

ORDINANCE 2005-44

ORDINANCE 2002-76 IS HEREBY AMENDED AND REENACTED TO READ AS FOLLOWS:

AN ORDINANCE PROVIDING FOR THE CONDEMNATION AND REMOVAL OF HOUSES, BUILDINGS AND/ OR STRUCTURES CONSTITUTING A NUISANCE WITHIN THE LIMITS OF SALINE COUNTY, ARKANSAS; PROVIDING FOR A LIEN ON THE PROPERTY; PROVIDING A PENALTY THEREFORE, AND FOR OTHER PURPOSES.

WHEREAS, the Saline County Quorum Court has determined that it is in the best interest of the citizens of Saline County, Arkansas to adopt an ordinance regulating unsanitary conditions, and

WHEREAS, Act 1984 of 2005, codified as **Ark. Code Ann.**, Section 14-14-813 empowers counties to regulate unsanitary conditions, and

WHEREAS, Ark Code Ann., Section 14-17-206, et.seq. empowers counties through enactment of enabling ordinances pursuant to a county development plan, to provide for the safety, health, and welfare of citizens of the county,

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF SALINE COUNTY, 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 limits of Saline County, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the Saline County Quorum Court

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

SECTION 3. (a) That prior to the consideration of a Resolution by the Quorum Court of Saline County, Arkansas 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 Quorum Court of Saline County, Arkansas 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 Quorum Court of Saline County, Arkansas 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 Saline County Judge 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 for by law against unknown and/or nonresident defendant(s) may be had and an 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 Quorum Court of Saline County, Arkansas 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. If the house, building and/or 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 the Resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Saline County Judge or his duly designated representative.

SECTION 7. The Saline County Judge or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will ensure 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 have a substantial value, sell said house, building and/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 County, to ensure its removal and the abatement of the nuisance.

SECTION 8. 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 County 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

any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the Court, the Saline County Judge or other person or persons referred to in Section 6 of this ordinance will take such action as provided in Section 7 hereof, and Section 8 of this ordinance will be applicable to such owner(s). 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 12. 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 13. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 14. It deemed necessary for the smooth operation of Saline County Government that this ordinance be approved.

DATE: AUGUST 16, 2005

APPROVED: _____
LANNY FITE
SALINE COUNTY JUDGE

ATTEST: _____
FREDDY BURTON
SALINE COUNTY CLERK

SPONSOR: J. R. WALTERS
J. P. DIST #_12

RESOLUTION NO. 2006-17

A RESOLUTION OF THE SALINE COUNTY QUORUM COURT, STATE OF ARKANSAS, STATING THAT THE COURT CONTINUES TO SUPPORT ORDINANCE NO. 2004-34, "LITTER CONTROL" AND ORDINANCE NO. 2005-44, "CONDEMNATION AND REMOVAL OF HOUSES, BUILDINGS AND OR STRUCTURES CONSTITUTING A NUISANCE WITHIN THE LIMITS OF SALINE COUNTY, ARKANSAS" AND FURTHER SUPPORTS THE PROPER DISPOSAL OF SAID DEBRIS.

WHEREAS, Ordinance Number 2004-34 states that Act 883 of 1977 of the Arkansas State Legislature set out requirements and restrictions to accomplish the control of litter, inoperative household appliances and junk motor vehicles through the State by regulating their disposal; and

WHEREAS, Ordinance Number 2005-44 provides for the condemnation and removal of houses, buildings and or structures constituting a nuisance; and

WHEREAS, the Quorum Court hereby supports proof of the proper disposal of debris and supports the requirement of landfill receipts to show proof that after property has been cleaned up the debris has been disposed of properly; and

WHEREAS, a movement is underway to clean up our county and dispose of the debris properly with receipts from the landfill to provide our county residents with a clean and beautiful place to live.

NOW, THEREFORE, BE IT RESOLVED BY THE SALINE COUNTY QUORUM COURT, STATE OF ARKANSAS THAT;

We hereby support the proper disposal of debris and litter and support the elimination of illegal dumping within Saline County, Arkansas.

This Resolution adopted in regular session this 19th day of September, 2006.

APPROVED: _____
LANNY FITE, SALINE COUNTY JUDGE

ATTEST: _____
FREDDY BURTON
SALINE COUNTY CLERK

APPROVED: _____
LANNY FITE
SALINE COUNTY JUDGE

SPONSOR: J. R. WALTERS, J.P. DIST. #12