

**ORDINANCE # 318-16-2026**  
**(Amended 318-16 Dated 7-18-2016)**

**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE  
BY DEFINING AND PROHIBITING NUISANCES THAT INTERFERE WITH THE  
COMFORTABLE ENJOYMENT OF LIFE OR PROPERTY, WHILE PROVIDING  
CLEAR STANDARDS, ENFORCEMENT AUTHORITY, AND DUE PROCESS.**

**SECTION 1: Definitions.**

For purposes of this ordinance, the following terms shall apply:

Nuisance: Any act, condition, or use of property that unreasonably interferes with the health, safety, peace, comfort, or property of the public or neighboring persons.

Owner: Any person or entity holding legal or equitable title to property, including a contract purchaser or authorized agent.

Occupant: Any person in possession or control of property, whether or not the owner.

Public Place: Any area open to the public, including streets, sidewalks, parks, and rights-of-way.

Residential vs. Business Property: Business property is that property that is being used/owned by a person or persons having a licensed business. Residential property is all property/owned by a person or persons with a licensed business. Businesses are not included in the stipulations of this ordinance.

**SECTION 2: Prohibited Nuisances.**

The following are declared to be nuisances and are unlawful when allowed to exist:

Accumulations: The accumulation of waste of any kind, whether described as trash, garbage, refuse, junk, debris, whether solid or liquid, discarded appliances, building materials or inoperable vehicles in a manner that creates health hazards, fire risks, or visual blight.

Unsanitary Conditions: Conditions that promote the breeding of insects, rodents, or other pests, or that produce offensive odors.

Noise Disturbances: Unreasonable or excessive noise that disturbs the peace and quiet of neighboring properties, excluding lawful emergency or public activities.

Unsafe Structures: Buildings, fences, or structures that are dilapidated, unsecured, or pose a danger to persons or property.

Overgrown Vegetation: Grass, weeds, or vegetation exceeding a height that creates fire hazards, obstructs visibility, or harbors vermin.

Obstructions: Obstructing sidewalks, streets, alleys, or drainage ways so as to interfere with public use or water flow.

Animals: Keeping animals in a manner that creates excessive noise, odors, or unsanitary conditions.

Junk: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, and waste or junked, dismantled, or wrecked automobiles, or parts thereof, or iron, steel, and other old or scrap materials, ferrous or nonferrous.

### **SECTION 3. Responsibility.**

The owner and/or occupant of property upon which a nuisance exists shall be jointly and severally responsible for the abatement of the nuisance.

### **SECTION 4. Notice of Nuisance.**

- (a) When a nuisance is found to exist, the City shall provide written notice to the responsible party describing the condition and allowing a reasonable time, not less than ten (10) days, for correction. The written notice shall include the following:
- (1) A description of what constitutes the nuisance;
  - (2) The sections of the code that are alleged to have been violated;
  - (3) The location of the nuisance if the nuisance is stationary;
  - (4) An order to resolve the nuisance within a stated time, which shall be reasonable under the circumstance;
  - (5) A statement of acts necessary to resolve the nuisance;
  - (6) The time in which performance of any act is required;
  - (7) A statement that if the nuisance is not abated as directed within the time period therein specified, the city will abate such nuisance and assess the costs against such person; and
  - (8) A statement that no further notice or grace period will be given for any repeat alleged violation of the same subsection of this section within the remainder of the same calendar year.

In addition, the notice shall state that if such alleged violations are not voluntarily corrected within the stated time as set forth in the notice, the city, through its enforcement agencies, shall have the right to enter upon the property and to take all actions necessary to correct or eliminate the condition constituting the nuisance, charge the owner for the expenses incurred in doing so and obtain a lien for the same, and institute legal proceedings charging the owner with a violation of this article.

- (b) The owner or occupant of the property upon which such nuisance exists or the person causing or maintain the nuisance shall comply with an order to resolve contained in a notice of abatement within ten (10) calendar days of receipt of the notice. This deadline shall be calculated by counting the first day of the ten-day period as the day after the written notice is given, by counting every calendar day, including weekends and holidays, and by establishing the deadline to take the above required actions as 11:59 p.m. (Central time) on the tenth day.
- (c) Unless specifically stated otherwise, notice hereunder shall be provided by one (1) or more of the following methods:
- (1) Delivery to the owner, agent or responsible party, personally;

- (2) Regular and certified mail, return receipt requested, addressed to the owner's address of record on file with the applicable county treasurer, county collector, or county assessor; or
- (3) In case the owner of the real property is unknown, his/her whereabouts is not known, or he/she is a nonresident of this state, then by posting and keeping posted a copy of the notice in a conspicuous place on the premises alleged to be in violation.
- (d) Any notice required under this section may be issued a police officer or code enforcement officer employed by the City.
- (e) No further notice, warning, or grace period is required to be given for any alleged repeat violation of the same subsection of this section within the remainder of the same calendar year as a previous violation.
- (f) In cases of immediate danger to public health or safety, the City may resolve the nuisance without prior notice.

**SECTION 5. Abatement of Nuisance by City authorized; lien for abatement costs.**

If the nuisance is not abated within the time provided after a notice is provided or in the cases of immediate danger to public health or safety where prior notice is not required, the City may resolve the nuisance and recover the costs of abatement as permitted by law.

- (a) After having been given a notice of abatement as provided for in Section 4, if the owner of any owner of any property located within the city shall fail or refuse to remove, abate, or eliminate any condition as may be provided for under Section 4 within the time provided allowed therefore, then the city is hereby authorized to take such action as is necessary to correct or eliminate the condition, including entering upon the property, and charge the costs thereof, including all administrative and collection costs, to the owner of such premises.
- (b) After the work has been completed, the city shall provide notice to the owner of the total amount of the costs of abatement, including administrative and collections costs. This notice may be combined with the notice of hearing before the city council as set forth in Section 4.
- (c) The City shall have a lien against the property for the abatement costs, including all administrative and collection costs, pursuant to Ark. Code Ann. § 14-54-903(c)(1).
- (d) Any lien hereunder shall be filed with the circuit clerk no later than one hundred and twenty (120) days after the city completes the work on the property.
- (e) Any lien hereunder may be perfected and enforced as set forth in Section 4 and Ark. Code Ann. § 14-54-903 and § 14-54-904.

**SECTION 6. Perfection and enforcement of lien.**

- (a) The lien provided for in this article may be enforced and collected within ten (10) years after a lien has been filed in either one (1) of the following manners:
  - (1) By an action in foreclosure filed in the circuit court; or
  - (2) By placement of the lien amount (as determined and certified by the city council plus a ten (10) percent penalty for collection on the tax books for the property affected and collected accordingly, in which case the lien amount, less three (3) percent, shall be paid to the city by the county tax collector

- (b) The city may enforce the lien under this article as set forth in subsection (a)(2), as follows:
- (1) The amount of any lien shall be determined at a public hearing before the city council held after thirty (30) days' written notice by mail, return receipt requested, to the owners of the property and to the lienholders of record. If the name of the owners and/or lienholders cannot be determined or if the whereabouts his or her whereabouts are not known, then the city clerk shall make an affidavit setting out the facts as to such, an attorney ad litem shall be appointed to notify the owners or lienholders by certified letter addressed to his or her last known place of residence if it can be found, and the amount of the lien notice shall be provided by publication in a newspaper having a bona fide circulation in the county where the property is located for one (1) insertion per week for four (4) consecutive weeks.
  - (2) The determination of the city council confirming the amount of any lien is subject to appeal by the owner or by any lienholder of record in the circuit court, filed within forty-five (45) days after the determination is made. If the owner or lienholder fails to appeal in this time, the lien amount is fully perfected and not subject to further contest or appeal.
  - (3) The city shall file its lien with the circuit clerk no later than sixty (60) days after the city council confirms the lien amount, or if the lien is appealed, within sixty (60) days after the city wins on appeal.
- (c) In addition to the rights and remedies stated herein, the City reserves its rights under Ark. Code Ann. § 14-54-903 to seek first-priority status of any lien created and imposed under this article.

**SECTION 7. Penalties.**

- (a) Violation of the provisions of this article may be prosecuted by the issuance of a criminal information or by the issuance of a citation by a law enforcement officer.
- (b) Any violator of this article shall be guilty of a misdemeanor, and upon conviction the violator shall be punished by a fine of \$25.00 for the first offense and \$50.00 for any subsequent offense, plus court costs.
- (c) Each day a nuisance remains uncorrected after notice shall constitute a separate offense.
- (d) The penalty set forth above shall be in addition to any lien as provided for in this article.

**SECTION 8. Severability.**

If any section or provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions.

**SECTION 9. Effective Date.**

This ordinance shall take effect and be in force from and after its approval, passage, and publication.

PASSED AND APPROVED this 18 day of May 2026.



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Harry Brown – Mayor

Attest:

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Marlene Fulkroad - Recorder/Treasurer