

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 583

4
5 By: Senator Baker
6 By: Representative Scroggin

For An Act To Be Entitled

10 AN ACT TO AUTHORIZE COUNTIES TO REGULATE
11 UNSANITARY CONDITIONS; AND FOR OTHER PURPOSES.

Subtitle

14 AN ACT TO AUTHORIZE COUNTIES TO REGULATE
15 UNSANITARY CONDITIONS.

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Arkansas Code Title 14, Chapter 14, Subchapter 8 is amended
21 to add an additional section to read as follows:

22 14-14-813. Authority to regulate unsanitary conditions.

23 (a) To the extent that it is not inconsistent with the powers
24 exercised by incorporated towns and cities of the first class and cities of
25 the second class under §§ 14-54-901 – 15-54-904, counties are empowered to
26 order the owner of real property within the county to:

27 (1) Cut weeds and remove garbage, rubbish, and other unsightly
28 and unsanitary articles and things upon property situated in the county; and

29 (2) Eliminate, fill up, or remove stagnant pools of water or any
30 other unsanitary thing, place, or condition that might become a breeding
31 place for mosquitoes, flies, and germs harmful to the health of the
32 community.

33 (b) A copy of the order issued under subsection (a) of this section
34 shall be:

35 (1) Posted upon the property; and

36 (2)(A) Mailed to the last known address of the property owner by



1 the county clerk or other person designated by the quorum court; or

2 (B) Published the order in accordance with § 14-14-104 if
3 there is no last known address for the property owner.

4 (c)(1) If the property owner has not complied with the order within
5 seven (7) days after notice was given in accordance with subsection (b) of
6 this section, the county may:

7 (A)(i) Take any necessary corrective actions, including
8 repairs, to bring the property into compliance with the order; or

9 (ii) Remove or raze any structure ordered by the
10 county to be removed or razed; and

11 (B) Charge the cost of any actions under subdivision
12 (c)(1)(A) of this section to the owner of the real property.

13 (2) The county shall have a lien against the property for any
14 unpaid cost incurred under subdivision (c)(1) of this section in addition to
15 interest at the maximum legal rate.

16 (d) In all successful suits brought to enforce liens granted under
17 this section, the county shall be reimbursed its costs, including title
18 search fees and a reasonable attorney's fee.

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