

RESOLUTION 18-03

FILED
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Be it resolved by the Quorum Court of Faulkner County, State of Arkansas: A Resolution encouraging the State Legislature to amend county sanitation provisions.

WHEREAS, the Faulkner County Quorum Court recognizes a problem with the regulation of unsanitary properties in the unincorporated areas of the county; and

WHEREAS, the state laws that enable counties and municipalities to regulate unsanitary conditions provide a different, and more effective, procedure for municipalities than for county governments, as shown below:

County (A.C.A. 14-14-813)

- (c) (1) If the property owner has not complied with the order within thirty (30) days after notice is given in accordance with subsection (b) of this section, the county may:
- (A)
- (i) Take any necessary corrective actions, including repairs, to bring the property into compliance with the order; or
 - (ii) Remove or raze any structure ordered by the county to be removed or razed; and
- (B) Charge the cost of any actions under subdivision (c)(1)(A) of this section to the owner of the real property.
- (2) The county shall have a lien against the property for any unpaid cost incurred under subdivision (c)(1) of this section in addition to interest at the maximum legal rate.
- (d) In all successful suits brought to enforce liens granted under this section, the county shall be reimbursed its costs, including title search fees and a reasonable attorney's fee.

Municipal (A.C.A. 14-54-904)

- (a) The liens provided for in [§ 14-54-903](#) may be enforced and collected at any time within ten (10) years after a lien has been filed in either one (1) of the following manners:
- (1) By an action for foreclosure in the circuit court by the city or town, or if the city or town has established a land bank, by a land bank that has been assigned the lien; or
- (2)
- (A) The amount so determined at the hearing, plus ten percent (10%) penalty for collection, shall be certified by the governing body of the municipality to the tax collector of the county where the municipality is located and placed by him or her on the tax books as delinquent taxes and collected accordingly.
- (B) The amount, less three percent (3%) thereof, when so collected shall be paid to the municipality by the county tax collector.

WHEREAS, the above mentioned statute governing county procedure should be amended to match municipal procedure, thus enabling counties to more effectively regulate unsanitary conditions ; and

NOW, THEREFORE BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF FAULKNER, STATE OF ARKANSAS, THAT THE ARKANSAS STATE LEGISLATURE IS URGED AND ENCOURAGED TO AMEND STATE LAW TO ENABLE COUNTIES TO MORE EFFECTIVLY REGULATE UNSANITARY CONDITIONS.

Dated: July ²³17, 2018

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Attest: Margaret Darter
Margaret Darter
Quorum Court Secretariat
Faulkner County, AR

Affirm: Jim Baker
Jim Baker
Faulkner County Judge
Faulkner County, AR