a violation for any party to allow unsafe, unsightly, and unsanitary 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. Abandoned, dilapidated or burned out buildings or structures, which imposes a threat to the safety of children, or is weakened and likely to collapse, or that is in any way a hazard, safety, environmental or health threat.
2. Garbage, rubbish, junk as defined in Section 27-74-702 or accumulations of materials and/or articles, whether containerized or not, that pose an unsafe, unsightly, and unsanitary condition.
3. The overt storage of more than three (3) junked or abandoned vehicles or mobile homes or any other large equipment for over two (2) years unless reasonably out of sight.
4. Outside storage of more than thirty (30) old tires for over two (2) years.
5. The overt storage of any white goods and other appliances or furnishings normally utilized inside a structure or dwelling.
6. The overt storage for over two (2) years 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 3. Emergency Abatement:** That whenever a nuisance found on any property in the County constitutes an imminent life safety hazard, the County authorized representatives can immediately abate the nuisance in such manner as they may direct necessary to rectify the hazard sufficiently so it no longer poses an imminent serious danger and hazard to life or property.

**SECTION 4. 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 first verbally and in written form notify any offending party operating on any property within the County of a nuisance found on the property with a verbal and 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 verbally 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 County shall make reasonable efforts to serve a citation on the party in person; however when this is not feasible, the party will be sent a **Court Summons Letter** by certified mail 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 can 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 make reasonable efforts to serve a citation on the party in person; however when this is not feasible, the party will be sent a **Court Summons Letter** by certified mail 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, attached to property tax, or any other means allowed by law.

## SECTION 5. 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, sell, removal, repair and boarding.
3. **Boarding:** The County approved securing of a vacant building or an unsafe building by barricading against unauthorized entry all windows, unsecured doors and other openings, which can render the property no longer a nuisance property.
4. **County:** Garland County, Arkansas and any authorized representative thereof.
5. **County authorized representatives:** County employees, 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.
6. **Hazardous safety or environmental or health threat:** Any situation on a property that is or has the likely potential to become a potential threat to the health, safety and welfare of the residents of Garland County.
7. **Imminent life safety hazard:** Any condition which creates a present, extreme and immediate danger to life, property, health or public safety.
8. **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.
9. **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.
10. **Nuisance property:** Any property where it is found that a party allows unsafe, 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.
11. **Owner:** The owner of record based on the County Assessor's record.
12. **Offending party:** A party who is determined by a County authorized representative to be responsible for a nuisance property.
13. **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 operates on a property within the County.
14. **Property:** Any real property, premises and/or structures or apparatus thereon.
15. **Unsafe, Unsightly, and Unsanitary conditions:** Conditions on any

property within the County that poses in any way a marked detrimental influence on the expected esthetics, safety and health of the neighboring area.

16. **Waters of the State:** Any water that enters any stream or standing body of water connected to the rivers and lakes within the State of Arkansas.

**SECTION 6. This Ordinance does not apply to:**

- (1) Land valued as agricultural property that is being farmed or otherwise used for agricultural purposes; or
- (2) A parcel of land larger than ten (10) acres if the unsanitary 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 Twenty Dollars (\$20) nor more than Five Hundred Dollars (\$500), 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.** 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 this 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.** This Ordinance shall be codified in the Garland County Code of Ordinances and the sections may be renumbered and relettered to accomplish such intention.

ATTEST: Tammy Lambert  
Tammy Lambert  
Garland County Clerk

APPROVED: Larry Williams  
Larry Williams  
Garland County Judge

SPONSOR: Larry Griffin  
Larry Griffin  
Justice of the Peace

SPONSOR: Darryl Mahoney  
Darryl Mahoney  
Justice of the Peace

SPONSOR: Sue Vaughn  
Sue Vaughn  
Justice of the Peace

SPONSOR: Bud West  
Bud West  
Justice of the Peace

DATE: 8/13/07