

ORDINANCE NO. 15-12

AN ORDINANCE PROVIDING FOR A CLEAN-UP LIEN FOR THE CITY OF GRAVETTE AND ITS ENFORCEMENT AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAVETTE, ARKANSAS.

Section 1: That pursuant to Ark. Code Ann. § 14-54-901, the City is empowered to order the owner of lots and other real property within the City to cut weeds, remove garbage, rubbish, and other unsightly and unsanitary articles and things upon the property; and also to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitos, flies, and germs harmful to the health of the community.

Section 2: If the owner or lienholder of any lot or other real property within the City neglects or refuses to remove, abate, or eliminate any condition specified in Section 1 of this ordinance, after having been given seven (7) days' notice in writing to do so, then the City of Gravette may do whatever is necessary to correct the condition and to charge the cost thereof to the owner of the lots or other real property. Notice should be sent to the owner's address of record with the applicable county treasurer or collector. Notices should be sent by both regular mail and by certified mail, return receipt requested. Notice may be sent by the City Recorder, City Clerk, or such other person as designated by the City Council.

Section 3: After the work has been completed, the City shall send a second notice to the owner of the total amount of the clean-up lien, including administrative and filing costs. Notice of the amount of the clean-up lien may be combined with the notice of the hearing before the City Council to create and impose the clean-up lien.

Section 4: The amount of the clean-up lien shall be determined at a public hearing before the City Council after 30 days' written notice by certified mail, return receipt requested, to the property owner if the name and address of the owner are known to the lienholders of record.

Section 5: If the name or address of the owner cannot be determined, the City Recorder or City Clerk shall make an affidavit setting out the facts as to the unknown address or whereabouts of the owner. A copy of the notice of hearing shall be posted upon the premises. An attorney ad litem shall be appointed to notify the owner by certified letter addressed to his or her last known place of residence if it can be found. Also, notice of the hearing shall be published in a newspaper having a bona fide circulation in Benton County for 1 insertion per week for 4 consecutive weeks. After these conditions have been met, the amount of the clean-up lien can be determined at a public hearing before the City Council.

Section 6: The City of Gravette shall have a lien against the property for the costs, including all administrative and collection costs, provided that the City shall file with the Circuit Clerk of Benton County its lien within 120 days after the City completes the clean-up work on the property. Also, the City shall file its lien with the Benton County Circuit Clerk no later than 60 days after the City Council confirms the lien amount, or if the lien is appealed by the owner or lienholder to Circuit Court, within 60 days after the City wins on appeal.

Section 7: The City's clean-up lien may be enforced at any time within 10 years after the lien has been filed in either one of the following manners: (1) by an action of foreclosure in the Circuit Court filed by the City or (2) the amount so determined by the hearing plus ten percent (10%) penalty for collection, shall be certified by the City Council to the Benton County Tax Collector and placed by him or her on the tax books as delinquent taxes and collected accordingly. The amount, less three percent (3%) thereof, when so collected shall be paid to the City of Gravette by the Benton County Tax Collector.

Section 8. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Emergency Clause. That this Ordinance is necessary for the safety and welfare of the City, an emergency is declared to exist and that this Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED THIS 23rd DAY OF April, 2015

APPROVED 
MAYOR

ATTEST 
CITY RECORDER