

ORDINANCE NO 2026-1

CITY OF ROCKPORT, ARKANSAS

AN ORDINANCE PROVIDING FOR THE CONDEMNATION AND REMOVAL OF HOUSES, BUILDINGS AND/OR STRUCTURES CONSTITUTING A NUISANCE WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKPORT, ARKANSAS; AND FOR THE CUTTING OF WEEDS, TALL GRASS, GARBAGE, AND REFUSE AND UNSIGHTLY OR UNSSANITARY THINGS; PROVIDING FOR A LIEN ON THE PROPERTY; PROVING A PENALTY THEIRFOR, AND FOR OTHER PURPOSES.

WHEREAS, the City of Rockport presently regulates the maintenance of property and the abatement of nuisances through several ordinances and code sections, and

WHEREAS some ordinances and code sections are not current with changes in Arkansas law and regulations and not comprehensive or effective to cover the needs of continuing development within the City of Rockport; and

WHEREAS reasonable and enforceable regulations of nuisance abatement benefit public health, safety and welfare and enhance the value of the properties so regulated; and

WHEREAS the City Council of the City of Rockport finds that it is in the best interests of the citizens of the City of Rockport that these abatement regulations are enacted.

NOW, THEREFORE, BE HEREBY ORDAINED by the City Council of the City of Rockport, Arkansas:

Section 1. That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own , keep or maintain any house, building and /or structure within the corporate limits of the City of Rockport, Arkansas which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council as to maintain high weeds and tall grass, garbage, refuse and other unsightly or unsanitary conditions on their property.

Condemnation of Housing, Building or Structure.

Section 2. That any such house, building and/or structure which is found and declared to be a nuisance by Resolution of the City Council will be condemned to ensure the removal thereof as herein provided.

Section 3. A. That prior to the consideration of a Resolution by the City Council declaring any/or structure as a nuisance, the owner(s) and any mortgagee(s) or lienholder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said Resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lienholder(s), of the right to be heard at the City Council meeting on the proposed Resolution declaring such house, building and /or structure to be a nuisance.

B. Should the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown, or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the Mayor or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s), mortgagee(s), and lienholder(s) . Thereupon, service of publication as now provided by law against unknown and/or non-resident defendant(s) may be had, and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business.

Section 4. That the Resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said Resolution an adequate description of the house, building and/or structure; the name(s), if known, of the owner(s) and mortgagee(s) and/or lienholder(s) thereof; and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.

Section 5. After a house, building and/or structure has been found and declared 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(s) and mortgagee(s) and/or lienholder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lienholder(s) thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner(s) and mortgagee(s) and/or lienholder(s) of said house, building and/or structure be unknown, or of his or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice of the condemnation.

Section 6. If the house, building and/or structure constituting a nuisance has not been torn down or removed, or said nuisance otherwise abated within thirty (30) days after posting the true copy of the Resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it can be torn down and/or removed by the Building Inspector or his duly- designated representative.

Section 7. The Building Inspector or any other person or persons designated by him to tear down and remove any such house, building and/or 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 said house, building and /or structure, or any saleable materials thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the City, to insure its removal and the abatement of the nuisance.

Section 8. All proceeds from the sale of any such house, building and/or structure or the proceeds of the saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Treasure. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement (including the cleaning up of the premises) by the City, plus any fines imposed, the balance thereof will be returned by the City treasure to the former owner or owners of such house, building and/or structure constituting the nuisance.

Section 9. If the City has any net costs in removal of any house, building and/or structure, the City shall have a lien on the property as provide by A. C. A. 14-54-54-904.

Section 10. A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance, and for each day thereafter said nuisance be not abated constitutes a continuing offense punishable by a fine up to Five Hundred Dollars (500.00) per day; provided the notice as herein provided in Section 5 hereof has been given within ten (10) days after said house, building and/or structure has been by Resolution found and declared to be a nuisance.

Section 11. In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters, 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(s) and mortgagee(s) and/or lienholder(s) of such house, building and/or 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 Circuit Court. When any such house, building and/or structure has been declared to be a nuisance by a Court of competent jurisdiction,

a fine to One Thousand Dollars (\$1,000.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the court and for each day thereafter, said nuisance be not abated constitutes a continuing offense punishable by a fine up to Five Hundred Dollars (\$500.00) per day.

Properties to be Kept Free of Weeds, Tall Grass, Garbage, and refuse.

Section 12. All vacant property owners within the City of Rockport, Arkansas are hereby required to cut weeds and grass. All property owners within the City are required to remove garbage, rubbish and other unsanitary and unsightly articles and things from their property, and to eliminate, fill up or remove stagnate pools of water or any other unsanitary things, place or condition which might become a breeding place for rodents, mosquitoes, flies and germs harmful to the health of the community. Grass and weeds from pastures and woods are excluded.

Section 13. If the owner or owners of any lot or other real property within the City of Rockport, after the given seven (7) days' notice in writing by the Mayor, Code Enforcement Officer or the Mayor's designee, shall refuse or neglect to perform the duties in connection with his or their property specified in Section 12 hereof, the Mayor, Code Enforcement Officer or the Mayor's designee is hereby authorized to enter upon the property and have said weeds, rank grass other vegetation cut and removed, or eliminate any unsanitary and unsightly condition, and the cost thereof shall be charged against said premises and shall constitute a lien thereof.

Section 14. In case the owner of any lot or other real property is unknown or his whereabouts is not know or is a non-resident of this State, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the Mayor, Code Enforcement Officer or the Mayor's designee shall make an affidavit setting out the facts as to unknown address or whereabouts of non-residents, an thereupon service of publication as now provided by law against non-resident defendants may be had and an attorney ad litem shall be appointed to notify the defendant by registered letter addresses to him the last known place of residence if same and can be found.

Section 15. No property owner, or person is prohibited from disposing of Solid waste at any site not permitted by the division of environmental quality. This includes abandoning undesirable material, like renovation scrap sitting on private property without proper containment.

Commercial VS Personal. If the remodel is part of a commercial Enterprise (e.g. A flip or rental business), dumping debris incorrectly is classified as commercial littering and is a Class A Misdemeanor, punishable by fine up to Ten Thousand Dollars (10,000.00).

Burning Bans. It is illegal to burn lumber or any construction/demolition at site in Arkansas. The only exception is using small amounts of untreated wood for a warmth during cold weather.

No Dumping or abandon trash, rubbish, scrap lumber, or refuse on any property in the City of Rockport, Arkansas. The disposal of these materials creates a public/private nuisance, a health hazard, or involving “ open dumping”. Remodel debris, construction and demolition waste must be taken to a landfill or a permitted transfer station,

Section 16. The Rockport Police will be in charge of Code Enforcement and will be responsible for issuing any citations for failure of non- compliance of this ordinance.

Section 17. Enforcement of this ordinance shall be provided in Ark. Ann. 14-54-903 and 14-54-904.

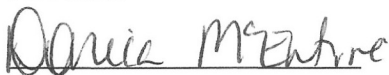
Section 18. No property owner shall prohibit any City of Rockport Employee, Code Enforcement Officer or City Council Member from entering onto their property to investigate a possible code violation.

Section 19. If for any reason, any portion of this ordinance be held to be invalid, such invalidity shall in no way affect the remaining portions thereof which are valid, but said valid portions shall be and remain in full force and effect.

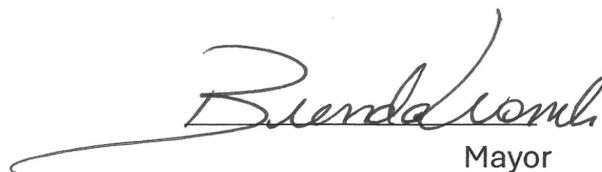
Section 20. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED, this 26th day of May 2026.

ATTEST:



Clerk



Mayor