ORDINANCE NO. 2014-_02_

AN ORDINANCE AMENDING CHAPTER 11.12 OF THE ATKINS MUNICIPAL CODE PERTAINING TO CONDEMNED STRUCTURES AND FOR OTHER PURPOSES

WHEREAS, there are existing structures located in the City of Atkins that appear to have become dilapidated, unsightly, unsafe, unsanitary, obnoxious or detrimental to the public welfare that therefore need to be removed or rehabilitated.

WHEREAS, Chapter 11.12 of the Atkins Municipal Code pertaining to the removal of such structures should be amended before any such action is undertaken by the city council, concerning the reasons for such action, the procedures to be followed by the City Council and the notice to be provided to the owners of such property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATKINS, ARKANSAS:

Section 1

Section 11.12.01 Unlawful of the Atkins Municipal Code shall be amended to read as follows:

11.12.01 Unlawful It shall be unlawful for any person or entity to own any house, building or structure in the City of Atkins which in the opinion of the council has become dilapidated, unsightly, unsafe, unsanitary, obnoxious or detrimental to the public welfare and has been declared to be a nuisance by resolution of the City Council.

Section 2

Section 11.12.02. Condemnation Required of the Atkins Municipal Code shall be amended to read as follows:

11.12.02 Condemnation Any such house, building or structure declared to be a nuisance by resolution of the City Council will be condemned to insure the removal or abatement of the nuisance as

FILED
Brenda Graves, City Clerk
City of Atkins
SEAL
Date: 11-11-14

hereinafter provided.

Section 3

Section 11.12.03, Resolution Condemning of the Atkins Municipal Code shall be amended to read as follows:

11.12.03 Resolution. The Resolution condemning any such house, building or structure shall contain an adequate description and location of such structure, the name and address of the owner, and the reasons such structure has been condemned.

Section 4

Section 11.12.04, Notice of the Atkins Municipal Code shall be amended to read as follows:

11.12.04 Engineering Services. Prior to the City Council adopting a resolution condemning a structure for any of the reasons stated hereinabove, the City Council shall authorize the Mayor to enter into a contract with an engineer for the purpose of employing the engineer to evaluate the subject house, building or structure to assist the Council in determining whether or not the subject structure should be condemned and therefore removed.

Section 5

Section 11.12.05, Removal of the Atkins Municipal Code shall be amended to read as follows:

11.12.05 Notice to Owner. Promptly after a house, building or structure has been declared to be a nuisance and condemned by resolution of the City Council a copy of the Resolution will be mailed by certified mail to the owner of the structure and a copy of the Resolution shall be posted in a conspicuous place on the house, building or structure advising the owner that the owner has thirty (30) days from the date of passing of the Resolution to remove or rehabilitate the offending structure subject to the terms of the City Council or the structure will be removed, razed, or destroyed by the City of Atkins.

Section 6

Section 11.12.06, Duties of Building Inspector of the Atkins Municipal Code shall be amended to

read as follows:

11.12.06 Alternate Service. In the event the City is unable to serve notice on the owner by certified mail the City may, but is not required, to serve notice on the owner by any alternate method of service as provided in Rule 4 of the Arkansas Rules of Civil Procedure pertaining to service of a Summons and Complaint on a Defendant in a Civil Case.

Section 7

Section 11.12.07, Proceeds of Sale of the Atkins Municipal Code shall be amended to read as follows:

11.12.07 Removal of the Structure by the City of Atkins. In the event the property owner has not rehabilitated the property or removed the property within the time period as allowed as provided for above the Mayor and the City Council shall take whatever steps deemed necessary to have the offending structure removed and the lot restored to a sanitary condition. Before removal of the structure the Mayor shall employ a qualified inspector to conduct an asbestos survey on the structure and, if necessary, employ a contractor to remove any existing asbestos in the structure. Thereafter the City, unless it uses its own employees to remove the structure, shall advertise for bids to remove the structure and restore the property to a sanitary condition.

The City reserves the right to accept or reject any bids submitted for the removal of any asbestos and for the removal of the offending structure.

Section 8

Section 11.12.08, Enforcement of Lien of the Atkins Municipal Code shall be amended to read as follows:

11.12.08.: Sale of building materials or contents. In the event any building material or contents may be sold either before or after demolition all of the proceeds of the sale shall be paid to the City and shall be applied toward any costs incurred by the City of Atkins concerning any inspections or removal of

the offending property. Any remainder shall be returned to the owner of the property.

Section 9

Section 11.12.09. Penalty of the Atkins Municipal Code shall be amended to read as follows:

Section 11.12.09.: Lien. In the event the City of Atkins incurs any net costs as a result of the removal of the structure the City shall have a lien on the property as provided by Ark. Code. Ann. Section 14-54-904. Said lien may be collected in the matter described therein either in the Circuit Court or by placing a lien on the tax records with the Pope County Tax Collector.

Section 10

Section 11.12.10. Judicial Condemnation of the Atkins Municipal Code shall be amended to read as follows:

11.12.10: Emergency Clause. This ordinance being necessary for the public peace, health and safety of the citizens of Atkins, an emergency is declared and this Ordinance shall become effective immediately upon its passage and approval.

This Ordinance PASSED on this 11th day of November, 2014.

THE CITY OF ATKINS

BY _____
JERRY DON BARRETT, MAYOR

_____
BRENDA GRAVES, CITY CLERK

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