

CITY OF NORTH LITTLE ROCK

**NUISANCE ABATEMENT
AND
PROPERTY MAINTENANCE**

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ARTICLE ONE ADMINISTRATION

Section 1 INTRODUCTION

1.1.1 General. These regulations shall be known as the *North Little Rock Nuisance Abatement and Property Maintenance Code* and may be referred to herein as “*the Code*” or “*this Code*”. These regulations are intended to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises within the City of North Little Rock, Arkansas. Code Enforcement Officers may refer to the commentary of similar provisions in the 2003 edition for International Property Maintenance Code and other property maintenance codes that are broadly accepted for interpretive guidance.

1.1.2 Applicability. The provisions of this Code shall apply to **all** residential and nonresidential structures and all premises within the City of North Little Rock, Arkansas and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. Structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the *Arkansas State Fire Prevention Code*. Where different standards or requirements are imposed by this Code and other competent authority or by different sections of this Code, the most restrictive standard or requirement shall govern.

1.1.3 Historic Buildings, Structures and Districts. Existing buildings or structures designated by the City of North Little Rock, the State of Arkansas, or the United States government to be historic or within a designated historic district shall be exempted from the literal requirements of such provisions of this Code that a proper body (such as an Historic Commission or the City Council) determines to infringe upon the historic nature of the building or structure. However, no exemption may be allowed unless the buildings or structures are judged by the Senior Code Enforcement Officer to be safe and in the public interest of health, safety and welfare.

1.1.4 Maintenance. Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or required shall be maintained in good working order. No occupant shall cause any required service, facility, equipment or utility to be removed from or shut off from or discontinued for any occupied dwelling, except for temporary interruptions necessitated by repairs or alterations. The requirements of this Code are not intended to provide the basis for removal

or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises.

1.1.5 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official. Such decisions are considered to be administrative determinations subject to appeal as provided by section 9. No citations may be issued based upon an administrative decision under this subsection until interested parties have been informed about the decision and been afforded an opportunity to appeal. The Senior Code Enforcement Officer shall maintain, or cause to be maintained, a file of all administrative rules made pursuant to this subsection which shall be available for copy and inspection by the public.

Section 2 CODE ENFORCEMENT OFFICERS

1.2.1 General. This Code shall be enforced by all Code Enforcement Officers of the City of North Little Rock. For the purposes of this Code, a Code Enforcement Officer shall be defined as any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing etc., within the municipal boundaries of the City. This Code may also be enforced by any and all duly sworn law enforcement officers of the North Little Rock Police Department.

1.2.2 Identification. All Code Enforcement Officers shall carry proper identification and present the same upon request when performing duties under this Code.

1.2.3 Rule-making authority. The Senior Code Enforcement Officer shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate administrative and procedural rules and to interpret and implement the provisions of this Code in a manner consistent with the intent thereof. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety. Rules and interpretations made pursuant to this subsection are considered to be administrative determinations subject to appeal as provided by section 9. No citations may be issued based upon a rule or interpretation under this subsection until interested parties have been informed about the decision and been afforded an opportunity to appeal. The Senior Code Enforcement Officer shall maintain, or cause to be maintained, a file of all administrative rules made pursuant to this subsection which shall be available for copy and inspection by the public.

1.2.4 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Senior Code Enforcement Officer shall have the authority to grant modifications for individual cases, provided the Senior Code Enforcement Officer shall first make written findings that a special condition or circumstance exists such that the strict letter

of this Code is impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

Section 3 INSPECTIONS

1.3.1 Right of entry. Code Enforcement Officers are authorized to enter structures or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the officers may pursue such search authorizations as are provided by law.

1.3.2 Inspections. Code Enforcement Officers shall make all of the inspections required by this Code. All reports of such inspections shall be in writing and be certified by the responsible officer. Code Enforcement Officers are authorized to rely upon a responsible expert opinion as the officer deems necessary to report upon unusual technical issues that arise.

1.3.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Senior Code Enforcement Officer shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction. Reports of tests shall be recorded and entered in the department files.

1.3.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless a Code Enforcement Officer finds that such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

Section 4 VIOLATIONS

1.4.1 Violations declared to be strict liability misdemeanors. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. Any person who is convicted of a violation of this Code shall be guilty of a misdemeanor, and the violation shall be deemed a strict liability offense.

1.4.2 Fines. Except as otherwise provided, a person convicted of violating any provision of this Code shall be punished by a fine not to exceed \$500.00, or double such sum for each repetition thereof. If the violation is continuous in nature, the penalty for allowing the continuance thereof is a fine not to exceed \$250.00 for each day that the violation is unlawfully continued. The judge will determine the actual fine.

1.4.3 Citations. Code Enforcement Officers are hereby authorized to issue citations to any person, firm or corporation in conflict with or in violation of any of the provisions of this Code. Issuances of citations must comply with the Arkansas Rules of Criminal Procedures. North Little Rock District Court shall have exclusive jurisdiction over citations issued pursuant to this Code.

1.4.4 Appeals. Any person after being found guilty of a violation or after entering a plea of guilty or *nolo contendere* to a violation shall have those appellant rights granted under the Laws of the State of Arkansas, US Constitution and Arkansas Rules of Criminal Procedure. Appeals of convictions of a violation will be with Pulaski County Circuit Court.

1.4.5 Board of Adjustment and Appeals. The authority of the North Little Rock Board of Adjustment and Appeals (also referred to as “the Board of Adjustments”) is specifically restricted to administrative matters. The Board of Adjustments is not authorized to adjudicate citations or the appeal of citations.

Section 5 REVOCATION OF CERTIFICATES, LICENSES AND PERMITS

1.5.1 General. The purpose of this section is to provide a procedure for the revocation of various certificates, licenses and permits issued by the City of North Little Rock to prevent the use of structures described in subsection 1.5.2. The certificates, licenses and permits subject to revocation under this Code are those relating to the particular or general use of property; including, without limitation and for the purpose of illustration only: certificates of occupancy, zoning variances, certification of appropriateness, business licenses, sign permits, building permits, electrical and plumbing inspection approvals, conditional use permits, special use permits, and the like.

1.5.2 Administrative Revocation. Code Enforcement Officers shall have the authority to initiate administrative revocation of any such certificate, license or permit, if he or she has a reasonable belief that the use of the property or structure:

- (A) Poses a danger to the health and welfare of the public;
- (B) Threatens property or safety of any citizen;
- (C) Violates the terms and or scope of the certificate, license, or permit; or
- (D) Lacks compliance with applicable State licensing laws and requirements.

The non-emergency administrative revocation of a certificate, license, or permit shall follow the procedures of notice and determination provided in Section 1.6 below.

1.5.3 Temporary Emergency Orders. The Senior Code Enforcement Officer shall have the authority to issue a temporary emergency order in conjunction with notice of an administrative revocation as described in subsection 1.5.2. The Temporary Emergency Order shall have the effect of prohibiting all activity that may be harmful to the public or any person and suspending any certificate, license, or permit authorizing the same. The Senior Code

Enforcement Officer may issue a temporary emergency order when he or she has a reasonable belief that the use of the property or structure:

- (A) Poses an *imminent* danger to the health, safety or welfare of the public; or
- (B) Threatens the life or poses an imminent danger of serious injury to any citizen.

1.5.3.1 Service of Temporary Emergency Orders. Service of Temporary Emergency Orders may be made by any Code Enforcement Officer upon the owner, manager, employee, or occupant of a structure that is subject to the provisions of subsection 1.5.3. If no one is located at the structure, the Temporary Emergency Order shall be affixed to the structure and written notice shall proceed according to subsection 1.6.2. All notices for this subsection shall clearly state “Temporary Emergency Order” and conform to the requirements of subsection 1.6.1.

1.5.4 Special Uses, Conditional Uses, and Other Authorizations Issued by City Council.

The City Council for the City of North Little Rock may revoke a special use, conditional use, or any other authorization to use property or conduct business that violates the terms of the use or threatens the property or safety of any citizen, or is detrimental to the health, safety or welfare of the public. Such a revocation may be performed at any regular or special meeting of City Council. The revocation shall be based upon the report of a Code Enforcement Officer, complaint of a citizen, or *sua sponte* action by City Council.

**Section 6
ADMINISTRATIVE PROCEDURES**

1.6.1 Notice of Violations. “Notice of Violations” shall be written on standardized or letter form approved by the Senior Code Enforcement Officer that shall include the following information:

- (A) The name of the owner, if known;
- (B) An address or description of the real estate sufficient for identification;
- (C) A description of the violation or violations;
- (D) Rights of Appeal under subsection 1.9;
- (E) A statement that citations may be issued and fines assessed in addition to any administrative remedy imposed by the City.
- (F) Include a statement that the City has a right to cause repairs or demolition to be made and that the costs may be assessed against the owner and the property of the owner; and
- (G) The information required by Ark. Code Ann. 14-54-903, if applicable.

1.6.2 Method of service. Administrative notices (such as a Notice of Violation) may be issued by any person authorized under Ark. Code Ann. § 14-54-903 by posting on the subject property and:

- (A) By personal service;
- (B) By regular mail or certified mail, return receipt requested; or

(C) When the identity or whereabouts of a person is unknown, by weekly publication in a newspaper having general circulation throughout the City for two (2) consecutive weeks.

1.6.2.1 Notice by Mail. Notice by mail shall be sent to the owner's address of record with the applicable county treasurer or collector. When sent to the proper address with proper postage, notice by mail shall be deemed properly served without regard as to whether the owner or occupant accepted the mail or the mail was otherwise returned.

1.6.3 Transfer of ownership. After receiving a notice of violation, it shall be unlawful for the owner of any property or structure to sell, transfer, mortgage, lease or otherwise alienate or dispose of the same until:

- (A) The property or structure has been caused to conform with this code; or
- (B) The owner shall provide the other party a true copy of any notice of violation issued by a Code Enforcement Officer and shall furnish to the Senior Code Enforcement Officer a signed and notarized statement from the other party accepting responsibility for the property or structure.

1.6.4 Exceptions. The Notice of Violation requirements of this section shall not apply to the issuances of citations. Issuance of citations must comply with the procedures described in subsection 4.3.

Section 7 CONDEMNATION

1.7.1 Authority. In addition to other penalties provided herein but not in lieu thereof, the City Council for the City of North Little Rock may condemn structures through the passage of a resolution, after a public hearing that shall include:

- (A) A description of the structures;
- (B) The owner or owners of the structures;
- (C) Findings that the structures are unfit for human occupancy, or otherwise detrimental to the life, property or safety of the public.

1.7.2 Keeping condemned structures prohibited. It shall be unlawful for any person to own, keep or maintain any structure within the corporate limits of the city which is condemned by resolution of the City Council.

1.7.3 Notices. The Code Enforcement Department shall be responsible for publication, mailing or delivery of all notices required to condemn structures.

1.7.3.1 Prior Notice of Proposed Condemnation. The owner of the structure will be provided notice of any proposed condemnation action no less than ten (10) calendar days prior to consideration by City Council. If appropriate, any and all lien holders

will also be provided notice of any proposed condemnation action no less than ten (10) calendar days prior to consideration by City Council. Notice will be provided by the method described in subsection 1.6.2.

1.7.3.2 Notice of Condemnation. After a structure has been condemned by resolution as provided in this Code, a certified copy of such resolution will be mailed to the owners thereof, by the method described in subsection 1.6.2 and if appropriate, may be recorded in the property records of the Pulaski Circuit/County Clerk.

1.7.3.3 Notice of Certification of Costs. After a condemned structure has been removed at City expense, the owner will be provided no less than ten (10) calendar days' prior notice of any action to certify costs by City Council. If appropriate, any and all lien holders will also be provided no less than ten (10) calendar days' prior notice of any action to certify costs by City Council. Notice will be provided by the method described in subsection 1.6.2.

1.7.4 Destruction and Removal. Condemned structures shall be destroyed and removed from the premises.

1.7.4.1 Destruction and Removal by Owner. The owner of any structure that has been condemned by resolution of City Council is permitted to cause, at his or her own expense, to have the same destroyed and removed within thirty (30) days after the City has provided notice under subsection 1.7.3.2. No person is allowed to repair or refurbish a condemned structure without an agreement approved by City Council that guarantees repairs will be done in a proper and timely fashion. It is the owner's responsibility to obtain a sponsor for any legislation that would allow the repair or refurbishment of a condemned structure.

1.7.4.2 Destruction and Removal by City. If the condemned structure has not been torn down and removed, or otherwise abated, within 30 days after the notice requirements of subsection 1.7.3.2 have been met, then the Senior Code Enforcement Officer shall supervise the removal of any such structure in such a manner as deemed appropriate under existing circumstances. If the structure has a substantial value, it or any saleable materials thereof may be sold at public sale to the highest bidder for cash using procedures provided by law. The costs of removal will be presented to City Council for certification and collection from the owner.

1.7.5 Disposition of proceeds of sale or salvage of condemned structures. All the proceeds of the sale or salvage of any structure, and all fines collected from the provisions of this article shall be paid by the persons collecting the same to the city treasurer. If any such structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance, including the cleaning up of the premises by the city, plus any fines imposed, the balance thereof will be returned by the city treasurer to the former owners of such house, building and/or structure constituting the nuisance.

1.7.6 Lien on property for net costs. If the city has any net costs in the removal of any condemned house, building or structure, the city shall have a lien on the property as provided by A.C.A. §§ 14-54-903 and 14-54-904.

1.7.7 Penalty for violation of article. A penalty as provided by this Code is hereby imposed against the owners of any structure condemned by resolution of the City Council thirty (30) days after such structure has been condemned; and each day thereafter such nuisance be not abated constitutes a separate and distinct offense, provided the notice as provided in subsection 1.7.3.2 has been given within ten (10) calendar days after such structure has been condemned.

1.7.8 Transfer of ownership. After receiving a notice of condemnation, it shall be unlawful for the owner of any structure to sell, transfer, mortgage, lease, or otherwise alienate or dispose of the same until:

- (A) The property or structure has been caused to conform with this code; or
- (B) The owner shall provide the other party a true copy of any notice of violation issued by a Code Enforcement Officer and shall furnish to the Senior Code Enforcement Officer a signed and notarized statement from the other party accepting responsibility for the property or structure.

1.7.9 Restrictions on utility services to structures declared condemned.

- (A) The City shall not provide or permit another to provide public or private utility services, such as water, gas or electricity, to any building or house that has been condemned by the city council pursuant to Ark. Code Ann. § 14-56-203.
- (B) Subsection (1) of this section shall not preclude the temporary use of such utility services as may be deemed necessary during construction, repair or alteration. The Senior Code Enforcement Officer shall be responsible for making the determination as to when such temporary services may be necessary.

1.7.10 Court action authorized. If City Council determines that a particular structure be *judicially* condemned, the City Council shall direct the City Attorney to bring such action in the name of the city; and the only notice to be given to the owners and lien holders will be that as now provided for by law. When any such structure has been declared judicially to be a nuisance by a court of law, a penalty as provided by this Code is hereby imposed against the owners thereof from the date such finding is made by the court; and each day thereafter such nuisance is not abated constitutes a separate and distinct offense.

Section 8 EMERGENCY PROCEDURES

1.8.1 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Senior Code Enforcement Officer, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal

procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

1.8.2 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

1.8.3 Emergency repairs. For the purposes of this section, the Senior Code Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the City. The City Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Section 9 APPEALS

1.9.1 Administrative appeal. Administrative determinations may be appealed to the North Little Rock Board of Adjustment and Appeals. The following actions are *not* subject to administrative appeal and shall be appealed in the manner provided by law for those particular actions:

- (A) Citations heard in North Little Rock District Court; and
- (B) Condemnations heard in City Council or a court of law.

1.9.2 Timely Submission of Appeal. Unless otherwise provided in this Code, any person affected by a “Notice of Violation” or other administrative determination under this Code may appeal the determination by submitting a written application to the Community Planning Department or the Code Enforcement Department within five (5) days, excluding weekends and holidays, after notice of the determination has been made.

1.9.3 Contents of Appeal. A request for an administrative appeal must be made upon forms approved by the North Little Rock Board of Adjustment and Appeals or in any written form that contains the following information:

- (A) The date the appeal is submitted;
- (B) The name and address of the appellant;
- (C) The address of affected property;
- (D) A description of the administrative decision being appealed; and
- (E) The desire that the administrative decision be overturned or reviewed.

1.9.4 Notice of Hearing. The North Little Rock Board of Adjustment and Appeals shall consider the appeal at the next available date. The appellant shall be provided notice of the hearing by first class mail sent to the address shown on the request for administrative appeal no less than five (5) days, excluding weekends and holidays, prior to the hearing.

1.9.5 Actions pending appeal. No Code Enforcement Officer may take action based upon an administrative decision while that decision is being appealed *except* those listed below:

- (A) Citations issued under subsection 1.4.3;
- (B) Condemnations under section 1.7; or
- (C) Temporary Emergency Orders issued under subsection 1.5.3.

1.9.6 Conduct of Hearing. Hearings shall be conducted in an open forum according to such procedural rules as may be adopted by the North Little Rock Board of Adjustment and Appeals. No administrative decision of a Code Enforcement Officer may be overturned unless a determination is made that:

- (A) The true intent of this Code or the rules legally adopted there under have been incorrectly interpreted;
- (B) The provisions of this Code do not fully apply; or
- (C) The requirements of this Code are adequately satisfied by other means.

1.9.7 Orders. Upon the conclusion of an appeal, the North Little Rock Board of Adjustments shall timely issue orders to guide the actions of the Code Enforcement Department regarding the appeal.

Article Two DEFINITIONS

Section 1 PURPOSE

2.1.1 General. Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof."

Section 2 LIST OF DEFINITIONS

2.2.1 Definitions.

ABANDONED MOTOR VEHICLE. Any motor vehicle which is left on public or private property, as defined in this section, for a period of more than 72 hours, regardless of whether wrecked or inoperable.

APPROVED. Consented or agreed to in writing by the Senior Code Enforcement Officer, or his proper designee.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

BOAT. Any vessel initially designed for the carrying of passengers or cargo upon the water, whether currently seaworthy or not, and regardless of size or design, including, without limitation, barges, motorboats whether inboard or outboard, canoes, rowboats, rafts and sailboats.

CARPORT. A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

CODE ENFORCEMENT OFFICER. Any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing etc., within the municipal boundaries of the City. All duly sworn law enforcement officers of the North Little Rock Police Department are authorized to exercise authority as Code Enforcement Officers.

CONDEMN. To adjudge unfit for human occupancy.

DWELLING UNIT. Any room or group of rooms located within a structure forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation by a household or family.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GRAFFITI. Any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any structural component of any building, structure, or other permanent facility regardless of the nature of the material of that structural component, or the nature of the inscription, to the extent that the same was not authorized in advance by the owner, or otherwise deemed to be a public nuisance.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC. Any existing buildings or structures designated by the City of North Little Rock, the State of Arkansas, or the United States government to be historic or located within a North Little Rock historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, uninsured, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MOTOR VEHICLE. A machine of conveyance which is self-propelled and designed to travel along the ground, and includes but is not limited to automobiles, buses, electric scooters, mopeds bicycles, motorcycles, trucks, tractors, go-carts, golf carts, campers, motor homes and trailers.

NUISANCE. This term is defined in Section 8 of this Code.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PRIVATE PROPERTY. Means any real property within the city which is privately owned and which is not defined as public property in this section.

PUBLIC PROPERTY. Means any real property in the city which is owned by a governmental body and includes buildings, parking lots, parks, streets, sidewalks, rights-of-way, easements and other similar property.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

REMOVAL. The act of clearing all material and debris whenever it becomes necessary to demolish any building that has been condemned and found to be a nuisance by resolution of the city council.

RESIDENCE. A structure serving as a dwelling or home. For the purposes of this Code, the term residence includes dwelling units and rooming houses.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation. Bed-and-breakfasts, boarding houses, half-way houses, and hotels, as those terms are defined under the North Little Rock Zoning Ordinance, are included within the definition of a Rooming House.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

UNCUT WEEDS AND GRASS. See Section 3.2.4 for definition.

SENIOR CODE ENFORCEMENT OFFICER. The Head of the Code Enforcement Department or, in his or her absence, the person who is directed or appointed to temporarily assume the duties of the Head of the Code Enforcement Department.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TRAILER. Means any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, regardless of whether wrecked or inoperable, and regardless of whether

currently inspected and/or registered, including without limitation the following: Boat trailers, camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

WRECKED MOTOR VEHICLE. Any motor vehicle which does not have lawfully affixed thereto an unexpired license plate and the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power on a public street, or from which the wheels, engine, transmission or any substantial part thereof has been removed.

YARD. An open space on the same lot with a structure.

ARTICLE THREE

GENERAL REQUIREMENTS

Section 1 GENERAL

3.1.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

3.1.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

3.1.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 2 EXTERIOR PROPERTY AREAS

3.2.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

3.2.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

3.2.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

3.2.4 Grass or Weeds. Exceed eight inches in height in all residential districts; or exceeds eight inches in height on lots in all commercial zone districts and industrial zone districts on which a structure is located; or exceed 24 inches in height on lots in all commercial zone districts and industrial zone districts on which a structure is not located; except that the restrictions noted above will not apply to areas specifically designated or recognized by the city, the state or the United States as agricultural, wetlands, open spaces, natural or wild flower areas, or other designated preservation areas.

Exception: Undeveloped land that has been continuously maintained in a natural vegetative state.

3.2.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

3.2.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

3.2.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

3.2.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an approved spray booth. For specific requirements related to the removal of wrecked or inoperable vehicles, refer to subsection 8.2.2.

Exception: A motor vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

3.2.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Section 3 SWIMMING POOLS, SPAS AND HOT TUBS

3.3.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

3.3.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool

enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Section 4 EXTERIOR STRUCTURE

3.4.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

3.4.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

3.4.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches (76.2 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) on residential structures and shall be a minimum of 6 inches(152,4 mm) high with a minimum stroke width of 0.5 inch(12.7.mm) for commercial structures.

3.4.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

3.4.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

3.4.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

3.4.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

3.4.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

3.4.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

3.4.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

3.4.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

3.4.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

3.4.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

3.4.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

3.4.13.2 Operable windows. Every window, other than a fixed window, shall be easily opened and capable of being held in position by window hardware.

3.4.14 Insect screens. Any and all residential property and residential apartments which are not serviced by a central heat and air conditioning unit or units shall be required to have a insect screens to provide for ventilation of habitable areas. Such insect screens shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

3.4.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

3.4.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

3.4.17 Guards for basement windows. Every basement window that is operable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

3.4.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

3.4.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a single cylinder deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob on the inside or a key on the outside and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

3.4.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.

3.4.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

Section 5 INTERIOR STRUCTURE

3.5.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

3.5.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

3.5.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint

shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

3.5.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

3.5.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

3.5.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Section 6 HANDRAILS AND GUARDRAILS

3.6.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

Section 7 RUBBISH AND GARBAGE

3.7.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

3.7.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

3.7.2.1 Rubbish storage facilities. The occupant of every premises shall keep and maintain approved covered containers for rubbish and be responsible for the removal of rubbish.

3.7.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors, securing the doors with locks, chain, wire, or rope, or using other reasonable methods to prevent opening.

3.7.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or an approved leak-proof garbage containers.

Section 8 EXTERMINATION

3.8.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

3.8.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

3.8.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

3.8.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

3.8.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

ARTICLE FOUR LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

Section 1 GENERAL

4.1.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

4.1.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

4.1.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

Section 2 LIGHT

4.2.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

4.2.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

4.2.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

Section 3 VENTILATION

4.3.1 Habitable spaces. Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 4.2.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

4.3.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 4.3.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors or attic and shall not be recirculated.

4.3.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by a Code Enforcement Officer.

4.3.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

4.3.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

Section 4 OCCUPANCY LIMITATIONS

4.4.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

4.4.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

4.4.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

- (A) In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
- (B) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
- (C) Rooms occupied exclusively for sleeping, study or similar purposes and having, a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

4.4.4 Bedroom requirements. Every bedroom shall comply with the requirements of Sections 4.4.4.1 through 4.4.4.5.

4.4.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

4.4.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

4.4.4.3 Water closet accessibility. Every bedroom shall have interior access to at least one water closet and one lavatory without passing through another bedroom. Additionally, every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

4.4.4.4 Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

4.4.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

4.4.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 4.4.5.

**TABLE 4.4.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a,b}	No requirements	120	150
Dining room a,b	No requirements	80	100
Bedrooms	Shall comply with Section 4.4.4.		

For SI: 1 square foot = 0.093 m².

- a. See Section 4.4.5.2 for combined living room/dining room spaces.
- b. See Section 4.4.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

4.4.5.1 Sleeping area. The minimum occupancy area required by Table 4.4.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with subsection 4.4.4.

4.4.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 4.4.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

4.4.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

- (A) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

- (B) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this Code shall be provided.
- (C) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
- (D) The maximum number of occupants shall be three.

4.4.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

ARTICLE FIVE PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Section 5 GENERAL

5.1.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

5.1.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

Section 2 REQUIRED FACILITIES

5.2.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

5.2.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

5.2.3 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

5.2.3.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

Section 3 TOILET ROOMS

5.3.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

5.3.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from an interior common hall or passageway.

5.3.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

5.3.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

Section 4 PLUMBING SYSTEMS AND FIXTURES

5.4.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

5.4.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

5.4.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the Code official shall require the defects to be corrected to eliminate the hazard.

Section 5 WATER SYSTEM

5.5.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

5.5.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are

attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

5.5.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

5.5.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

Section 6 SANITARY DRAINAGE SYSTEM

5.6.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

5.6.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

Section 7 STORM DRAINAGE

5.7.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

ARTICLE SIX

MECHANICAL AND ELECTRICAL REQUIREMENTS

Section 1 GENERAL

6.1.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

6.1.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

Section 2 HEATING FACILITIES

6.2.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

6.2.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

6.2.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom shall supply heat sufficient to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is less than 20°F (-7°C), maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.

6.2.4 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

Section 3 MECHANICAL EQUIPMENT

6.3.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

6.3.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

6.3.3 Clearances. All required clearances to combustible materials shall be maintained.

6.3.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

6.3.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

6.3.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

Section 4 ELECTRICAL FACILITIES

6.4.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 6.5 below.

6.4.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.

6.4.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code official shall require the defects to be corrected to eliminate the hazard.

Section 5 ELECTRICAL EQUIPMENT

6.5.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

6.5.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at

least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

6.5.3 Lighting fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

Section 6 ELEVATORS, ESCALATORS AND DUMBWAITERS

6.6.1 General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

6.6.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

Section 7 DUCT SYSTEMS

6.7.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

ARTICLE SEVEN

FIRE SAFETY REQUIREMENTS

Section 1 GENERAL

7.1.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

7.1.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

Section 2 MEANS OF EGRESS

7.2.1 General. The occupant shall maintain a safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Arkansas Fire Prevention Code.

7.2.2 Aisles. The required width of aisles in accordance with the Arkansas Fire Prevention Code shall be unobstructed.

7.2.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Arkansas Fire Prevention Code.

7.2.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the building codes in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the building codes that were in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

Section 3 FIRE-RESISTANCE RATINGS

7.3.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

7.3.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smoke top doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

Section 4 FIRE PROTECTION SYSTEMS

7.4.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Arkansas Fire Prevention Code.

7.4.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in all residences, regardless of occupant load at all of the following locations:

- (A) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
- (B) In each room used for sleeping purposes.
- (C) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the Arkansas Fire Prevention Code.

7.4.3 Power source. In all residences, regardless of occupant load, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exceptions: Smoke alarms are permitted to be solely battery operated when located:

- (A) in buildings where no construction is taking place;
- (B) in buildings that are not served from a commercial power source; and
- (C) in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure.

7.4.4 Interconnection. Where more than one smoke alarm is required to be installed within a residence, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

- (A) Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
- (B) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure.

ARTICLE 8 NUISANCES

Section 1 GENERAL

8.1.1 Intent. It is the intent of this Code to prevent and abate nuisances within the municipal boundaries of the City of North Little Rock. For the purposes of this Code, the word "nuisance" is defined as any act, omission, or property condition that is detrimental to the health, safety and welfare of the public in that it:

- (A) Injures or endangers the comfort, repose, health or safety of others;
- (B) Offends decency;
- (C) Is offensive to the senses;
- (D) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- (E) In any way renders other persons insecure in life or the use of property; or
- (F) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

8.1.2 Prohibited. It shall be unlawful for any person or entity to cause, permit, maintain or allow the creation or maintenance of a nuisance within the City of North Little Rock.

8.1.3 Illustrative enumeration of a nuisance. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (A) Noxious weeds and other rank vegetation;
- (B) Accumulations or storage of rubbish, garbage, materials, metals, lumber, and other materials;
- (C) Any condition which provides harborage for rats, mice, snakes and other vermin;
- (D) Dilapidated structures;
- (E) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (F) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (G) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (H) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (I) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

- (J) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (K) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.
- (L) Graffiti.
- (M) Inoperable or abandoned motor vehicles.
- (N) Unsafe equipment, including, but not limited to, any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- (O) The use of tarpaulins, canvas, plastic, oil cloth, sheeting and other similar materials as fencing or to shield or enclose any structure (including, without limitation, openings for windows, doors, walls, roofs, garage doors or carports) except when temporarily necessary to perform repairs under a properly issued building permit.
- (P) Permanent or temporary basketball goals (except those approved by the City) on any public street or on any right-of-way adjacent to a public street.

Section 2 GENERAL REMEDIES

8.2.1 Other remedies unaffected. The remedies found in this article are not intended to displace any other remedies of law or equity found in the common or statutory law of Arkansas that may be available to the City of North Little Rock, a citizen of the City of North Little Rock, or any public or private entity to abate or prevent a nuisance.

8.2.2 Citations. Code Enforcement Officers are authorized to issue citations or notices of violation to any person in violation of subsection 8.1.2.

8.2.3 Abatement. In addition to the authority found in this section, Code Enforcement Officers are authorized to take such action as may be reasonably necessary to abate nuisances within the City of North Little Rock. For the specific nuisances that are defined in Section 3 below, Code Enforcement Officers may use the associated method of abatement which is deemed to be both a reasonable and necessary response by the City to abate a nuisance.

Section 3 REMEDIES FOR SPECIFIC NUISANCES

8.3.1 Uncut weeds, grass and unsanitary articles. All property owners and occupants within the municipal boundaries of the City of North Little Rock are required to cut weeds and grass, remove garbage, rubbish and other unsanitary articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. For specific requirements related to the required maintenance of grass and weeds, refer to subsection 3.2.4.

8.3.1.1 Authorized abatement. If the owner of any lot or other real property within the city shall neglect or refuse to remove, abate or eliminate any condition as may be provided for under subsection 8.3.1, after having been given a Notice of Violation with seven days' notice in writing to do so by a Code Enforcement Officer, the city is hereby authorized to take such action is necessary to correct the condition, including but not limited to entering upon the property and having such weeds, rank grass or other vegetation cut and removed, or eliminating any unsanitary and unsightly condition, or causing necessary repairs to be made and charging the cost thereof to the owner of such premises, which shall constitute a lien thereon. The abovementioned seven days' notice shall be calculated by counting the first day of the seven day period as the day after written notice is given to the owner, by counting every calendar day, including weekends and holidays, and by establishing the deadline to take the above required actions as 11:59 p.m. on the seventh day. The City reserves the right to secure a lien for its costs, including a priority clean-up lien pursuant to Ark Code Ann 14-54-903.

8.3.1.2 Special notice rules for weed lots. For purposes of this section, a “weed lot” is a previously platted and subdivided lot that is vacant or upon which an unsafe and vacant structure is located and that contains debris, rubbish, or grass contrary to this Code. Due to the continual growth cycle of vegetation on weed lots, continuous abatement is often necessary. Thus the seven day Notice of Violation described in subsection 8.3.1.1 shall be issued with the following additional statement, “Work to abate this nuisance will not be complete until the end of the growing season.” No additional Notice of Violation need be given unless and until the growing season concludes and further abatement is necessary.

8.3.2 Inoperable motor vehicles. The accumulation of inoperable motor vehicles in the City is degrading to the environment, property values, and the aesthetic beauty of the City. Thus, the only location where an inoperable motor vehicle may be parked, kept, or stored within the City is on property that is properly zoned and permitted for that purpose. The parking, keeping, or storing of inoperable or motor vehicles at any other location in the City is declared to be a nuisance and may be cited for violation of subsection 3.2.8 and, if necessary, abated as provided in subsection 8.3.2.1, below.

8.3.2.1 Presumption of inoperability. A vehicle shall be deemed inoperable when one or more of the following conditions exist:

- (A) It has not been moved for more than three days.
- (B) One or more tires are flat.
- (C) One or more wheels are missing.
- (D) The hood or trunk is raised or missing and has appeared to remain so for more than three days.

- (E) Weeds or grass have grown up around the vehicle.
- (F) The engine is missing.
- (G) The vehicle has no current vehicle tags or registration.
- (H) The door or doors, fender or fenders are removed or missing.
- (I) The front or rear windshield is broken, removed or missing, or the side windows are broken or removed or missing.

8.3.2.2 Removal of inoperable motor vehicles near public streets. If an owner or occupant of property within the City shall neglect or refuse to remove an inoperable or motor vehicle that is parked, kept or stored near a public street without proper authority, a Code Enforcement Officer may cause the removal of the inoperable motor vehicle, provided that a **Notice of Violation** is affixed to the vehicle for a period of no less than three days which shall state that the vehicle is a nuisance and order the property owner, occupant, or whoever has an interest in the vehicle to remove it from the property. If the vehicle is found on private property with one or more occupiable structures, a copy of the notice shall additionally be placed on one of the structures. For purposes of this section, a vehicle shall be deemed “near” a public street if it can be seen with the unaided eye from a public street.

8.3.2.3 Removal of other inoperable motor vehicles. If an owner or occupant of property within the City shall neglect or refuse to remove an inoperable or motor vehicle that is parked, kept or stored without proper authority but away from public streets, a Code Enforcement Officer may cause the removal of the inoperable motor vehicle, provided that a **Notice of Violation** is affixed to the vehicle for a period of no less than thirty days which shall state that the vehicle is a nuisance and order the property owner, occupant, or whoever has an interest in the vehicle to remove it from the property. If the vehicle is found on private property with one or more occupiable structures, a copy of the notice shall additionally be placed on one of the structures.

8.3.3 Impediments to City streets, easements, or rights-of-way. The City owns property rights throughout the jurisdiction of this Code which are necessary to the efficient flow of traffic, storm water, utility service, and the like. Impediments to these property rights are declared to be a public nuisance as they reduce the public benefit of public property and can endanger the health and welfare of the citizens who use and depend upon these property rights. Code Enforcement Officers shall have the authority to order the immediate removal of any impediment to the use of public streets, sidewalks, drains, ditches, utilities, easements, or other right-of-ways. If the apparent owner of the impediment is not known, available, or willing to remove the impediment, a Code Enforcement Officer may cause the same to be removed. Any person who is aggrieved by the actions of a Code Enforcement Officer under this subsection may appeal the same pursuant to Section 9 of Article I.

8.3.3.1 Special rules for basketball goals. Code Enforcement Officers and Law Enforcement Officers shall have the authority to order the immediate removal of any permanent or temporary basketball goal (unless approved by the City) that is on any public street or on any right-of-way adjacent to a public street. If the apparent owner of the basketball goal is unknown, unavailable, or unwilling to remove the basketball goal, a Code Enforcement Officer or Law Enforcement Officer may seize and remove it to a City storage site where it may be reclaimed by the owner. Any person who seeks to reclaim a basketball goal and offers proof of ownership (such as the testimony of a witness), may obtain custody of the goal after paying an administrative reclamation fee of \$25 per goal. Any person who is aggrieved by the actions taken under this subsection may appeal the same pursuant to Section 9 of Article I.

8.3.3.2 Shopping carts. Code Enforcement Officers shall have the authority to seize any shopping cart that is left unattended on any public streets, sidewalks, drains, ditches, utilities, easements, or other right-of-ways. Any cart so seized shall be removed to a City storage site where it may be reclaimed by the owner. Any person seeking to reclaim a seized shopping cart and offering proof of ownership (such as a label on the shopping cart), may obtain custody of the shopping cart after paying an administrative reclamation fee of \$25 per cart. Any person who is aggrieved by the actions of a Code Enforcement Officer under this subsection may appeal the same pursuant to Section 9 of Article I.

8.3.3.3 Property deemed abandoned. Any property seized by the City pursuant to subsection 8.3.3 shall be deemed abandoned after thirty (30) days and properly disposed of by the Senior Code Enforcement Officer.

8.3.4 Nuisance Structures. Any building or other structure which is in such a dilapidated condition that it is unsafe or unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or safety of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located shall constitute a nuisance.

8.3.4.1 Definitions. For purposes of this Article, the following terms are defined as follows:

- (A) **Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (B) **Unfit structure for human occupancy.** A structure is unfit for human occupancy whenever the Code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks

ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

- (C) Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

8.3.4.2 Vacating of Unfit or Unsafe Structures and Utility Services. Any premises declared as unsafe or unfit for human habitation by a Code Enforcement Officer Department and so designated by placard, shall be vacated within seven (7) days after notice of such action has been given to both the owner and occupant of the building. On the eighth (8th) day after said notice the Code Enforcement Department shall notify all utilities to discontinue services to the dwelling or dwelling unit. After utilities services are cutoff no further services shall be made available until a rehabilitation permit is obtained or until the Director of Code Enforcement notifies utilities that services may be provided to the dwelling or dwelling unit.

8.3.4.2.1 Placarding. Upon failure of the owner or person responsible to comply with the Notice of Violation for a nuisance structure or equipment within the time given, the Code official shall then post on the premises or on defective equipment a placard bearing the word "NUISANCE" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

8.3.4.2.2 Placard removal. The Code Official shall remove the placard referred to in this subsection whenever the defect or defects upon which the placarding actions were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

8.3.4.3 Prohibited occupancy. Any person who shall occupy placarded premises and any owner or responsible person of placarded premises who allows another person to occupy such placarded premises shall be subject to the penalties provided by this Code.

8.3.4.4 Abatement. When warranted, Code Enforcement Officers may perform work to secure, abate and otherwise cause a nuisance structures to conform with this ordinance and seek reimbursement for the cost thereof in the manner provided by law.

8.3.4.5 Condemnation. When warranted, Code Enforcement Officers may initiate condemnation proceedings under Section 7 of Article I in lieu of or in addition to the procedures in this section

Ref. Amended 3-24-08, Ord. 8065.