

Act 239 of the 1989 Regular Session.

Act 239

HB1016

By: Representative Flanagin

"AN ACT TO AMEND ARKANSAS CODE 14-54-903 TO PROVIDE THAT WHEN AN OWNER OF REAL PROPERTY WITHIN A MUNICIPALITY NEGLECTS OR REFUSES TO ELIMINATE UNSIGHTLY OR UNSANITARY CONDITIONS ON THE PROPERTY WITHIN SEVEN DAYS AFTER RECEIVING WRITTEN NOTICE FROM THE MUNICIPALITY TO DO SO, THE MUNICIPALITY MAY ELIMINATE THOSE CONDITIONS AND CHARGE THE COST THEREOF TO THE OWNER; TO AMEND ARKANSAS CODE 14-54-902 TO PROVIDE THAT NOTICES TO ELIMINATE UNSIGHTLY OR UNSANITARY CONDITIONS SHALL BE PUBLISHED, MAILED OR DELIVERED BY THE CLERK OR RECORDER OF THE MUNICIPALITY OR ANY OTHER PERSON DESIGNATED BY THE GOVERNING BODY OF THE MUNICIPALITY; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Subsection (a) Arkansas Code 14-54-903 is hereby amended to read as follows:

"(a) If the owner of any lot or other real property within an incorporated town or city shall neglect or refuse to remove, abate, or eliminate any condition as may be provided for under an ordinance passed by the city or town as provided for in 14-54-901, after having been given seven (7) days' notice in writing to do so, then the town or city is authorized to do whatever is necessary to correct the condition and to charge the cost thereof to the owner of the lots or other real property."

SECTION 2. Arkansas Code 14-54-902 is hereby amended to read as follows:

"14-54-902. Notice to unknown or nonresident owners. (a) In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a nonresident of this state, then a copy of the written notice referred to in 14-54-903 shall be posted upon the premises. Before any action to enforce the lien shall be had, the recorder of the town or the city clerk shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents.

(b) Thereupon, service of the publication, as provided for by law against nonresident defendants, may be had. An attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if it can be found.

(c) Except as provided in subsection (b) of this section, notices required by this subchapter shall be published, mailed or delivered by the municipal recorder or clerk or such other person as designated by the governing body of the municipality."

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

APPROVED: February 24, 1989

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