

ORDINANCE NO. 2008-05

AN ORDINANCE PROVIDING FOR THE REMOVAL OR RAZING OF BUILDINGS WITHIN THE CITY LIMITS OF CHEROKEE VILLAGE, ARKANSAS, THAT ARE DILAPIDATED, UNSIGHTLY, UNSAFE, UNSANITARY, OBNOXIOUS OR DETRIMENTAL TO THE PUBLIC WELFARE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, SHARP AND FULTON COUNTIES, ARKANSAS, THAT:

SECTION 1: Unsafe Buildings and Property Nuisances

(A) No person or persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep, or maintain any house or building within the corporate limits of the city which has become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare.

(B) Property nuisances. It is unlawful for any person having charge or possession of any property to maintain it in such a manner that it is determined by the City, after a due process hearing, that a property nuisance exists upon such property. A property nuisance shall exist whenever any of the following findings are made by the City Council after a public, due process hearing:

- (1) The condition of the property endangers the life, health, safety, or welfare of the public or occupants of the property.
- (2) The condition of the property is so dilapidated as to cause a diminution of the enjoyment, use, or property values of neighboring properties.
- (3) The condition of the property is detrimental to the public health, safety, and general welfare.
- (4) Unoccupied. Buildings or structures not properly secured, locked, or closed.
- (5) Unfinished. Buildings or structures that are unfinished.
- (6) Inadequate sanitation, light, or ventilation. Occupied buildings or structures that lack hot and cold running water to plumbing fixtures or lack the minimum amounts of natural light and ventilation as required by the building code.
- (7) Structural hazards. Buildings or structures that have such defective, deteriorated or inadequate foundations; flooring and/or floor support; wall, partition, or other vertical support; ceiling, roof, or other horizontal support; fireplace or chimney as to result in unsafe conditions.
- (8) Inadequate or hazardous wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
- (9) Inadequate or faulty plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections.
- (10) Inadequate Means of Egress. All means of egress and related components except that which conformed to all applicable laws in effect at the time of installations and which has been maintained in good condition.

(11) Dilapidated Exterior. Dilapidated roof coverings; dilapidated or unfinished exterior wall coverings; broken or missing doors and/or windows.

(C) Abatement procedures for Unsafe Buildings and Property Nuisances; raze and removal and lien authorized.

(1) City Prosecution Authorized. The rules and procedures adopted by the City for the abatement of Unsafe Buildings and Property Nuisances should be followed. If the results of such efforts are unsatisfactory, the Planning and Zoning Code enforcement officer may forward the matter for prosecution to the City Attorney and/or to the City Council for consideration of a raze and removal resolution.

(2) City Council determination whether property nuisance exists. Upon referral from the Planning and Zoning Code enforcement officer, the City Council shall hold a public hearing to determine whether the subject building is a property nuisance for any of the reasons specified in this ordinance or is otherwise unsafe, dilapidated, and unsanitary or a detriment to the public welfare.

(3) Raze and removal order. Upon the City Council's determination that the subject building is so unsafe, dilapidated, or unsanitary or such a nuisance that its raze and removal is necessary to protect the public health, safety, or welfare, the City Council shall by Resolution order the owner of the building to completely abate said nuisance or to raze and remove the unsafe or nuisance building within not less than 30 days.

(4) Lien on the property. If the owner fails to comply with the Resolution to completely abate this nuisance or to raze and remove the unsafe or nuisance building within the allowed period, the City has the power to raze and remove the unsafe or nuisance building. If the City razes and removes the unsafe or nuisance building, the City Council shall hold a public hearing to determine the fair and true costs to the City for this raze and removal and shall place a lien in that amount upon the subject property to be enforced pursuant to any appropriate and available lien enforcement procedures.

SECTION 2: SEVERABILITY. If any section of this ordinance is held to be invalid, that part shall be deemed severable and the invalidity thereof shall not affect the remaining sections of the ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
CHEROKEE VILLAGE, ARKANSAS

DATE July 17, 2008

APPROVED: Lloyd Heffley  
Lloyd Heffley, Mayor

ATTEST: Phyllis Endrihs  
Phyllis Endrihs, Clerk/Treasurer