



STATE OF ARKANSAS
City of Brookland

ORDINANCE NO. 2025-14

AN ORDINANCE DECLARING IT UNLAWFUL FOR ANY PERSON, PERSONS, FIRM, COMPANY OR CORPORATION TO MOVE ANY BUILDINGS, EXCEPT AND EXCLUDING NEW MANUFACTURED BUILDINGS, NEW MANUFACTURED HOMES, AND NEW MODULAR TYPE HOMES, IN THE CITY OF BROOKLAND FROM ONE LOT OR PIECE OF PROPERTY TO ANOTHER, OR FROM ONE PLACE TO ANOTHER ON THE SAME LOT, OR FROM OUTSIDE THE CITY OF BROOKLAND INTO THE CITY OF BROOKLAND, WITHOUT FIRST SECURING A PERMIT TO DO SO FROM THE CITY OF BROOKLAND. FOR THE PURPOSES OF THIS ORDINANCE, THE WORD “NEW” SHALL MEAN A BUILDING THAT HAS NEVER BEEN OCCUPIED FOR ANY PURPOSE.

WHEREAS there are no current city ordinances which regulate the movement of buildings in the City of Brookland, and,

WHEREAS reasonable regulations are needed for the moving of new buildings through the City of Brookland, as it is necessary to protect the public health, safety, and welfare of its citizens.

NOW, THEREFORE, BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKLAND, ARKANSAS, THAT:

SECTION 1: Title. This Ordinance shall be referred to as “The City of Brookland Moving of Buildings Ordinance.”

SECTION 2: Permit required. It is hereby declared unlawful for any person, persons, firm, company or corporation to move any buildings, except and excluding new manufactured buildings, new manufactured homes, and new modular type buildings, in the City of Brookland from one lot or piece of property to another, or from one place to another on the same lot, or from outside the City of Brookland into the City of Brookland, without first securing a permit to do so from the City of Brookland.

SECTION 3: Applications. All applications for a relocation permit to move any building shall be made in writing to the Planning Commission and City Inspector of the City of Brookland on a form furnished by the City Inspector, and shall contain the following information:

- A. Description of the type of building to be moved.
- B. Present location of building (**address**)
- C. Proposed location of building (**address**)



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- D. Photographs of the building or structure to be moved and photographs of the building on the properties contiguous with the premises onto which the building or structure is to be moved
- E. Such other information may reasonably be required in order to carry out the purposes of this ordinance

SECTION 4: Fees. Before any application for a relocation permit is accepted, an application fee shall be paid by the applicant to the City of Brookland to cover the cost of investigation and inspection. The application fee shall be \$200.00 for each mile the structure travels within the corporate limits of the city on the route designated by the Brookland Police Department. Partial miles will be measured to the nearest tenth of a mile and the permit fee prorated accordingly. This application fee shall be in addition to all other fees required by the ordinances of the City of Brookland. Upon acceptance of any applications for a relocation permit, the City Inspector will cause to be inspected the building or structure proposed to be moved, the district into which the building to be moved, and the premises onto which the building or structure is to be moved.

SECTION 5: Notice of Hearing. The City Inspector shall cause to be posted **fifteen** days prior to the date on which application for a permit is to be heard, a notice, in a conspicuous place upon the property to which said building is to be moved, which said notice shall contain the following:

- A. The date on which the Planning Commission of the City of Brookland shall hold a hearing on the application for a permit to move a building
- B. Description of the type of building to be moved
- C. Present location of building to be moved
- D. Proposed location of building to be moved

SECTION 6: Hearing. At the time fixed in said notices to be posted as aforesaid, any person may appear before the Planning Commission of the City of Brookland and make objections to the granting of said permit. After hearing the application and all objections, if any, to such application for a permit, the Planning Commission of the City of Brookland shall forward to the City Council of the City of Brookland the original application and the Planning Commission's findings recommending the approval or disapproval of the application. The hearing on said application may be continued from time to time at least at said Planning Commission's discretion. On receipt of said recommendation, the City Council of the City of Brookland may in its discretion either grant or deny the application for a permit and may attach any conditions to said permit deemed necessary by the said City Council.

SECTION 7: Permits; conditions. No permit shall be issued to relocate any building or structure which is constructed or in such condition as to be dangerous or which is unsanitary; or which, if it be a dwelling or habitation, is unfit for human habitation; or which is so dilapidated, defective, unsightly or in such condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district into which the building is to be relocated; or if the proposed use is prohibited by any ordinance of the City of Brookland or by any other law or statute; provided, however, that if the conditions of the

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building or structure in the judgment of the Planning Commission are capable of practicable and effective repair, the permit may be issued on such terms and conditions as the Planning Commission may deem reasonable and proper, including but not limited to the requirement of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to the public safety or to the public welfare or the property and improvements, or either, in the district into which it is to be moved. The terms and conditions upon which each permit is granted shall be written upon the permit or appended in writing thereto. Said terms and conditions and the relocation bond shall provide for the removal of all concrete, lumber and other debris, and the filling of basements, cellars or excavations remaining from the removal of any building or structure from the premises from which is moved which such premises are within the City of Brookland.

SECTION 8: Removal; clean up. When a building or structure is moved from any property located in the City of Brookland to any other location, the site from which the building is moved shall be cleaned of all concrete, lumber and other debris remaining from the removal of a building, and all basements, cellars and other excavations shall be filled. Such work shall be performed by the person moving such a building or structure.

SECTION 9: Denial or permit; grounds. If the unlawful, dangerous or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the relocation permit shall be denied.

SECTION 10: Bond posted. No relocation permit required by this ordinance shall be issued by the City of Brookland unless the applicant therefore shall first post with the City of Brookland a bond executed by the owner of the premises where the building or structure is to be located, as principal, and a surety company authorized to transact business in the state of Arkansas, as surety. The bond shall be in the form of joint and several, shall name the City of Brookland as obligee, and shall be in an amount equal to the cost of the work required to be done in order to comply with all the conditions of such relocation permit and any other ordinance, rules or regulations of the City of Brookland, as such cost is estimated by the City Inspector of the City of Brookland. In lieu of surety bond the applicant may post a bond executed by the owner as principal, and which is secured by a deposit is cash in the amount named above and conditioned as required in the case of a surety bond; such a bond as so secured is called a cash bond for the purpose of this ordinance.

SECTION 11: Bond; damage to streets or property. In granting any permit the City of Brookland in its discretion may require an applicant to give a separate and additional bond to the City of Brookland in an amount to be fixed by the City of Brookland to insure payment for any damage which an applicant may cause to any public property, streets, culverts, sidewalk, trees, or shrubs in the moving of any building or structure.



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SECTION 12: Penalty clause. Any person, firm or corporation violating any provision of this ordinance shall, upon conviction thereof, be fined in any sum not less than \$500.00 nor more than \$1,000.00, and each act of violation and each day upon which a violation occurs shall be constitute a separate punishable offense.

SECTION 13: Severability. It is the intention of the City Council of the City of Brookland that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 14: Repealed. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed only to the extent of inconsistency or conflict.

SECTION 15: Emergency clause. Due to the need to regulate the moving of buildings or structures in the corporate limits of the City of Brookland which shall protect the health, safety and welfare of the residents and City of Brookland, an emergency is hereby declared, and this Ordinance shall be effective immediately upon and after passage.

PASS AND ADOPTED, this 20th day of May 2025


Kenneth D. Jones, Mayor

ATTEST:


Julie Thomas, Clerk