

AN ORDINANCE PROVIDING FOR THE CONDEMNATION AND REMOVAL OF HOUSES, BUILDINGS, TRAILERS, MOBILE HOMES, **MANUFACTURED HOUSES, STORAGE BUILDINGS**, AND/OR OTHER STRUCTURES CONSTITUTING A NUISANCE WITHIN THE CORPORATE LIMITES OF DIAMOND CITY, ARKANSAS; PROVIDING A PENALTY FOR VIOLATION, AND FOR OTHER PURPOSES:

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF DIAMOND CITY, ARKANSAS:

SECTION ONE (1). That it shall be and hereby declared to be unlawful for any person or persons, partnerships, corporation or association to own, keep or maintain any house, building and/or structure within the corporate limits of the City of Diamond City, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the Council.

SECTION TWO (2). That any such house, building, trailer, mobile home, **manufactured house, storage building** and/or structure **otherwise herein known as the "structure"** which is found and declared to be a nuisance by Resolution of the City Council will be condemned to insure the removal thereof as herein provided.

SECTION THREE (3). That the Resolution of the City Council condemning any house, building, trailer, mobile home, **manufactured house, storage building** and/or structure, which constitutes a nuisance will include in said resolution an adequate description of the house, building, trailer, mobile home, manufactured house, storage building and/or structure; the name or names, if known, or the owner or owners thereof: and shall set forth the reason or reasons said house, building, trailer, mobile home, manufactured house, storage building and/or structure is or has been condemned as a nuisance.

SECTION FOUR (4). After a house, building, trailer, mobile home, manufactured house, storage building and/or structure has been found 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 or owners thereof. If the whereabouts of said owner or owners of said **"structure"** be unknown or if their whereabouts or last address be unknown, the public posting of the said Resolution as herein above provided will suffice as notice.

SECTION FIVE (5). If the **"structure"** constituting a nuisance has not been torn down, removed or repaired or said nuisance otherwise abated, within 30 days after posting the copy of the Resolution at a conspicuous place on the **"structure"**, as afore stated, then the said **"structure"** constituting the nuisance maybe torn down, removed or repaired by such person or persons as shall be designated by **the Mayor** or City Council.

SECTION SIX (6). Any person or persons designated by the City Council or Mayor to tear down and remove any such "**structure**" constituting a nuisance will insure 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 the said "**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 newspapers having a general circulation in the city, to insure its removal and the abatement of the nuisance.

SECTION SEVEN (7). All the proceeds of the sale of said "**structure**" or the proceeds of the saleable materials there from and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Treasurer. If any such "**structure**" or the saleable materials thereof, be sold for an amount which exceeds all the costs incidental to the abatement of the nuisance (including the cleaning up of the proceeding by the city, plus any fine or fines imposed, the balance thereof will be returned to the City Treasurer to the former owner or owners of such "**structure**".

SECTION EIGHT (8). A fine of **Fifty Dollars (\$50.00)** is hereby imposed against the owner or owners of said "**structure**" found and declared to be a nuisance by Resolution of the City Council thirty days (30) after the same has been so found and declared to be a nuisance and for each day there after the said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of **Fifty Dollars (\$50)** for each said separate and distinct offense, provided the notice as herein provided in SECTION 4 hereof has been within ten (10) days after said "**structure**" has been by Resolution found and declared to be a nuisance.

SECTION NINE (9). In the event it is deemed advisable by the City Council that a particular "**structure**" be judicially declared to be a nuisance by a court having jurisdiction of such matter the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the City, and the only notice to be given to the owner or owners of any such "**structure**" sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Chancery Court. When any such "**structure**" has been declared judicially to be a nuisance by a court of competent jurisdiction a fine of **Fifty (\$50) Dollars** is hereby imposed against the owner or owners thereof from the date said findings are made by the Court and for each day thereafter said nuisance not be abated constitutes a separate and distinct offense punishable by a fine of **Fifty (\$50) Dollars** for each separate and distinct offense. In the event the owner or owners of any such "**structure**" judicially found to be a nuisance fails or refuses to abide by the orders of the Court, the person or person referred to in Section 5 of this ordinance will take such action as provided in Section 6 hereof, and Section 7 of this ordinance will be applicable to such owner or owners. 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 TEN (10). If, for any reason, any portion of this ordinance held to be invalid, such invalidity shall in no wise affect the remaining portions thereof which are valid, but such valid portions shall be and remain in full force and effect.

SECTION ELEVEN (11). All ordinances or parts of ordinances in conflict herewith are hereby repealed.


Adopted: this 17 day of May, 2004 with a roll call vote of 4  
Ayes, 0 nays, 1 presents, and 1 abstentions.

City of Diamond City, Arkansas

Approved: 

Troy J. Burleson  
MAYOR

ATTEST:



Sandra J. Beaver  
RECORDER/TREASURER