

ORDINANCE # 2020-8

AN ORDINANCE REQUIRING THE MAINTENANCE OF REAL PROPERTY; PROVIDING FOR THE CONDEMNATION OF STRUCTURES FOR THE ABATEMENT OF NUISANCES WITHIN THE CITY; DECLARING AN EMERGENCY THEREFORE; AND FOR OTHER PURPOSES.

Whereas, it is the desire of the City Council of the City of Ozark to establish regulations and guidelines for the maintenance of real property within the City and to establish procedures for enforcing the abatement of nuisances within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OZARK, ARKANSAS:

Section 1: Purpose

The purpose of this ordinance is to implement and enforce the police powers of the City of Ozark for the abatement of dangerous, unsightly and unsanitary conditions constituting a public nuisance which may exist upon real property located within the city limits of the City of Ozark and also to implement and enforce the police powers of the City of Ozark to require, by condemnation, the repair or removal of house, building and/or structures which, due to their dilapidated and unsafe condition, constitute a public nuisance. This property maintenance code is for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city of Ozark are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any.

Section 2: Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

1. The definitions are provided for the sole purpose of proper interpretation and administration of this ordinance.
2. Words used in the singular include the plural and words used in the plural include the singular. Words used in the masculine gender include the feminine gender and words used in the feminine gender include the masculine gender.
3. Definitions used but not specifically defined in this ordinance shall have the meaning defined in the Ozark Zoning Code, Arkansas Fire Prevention Code, Arkansas Plumbing Code, Arkansas

Mechanical Code and the National Electrical Code, such terms shall have the meanings ascribed to them as in those Codes.

4. 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."

Abandoned means Houses, buildings, structures, premises, and vehicles including but not limited to motorized vehicles, campers, mobile homes, recreational vehicles, and boats for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition, rehabilitation, or removal in accordance with the International Property Maintenance Code and the International Building Code or property to which no person claims or exercises the rights of ownership.

Abandoned or apparently abandoned means any structure or premises that is so neglected, or other characteristics exist, such that it appears to be vacant and not cared for by any owner, occupant, or other party.

Abate means to put an end to, or otherwise diminish the intensity of, any condition causing a structure to be dangerous or unfit

Apartment means a dwelling unit in an apartment house as defined in this ordinance.

Apartment house means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other in dwelling units as defined in this ordinance.

Appliances means, but is not limited to, refrigerators, deep freezers, stoves, ovens, air conditioners, washers, dryers, trash compactors, dishwashers, televisions, computers, printers, radios, hot water heaters and plumbing fixtures.

Approved as applied to a material, device, condition or mode of construction or installation means approved by the building official under the provisions of this ordinance or recommendations of nationally recognized technical organizations or laboratories such as the Underwriters Laboratories, Inc., the U.S. Bureau of Standards, the National Board of Fire Underwriters, the American Standards Assn., Inc., or the American Gas Association Laboratories.

Attractive nuisances

- (1) All premises within the city which cause the circumstance and/or condition that would reasonably attract any person and such circumstance and/or condition which may constitute a danger to the person(s). Attractive nuisances include, but are not limited to, unused or abandoned refrigerators, freezers or other such large appliances or equipment or any parts thereof; any structurally unsound or unsafe fence or building edifice; any unsecured or abandoned excavation pit, well, cistern, storage tank or shaft; any collection of scrap lumber, trash, vegetation or other similar items; or unattended machinery or equipment, unsecured,

abandoned or vacant buildings, open and unattended vehicles or vehicle trunks, or other similar unguarded conditions or situations that would injure or cause injury to any person(s).

- (2) Any plants, vegetation, piles of wood, junk, brush, trash, stagnate pools, tires, water catching-holding vessels, or things which attract mice, rats, snakes, mosquitoes, termites, roaches, and other vermin.

Blighted area means 25 percent of an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of building or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate uses of land or buildings; existence of overcrowding of buildings or structures; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; existence of hazardous soils, substances, or materials; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; existence of persistent and high levels of unemployment or poverty within the area; or the existence of conditions that endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime; substantially impairs or arrests the sound growth of the municipality or its environs, or retards the provision of housing accommodations; constitutes an economic or social liability; and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, or morals in its present condition and use.

Boardinghouse means a lodging house in which meals are provided.

Boat means any vessel, with or without motor propulsion, commonly used for private recreation activities, designed for travel over water, and for which a trailer is required for transportation over land. The definition of boat shall specifically include a personal watercraft as defined by state statute and shall specifically exclude those vessels not required to be titled with the state pursuant to state statute.

Building means any structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind, including all sanitary sewer lines connected thereto and not owned by the city.

Building code means the building code of the city and all amendments thereto

Building material means, but is not limited to, items such as boards, bricks, cement, nails, pipe, sheet metal, siding, tar paper, lumber, doors, posts, and windows which have never been incorporated into a structure or which have been removed from a structure and may be readily incorporated into another structure. This article applies only to building material which lies in public view and with respect to which its owner has no definite or immediate plans for its use.

Building Official means Code Enforcement Officer, Building Inspector, Fire Marshal, or other person(s) duly appointed or authorized by the City of Ozark and/or the State of Arkansas.

Building rubbish, means any post construction solid waste which, because of its quantity, quality or condition, cannot be readily and immediately put to a beneficial use.

Cellar means that portion of a building between the floor and ceiling which is wholly or partly below grade (as defined in this ordinance) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling

City means the City of Ozark, Arkansas

Court (when referring to property) means an open, unoccupied space, bounded on two or more sides by the walls of a building. An inner court is a court entirely within the exterior walls of a building or buildings. All other courts are outer courts.

Dirt and filth means and includes, but is not limited to, floor, sidewalk, street and other surface sweepings; discards from vacuum cleaners; soot; ashes; matter removed from gutters and downspouts; accumulations of dust, residue from fire other than soot and ashes; hair from humans and animals; and all other discarded, unused and seemingly worthless goods and commodities not otherwise described in this ordinance.

Dwelling means any building or any portion thereof which is not an "apartment house," a "lodging house," or a "hotel" as defined in this ordinance, which contains one or two "dwelling units" or "guest rooms," used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.

Dwelling unit means two or more habitable rooms which are occupied, or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

Exit means a continuous and unobstructed means of egress to a public way, and shall include intervening doorways, corridors, ramps, stairways, smoke-proof enclosures, horizontal exits, exterior courts, and yards.

Exterior Property means the open space on the premises and on adjoining property under the control of the owners or occupants of such premises.

Furniture means, but is not limited to, mattresses, chairs, couches, beds, recliners, lamps, and tables which is designed for indoor use.

Garbage Waste and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food and food products including, but not limited to, discarded food wrappings and containers, paper, plastic and metal products used or intended for use in connection with the storage, sale, preparation or "clean-up" relating to food items; egg shells; used coffee grounds; used tea bags; meat trimmings; entrails of animals, poultry or fish; offal; medical wastes including bandages, syringes, medicines, plaster or other casts; and decomposed putrid material; whether such items are alone or in combination with other materials.

Grass/Weeds means any vegetation, lush or decayed, regardless of its beauty or utility and regardless of the fact that it might serve as a sanctuary for animals beneficial to man, which, because of its natural condition or lack of maintenance by the owner or occupant of the property, threatens the health or safety of the community or creates an unsightly condition thereon.

Guest means any person hiring or occupying a room for living or sleeping purposes.

Guest room means any room or rooms used, or intended to be used, by a guest for sleeping purposes.

Habitable room means any room meeting the requirements of this ordinance for sleeping, living, cooking or eating purposes excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

Hotel means any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home or other institution in which human beings are housed and detained under legal restraint.

Imminent danger means a condition which could cause serious or life-threatening injury or death at any time.

Infestation means the presence, within or continuous to, a structure or premises of insects, rates, vermin or other pests.

Inoperative vehicle, means an item which, by mechanical or physical defect, can no longer be used for its intended purpose and which is not serving a functional purpose. Inoperative, when applied to motor vehicles, refers to any motor vehicle which is inoperable, dismantled, damaged or is unable to start or move under its own power. A vehicle shall be presumed to be inoperative when:

- a. It has not been moved for more than seven (7) 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 (3) 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 doors 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.

Junk means, Scrapped, broken, or neglected items and materials. Junk includes items such as plastic, cloth, glass, rags, paper, or metals that can be converted into usable articles or stock, or articles that have outlived their usefulness in their original form. Examples of "junk" include, but are not limited to, empty bottles and jars; empty metal, plastic or paper products; discarded engine or motor parts; automobile and truck parts of all descriptions; used tires, wheels and inner tubes; discarded batteries; cardboard; discarded and/or pre-used building materials; discarded and/or pre-used electrical and plumbing materials; broken pieces of concrete; discarded, broken, or neglected electrical, gas or hand-operated appliances; previously used packing materials; discarded, broken, or neglected household goods and furnishing; or any household item located outdoors that is designed for indoor use; as well as parts and pieces of any of the foregoing.

Litter means, Tangible personal property which has been unlawfully scattered and/or abandoned in a public place, typically outdoors, as a form of solid waste – material which, if thrown or deposited, is unsightly, or creates a danger to public health, safety and welfare. Litter is further defined as either

hazardous, reusable-recyclable, non-hazardous, or non-usable material. Litter includes, but is not limited to, polystyrene foam or products made therefrom, plastics or products made therefrom, cigarette butts, candy and gum wrappers, paper towels, food wastes, chip bags, aluminum and steel beer/soda cans, leather, rubber, clothing, textiles, wood, glass, metal, abandoned tires, vehicle parts, or other such debris that has fallen onto a public right-of-way as a result of negligent litter; litter from trash-hauling vehicles, unsecured loads, or construction sites.

Lodging house means any building or portion thereof containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all requirements of this ordinance for dwellings.

Manufactured Home means a dwelling unit constructed in a factory in accordance with the federal standards and under A.C.A. §20-25.102.

Mobile Home means a dwelling unit constructed in a factory before the enactment of the federal standards.

Motor vehicle means every device designed as being capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Notice means a written warning ticket or a certified letter setting out the nuisance or nuisances to be abated.

Occupancy means the purpose for which a building or portion thereof is utilized or occupied.

Occupant means any individual living or sleeping in a building or having possession of a space within a building.

Owner includes the owner or owners of the freehold of the premises or any lesser estate therein, a mortgagee or vendee in possession, an assignee for rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building. "Owner" shall also mean the owner or taxpayer shown in the records of the Franklin County assessor-treasurer, recorded with the Franklin County auditor, or as otherwise known to the city of Ozark, and shall include any manager or other representative of the owner, or other person with responsibility for or control over the structure or premises.

Person shall mean and include " includes a firm, partnership, association, organization and body politic and corporate, or any combination thereof, as well as an individual.

State Law reference— Person defined, A.C.A. § 16-55-102(a)(11).

Premises, means any building, lot, parcel, alley, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks, parking strips and street.

Public Nuisance (Common Nuisance), means a nuisance consists of doing an unlawful act, or omitting to perform a duty, or permitting an action or condition to occur or exist which intrudes, annoys, injures or endangers the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or which interferes with or disrupts a neighbor's or citizen's ability to freely use or enjoy their properties or

public property adjoining or adjacent to where the nuisance occurs. Such nuisances include, but are not limited to, the following:

A. Attractive nuisances;

B. Conditions or acts which annoy, injure, or endanger the comfort, repose, health, or safety of others;

C. Conditions or acts which are offensive to the senses;

D. Conditions or acts which interfere with, obstruct, or tend to obstruct or render dangerous for passage any stream, public park, parkway, square, sidewalk, street, or highway and other rights-of-way in the city;

E. Illicit discharges into the municipal storm drainage system;

F. Unauthorized interference with, damage to, or polluting of designated habitat areas, publicly owned restoration sites, streams, creeks, lakes, wetlands, or tributaries and similar areas thereto;

G. Conditions or acts which obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property;

H. Conditions or acts which lead to blight and contribute to the deterioration of the neighborhood or adjoining property;

I. The improper parking or storage of vehicles on any residential lots which impedes the use of yard areas for light, air circulation, recreation, and landscaping;

J. Used for prostitution

State Law reference— Similar provisions, A.C.A. §5-74-109, 14-54-1502, 16-105-402, 18-16-501, and 5-70-102.

Publicly Visible or Public View means anything that can be seen by a person with normal vision from any sidewalk, street, alley or other public place, or from any building situated on an adjoining property.

Campers and Motor homes means any vehicle or portable structure designed primarily to provide temporary living quarters for recreation, camping or travel use, other than a light van; either a vehicular structure mounted on wheels, self-powered or designed to be pulled by another vehicle or a structure designed to be mounted upon and carried by another vehicle.

Recreational vehicles

Includes but not limited to golf carts, four wheelers, side by sides, canoes, and kayaks.

Right-of-way means all real property owned or held by the city in fee, or by way of easement, or dedicated to the public and located within the city, and used or intended for use as a street, alley, sidewalk, public way or easement for public or private utilities, whether developed or undeveloped.

Rubbish means brush, grass, leaves and other normal yard refuse, paper, cans, bottles and empty food and drink containers.

Slum shall mean 25 percent of any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

Story means that portion of the building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade such basement or cellar shall be considered a story.

Structure shall mean or include that which is built or constructed or a portion thereof.

Substandard building means any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof is a substandard building.

Tarp or Tarpaulin means a large piece of waterproof material (such as plastic or canvas) that is used to cover things and keep them dry.

Tenant means a person, corporation, partnership or group, whether the legal owner of record, occupying a building or portion thereof as a unit.

Things include, but are not limited to, the following items: inoperative motor vehicles; vehicle parts and tires, inoperative household or commercial appliances; furniture; building materials; building rubbish; defective septic tanks; human or animal excrement; metal, plastic, or paper containers.

Tires means a rubber cushion that fits around a wheel (as of an automobile, boat, lawn mower, trailer, etc.)

Trailer means a vehicular structure mounted on wheels designed to be pulled by another vehicle.

Trash and waste means, but is not limited to ashes; leaves; branches and trimmings from trees, shrubs and hedges; discarded Christmas trees; excrement and undigested residue of food eliminated by humans, animals, fish and birds; lawn, yard, garden, shrub and tree trimmings; garbage, junk and filth; discarded clothing of all descriptions; decayed or decaying materials of all kinds and descriptions; and insect-infested materials of all kinds and descriptions; whether such items are alone or in combination with other materials.

Unsanitary means that a place, condition, or thing is unsanitary when it might become a breeding place for flies, mosquitoes, snakes, rats, mice or other vermin and/or germs harmful to the health of the community.

Unightly means that a place, condition, or thing is unsightly when it is in public view and offends the then-prevailing standard of the community, and not limited to a specific area, as to aesthetics or order.

Unsafe conditions means, Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard; or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Arkansas Fire Code Section 311 shall be deemed unsafe.

Used means used or designed or intended to be used

Vehicle includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including but not limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel

trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on public right-of-way, and shall also include parts of vehicles.

Watercraft means any boat, vessel, or other craft used for navigation on or through water. (Does not include kayaks or canoes).

Yard means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this ordinance, on the lot which a building is situated.

Section 3: General Provisions

3-1 Declared nuisance – Abatement required.

All buildings or portions thereof which are determined to be substandard as defined in this ordinance are nuisances and shall be abated by repair, rehabilitation, vacation, demolition, or removal, as hereinafter provided.

3-2 Remedies provided herein not exclusive.

(1) Nothing in this ordinance shall be construed to abrogate or impair the power of the courts or of any department of the city to enforce any provisions of law, or its ordinances, nor to prevent or punish violations thereof; and the powers conferred by this ordinance shall be in addition and supplemental to the powers conferred by any other law or ordinance.

(2) Nothing in this ordinance shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(3) The prosecuting attorney of the county, the city attorney of the city, the landlord, the premises owner, or the agent for the premises owner may file a complaint in the office of the clerk of the court for the eviction of any tenant who has used or has allowed another person to use the tenant's leased premises for use as a common nuisance as defined by § 5-74-109(b) or § 16-105-402 or for a criminal offense as identified in § 18-16-502.

Section 4: Administration

4-1 Authority.

The building official is authorized and directed to administer and enforce the provisions of this ordinance.

4-2 Notices and Citations

When a written notice is issued the owner and/or occupant has seven (7) calendar days from the date issued to correct the violation(s). After seven (7) days, if the violation(s) have not been remedied, a citation shall be issued. Each day thereafter constitutes a new and separate charge until the violation(s) are remedied. Each notice shall remain in effect for one calendar year from the date of issuance.

4-3 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Arkansas Fire Prevention Code, Arkansas Plumbing Code, Arkansas Mechanical Code and the National Electrical Code, International Wildland-Urban Interface

Code, and other applicable codes as adopted by this jurisdiction. Nothing in this code shall be construed to cancel, modify or set aside any provision of this code.

4-4 Assistance from other city departments.

When necessary and upon request, the building official shall have the cooperation and assistance of all city departments in enforcing the provisions of this ordinance.

4-5 Administrative liability.

(1) No officer, agent or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this ordinance.

(2) Any suit brought against any officer, agent or employee of the city as the result of any act required or permitted in the discharge of his duties under this ordinance shall be defended by the city attorney until the final determination of the proceedings therein.

Section 5: Penalty for violations.

5-1 (a) In this Code "violation of this Code" means:

(1) Doing an act that is prohibited or made or declared unlawful; an offense or a misdemeanor authorized by ordinance or by rule or regulation.

(2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

(3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b) In this Code "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section.

(c) Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding \$1,000.00 or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed \$500.00 for each day that the violation is unlawfully continued.

(d) If a violation of this Code is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law for the state offense.

(e) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

(f) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

(g) Any person who shall be convicted of violating any provision of this ordinance shall be subject to the provisions of this Code. Each day that a violation of this ordinance occurs shall constitute a separate offense and shall be punishable as a separate violation.

State Law reference— Ordinance violations, A.C.A. §§ 14-55-501 et seq., 14-55-601 et seq., 18-16-503

Section 6: Owner and Occupant Responsibilities

6-1 Occupant Responsibilities

Occupant(s) are liable for violations of duties and responsibilities imposed upon him by this ordinance sections six (6) through sixteen (16). Notice of violation(s) should be given to the occupant(s). The building official should notify the owner of the property where the violation occurred. After two or more notices or citations have been issued to the occupant(s), the building official shall issue a notice of the violation(s) to the owner. See section 4-2 Notices and Citations.

6-2 Responsibility of occupant to dispose of waste.

Every occupant of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary, and safe condition that part of a dwelling or dwelling unit or premises which he occupies and controls, shall dispose of all his rubbish, garbage, and other organic waste in a manner required by said health ordinances or other ordinances of the city.

• 6-3 Responsibility of occupant to maintain required sanitary devices.

Every occupant shall, where required by this ordinance or health or sanitary ordinances, furnish and maintain approved devices, equipment, or facilities necessary to keep his premises safe and sanitary. Therefore, it shall be unlawful for any occupant to live in an occupiable structure without electricity, sewer connection, and city water connection. Person(s) living in an occupiable structure must have electricity, running water, and a working sewer connection.

6-4 Liability of owner for imposed duties.

Every owner remains liable for violations of duties and responsibilities imposed upon him by this ordinance sections six (6) sixteen (16); even though an obligation is also imposed on the occupants of his building and even though the owner has by agreement imposed on the occupants the duty of furnishing required equipment or of complying with this ordinance.

6-5 Responsibility.

(a) 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.

(b) 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 ordinance. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping it a clean, sanitary, and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

6-6 Rental Property – Owner Responsibility

All residential structures in the city which are not owner occupied shall be registered with the city clerk, and the city clerk shall maintain the following current information for each property:

(1) Address of property;

(2) Name(s) of property owner(s);

(3) Address of property owner(s). A post office box number shall not be acceptable as an address; however, a preferred mailing address such as a post office box number may be furnished to the clerk in addition to the required street address.

(4) Telephone number of property owner(s); and

(5) Name, address, and telephone number of any property managers or property management firm used by the property owner(s).

(d) Owner's representative certificate. In addition to the registration requirements provided herein, each out-of-state owner shall be required to obtain an owner's representative certificate issued by the city clerk.

(1) In order to obtain an owner's representative certificate, the out-of-state owner shall provide the owner's name and street address. A post office box number shall not be acceptable as an address; however, a preferred mailing address such as a post office box number may be furnished to the clerk in addition to the required street address. Additionally, the out-of-state owner shall provide the name and street address of a local owner's representative who shall continuously reside within the State of Arkansas who shall be a natural person upon whom legal service can be made on behalf of the out-of-state owner. A post office box number shall not be acceptable as an address; however, a preferred mailing address such as a post office box number may be furnished to the clerk in addition to the required street address.

(2) If the out-of-state owner owns multiple properties within the city, the owner may obtain a single owner's representative certificate for all properties by providing the required information concerning each property to the city clerk.

(3) Upon the issuance of an owner's representative certificate by the city clerk, the owner's representative shall be an agent of the out-of-state owner upon whom any process, notice, citation or demand required or permitted by law to be served upon the out-of-state owner may be served. Service shall be accomplished in accordance with the Arkansas Rules for Civil and Criminal Procedure.

(e) Rental operation permit. Upon the registration of a property with the city clerk, the clerk shall issue a rental operation permit to the owner or to the owner's representative which shall indicate that the owner has complied with the registration requirements of this ordinance. There shall be no fee for the rental operation permit.

(f) The owner of any residential structure in the city which is not owner occupied shall be required to update all information required herein and shall notify the city clerk within thirty (30) days of any changes to the information required herein.

(g) Enforcing authority. The city clerk, chief of police, code enforcement, and the chief building official, or their designees, are directed to assure all those subject to the requirements of this ordinance comply with such requirements.

6-7 Responsibility of owner for safety and sanitation.

1. Every owner, in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he occupies or controls in a clean, sanitary and safe condition, including the share of public areas in a building containing two or more dwelling units. Every owner shall, where required by this ordinance or the health ordinances of the city, furnish and maintain such approved sanitary facilities as required and shall furnish and maintain approved devices and equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents, or other pests when such extermination is not specifically made the responsibility of the occupant by law, by ordinance, resolution, contract, or rental agreement.
2. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner or occupant shall keep that part of the exterior property which such owner or occupant occupies or controls in a clean and sanitary condition free of junk, garbage, trash, rubbish, filth, litter, tires, abandoned vehicles, furniture, waste, public or attractive nuisances, and things.

6-8 Compliance with orders of building official or commission required.

All persons in possession of or occupation of any building or portion thereof shall comply with any final order of the building official or the commission, insofar as such order shall affect such possessors. The failure to comply with any final order of the building official or the commission, unless reversed or modified on appeal as herein provided, shall be a violation of this ordinance.

Section 7: Property Maintenance

7-1 Weeds, grass, vegetation, and trees.

All premises (Residential or Commercial) and exterior property including ditches, right of ways, fences, curbs, or sidewalks bordering on any such lot or lots, land or lands, shall be maintained free from weeds, grass, or plant growth in excess of 12 inches or in a state of having gone to seed. The property around all signs and advertising billboards shall be maintained free from weeds, grass, or plant growth in excess of 12 inches or in a state of having gone to seed. After the cutting of tall grass/weeds, or any other vegetation, if the resulting waste constitutes a condition which is unsafe, unsanitary, dangerous, unsightly, or a fire hazard, said waste shall be required to be removed from the property. It shall be the responsibility of owner, occupant, lessee, or operator of the premises or property to maintain such.

Decorative plants, flowers, shrubs, and trees shall be maintained as not to become unsightly, a public or attractive nuisance.

It shall be unlawful for the owner or occupant of real property to permit trees, shrubs, bushes or any other plant or object impeding the flow of vehicle traffic or vision on a public right-of-way or pedestrian traffic on any sidewalk, or in any other manner causing an unauthorized obstruction of any roadway or of the public enjoyment of a sidewalk or public right-of-way.

Owners or occupants of real property contained within the city shall keep their property maintained free of unsightly weeds and plant growth as defined by this ordinance except that on all properties not located within platted subdivisions, not zoned residential, and which are being used primarily for agricultural purposes, the owner or occupant of said property shall not allow weeds or plant growth over 12 inches in height within 12 feet from any adjacent property located in a platted subdivision or which is zoned residential or is a city street right-of-way, and shall keep all fence rows located thereon free of grass, weeds, vines, and brush.

7-2 Dead or dying trees

It shall be unlawful for the owner or occupant of real property to permit dead or dying trees or dead parts of living trees that shall constitute a hazard to personal safety or property due to the imminent possibility of their falling upon or being blown upon public property or the property of others. After the cutting of dead or dying trees, if the resulting waste constitutes a condition which is unsafe, unsanitary, dangerous, unsightly, or a fire hazard, said waste shall be required to be removed from the property.

7-3 Vegetation.

Weeds, grass, vines, or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the International Wildland-Urban Interface Code.

7-4 Railroads

All railroad companies operating in the city shall maintain their rights-of-way at or around any railroad crossing with a public street, alley, or other public way free from weeds, grasses, trees, bushes, shrubs, and other growing vegetation which may obstruct the view of pedestrians and vehicle operators using the public ways, for a distance of one hundred (100) yards in all right-of-way directions from such railroad crossings. All such railroad companies shall maintain their rights-of-way so that grass/weeds do not exceed twelve (12) inches in height.

Section 8: Premises and Structures

8-1 Owners or occupants of real property within the corporate limits of the city are hereby required to remove garbage, rubbish, things, inoperative motor vehicles, household appliances or household furniture (regardless of working condition), building materials, building rubbish, or other unsightly or unsanitary things; and eliminate, fill up or remove stagnant pools of water or any other unsanitary thing, place or condition upon their real property. A covering/barrier such as a tarp is not a remedy for this violation and does not protect it from the enforcement of this ordinance. Furthermore, a covering/barrier such as a tarp or similar material is not permitted screening for windows, doors, porches, carports, sheds, outbuildings, or vehicles.

- (a) It shall be unlawful for any owner or occupant of real property to permit, either by permission or omission, any of the conditions set out in subparagraphs (a), (b), (c), and (d) upon any alleys, utility casements, rights-of-way, and/or easements (including ditches) adjoining real property. If any such right-of-way, easement, or alley is adjoined by the properties of two (2) property owners, then each owner shall maintain such right-of-way, easement, or alley to the midpoint thereof.
- (b) It shall be unlawful for any owner to fail or refuse to repair, remove, or raze any house, building, and/or structure which has deteriorated to such a condition, or has been damaged to such an extent, as to be dilapidated, unsightly, unsafe, unsanitary, or obnoxious, or to constitute a fire hazard or in other manner to be detrimental to the public welfare to such a degree as to be found and declared a nuisance by the city.
- (c) Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Tarp use for weather protection may not exceed thirty (30) days. 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.
- (d) 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 watertight. Tarp use for weather protection may not exceed thirty (30) days. 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. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (e) 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, and at the rear of the property if there is an improved alley. See Address Numbering.
- (f) Swimming pools, spas, and ponds. Swimming pools, spas, hot tubs and/or ponds shall be maintained in a clean and sanitary condition in good repair and shall comply with the provisions of the International Residential Code, Appendix G. Except for regulated wetlands and City-approved structures related to storm drainage systems, all premises within the city shall be maintained free of the existence of all stagnant, pooled water in which mosquitoes, flies or other insects may multiply.

8-2 Vacant structure 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.

8-3 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.

8-4 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.

8-5 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.

8-6 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.

8-7 Doors.

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, room units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Arkansas Fire Prevention Code—Volume II. 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—Volume II.

8-8 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.

8-9 Chimneys and towers.

All chimneys, cooling towers, smokestacks, 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 rot by periodic application of weather-coating materials, such as paint or similar surface treatment.

8-10 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.

8-11 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.

8-12 Sidewalks and driveways.

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

8-13 Controlled Substances Act

The Controlled Substances Contaminated Property Clean-up Act is codified at A.C.A. 8-7-1401, et seq., is hereby incorporated herein and made a part of this ordinance as set out herein word for word and shall be enforced under the provisions of this ordinance. The penalty section contained therein under A.C.A. 8-7-1407 shall supersede any other penalty provision of this ordinance where applicable.

8-14 Storage of materials

Open storage of materials and furnishings. No person shall openly store or keep any equipment, materials, furnishings, household appliances or household furniture (regardless of working condition) auto parts or building materials; or any item that creates an unsightly condition or one that promotes urban blight or public or attractive nuisance.

Exception: Building materials neatly stacked and stored for no less than sixty (60) days for a construction project permitted with the city. The material must be weather protected, shall not be placed within property setbacks or placed in such a manner that would create a danger to property, health and/or safety.

8-15 Accessory structures.

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

8-16 Exterior Structure

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.

8-17 Address Numbering

The City of Ozark has determined that there exists a need for address numbers to be clearly displayed on all houses, residences and buildings fronting on public streets in the City of Ozark;

1. All houses and buildings fronting on public streets in the City of Ozark shall be numbered and shall be numbered in accordance with the master plan of numbering submitted by the Planning and Zoning Commission and approved by the City Council, which master plan of numbering shall be filed in the office of the City Clerk.
2. Address numbers shall be a minimum of four (3) inches in height and shall be located either near a building's main entrance, above the garage door, or on a surface that is easily visible from the street of address. Additional displays of assigned numbers may be displayed at the property owner's discretion. Assigned numbers shall be displayed with Arabic numerals in a color that contrasts with the color of the subject house or building. Address displays in script are prohibited. Houses or buildings that are setback more than one hundred (100) feet from a street's curb shall be required to display address numbers within fifty (50) feet of the street curb, on a surface that is easily visible from the street of address.
3. Any contractor or builder in charge of the greater part of the work of erecting any house or building in the City of Ozark shall report the location thereof to the City Clerk and procure a certificate of the

number to be placed thereon and shall cause said number to be placed on said house or building; or may deliver said certificate to the owner who shall cause said number to be placed thereon in cases where said owner is a resident of the City of Ozark.

4. The responsibility for the displaying of the assigned number for each existing house and building in the City, as of the effective date of this ordinance, shall rest with the property owner, trustee, lessee, agent or occupant of each house or building.

5. Any person who shall fail to comply with any of the provisions of this ordinance, or who shall number or attempt to number any house or building other than in conformity with this ordinance, or who shall fail to change his/her number, if wrong, within sixty (60) days of the effective date of this ordinance and thereafter within thirty (30) days after being notified in writing to do so by the Building Official, shall be deemed guilty of a misdemeanor and subjected to a fine of not less than \$10 and not more than \$500.

Section 9: Fences and Walls

9-1 Approved fencing and wall materials may be used to construct a fence or wall. A fence permit is required prior to erecting a fence or wall to assure proper setback and materials. No fence or wall shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals. Fences and walls shall not impede the view of any traffic intersection or constitutes a traffic hazard and shall not be constructed. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation or which fence shall adversely affect the public health, safety and welfare. Additionally, the good side or finished side of the fence shall face the neighboring property.

9-2 Height in Front Yards

Fences measuring a maximum of 4 feet in height, as measured from existing grade, are permitted in the front yard up to the property line.

9-3 Height of Side or Rear Yards

Fences measuring a maximum of 6 feet in height, as measured from existing grade, are permitted up to the property line in a side or rear yard.

9-4 Dumpster Enclosures

All dumpsters used to service multi-unit residential buildings, commercial, or industrial uses must be screened on all sides by approved fencing material to create a permanent sight obstructing fence with a minimum height of 6 feet. One side of the storage area may be furnished with an opaque, lockable gate.

9-5 Salvage and Tow Operations

Junk Yards and Salvage Yards, including Automobile Salvage Yards and Wrecking and Towing Operations, as well as Auto Storage are subject to the following requirements: All outdoor storage shall be conducted entirely within a solid fence at least eight foot (8') in height with lockable gates. Junk or salvage materials shall not be piled against the exterior of the fence. Junk or salvage materials shall not be stacked higher than the height of the fence, unless otherwise totally screened. Screening shall be provided around the perimeter of the property where junk and salvage materials, or damaged or wrecked vehicles and or parts are stored or kept.

9-6 Fence Maintenance

1. Owners or occupants of property inside the incorporated limits of the City of Ozark, shall keep their fences located thereon free of grass, weeds, vines, and brush; and
2. All fences and walls shall be maintained structurally sound and in good repair.

9-7 Fence Materials

Fences must be built with recognized fencing materials such as chain link fencing, standard fence wood, vinyl, or metal such as wrought iron. Materials not allowed for fences include plywood, scrap lumber, wood pallets, chicken wire, corrugated steel, concertina wire, or fiberglass panels. Fence posts and supports must be installed on the side of the fence that faces the lot.

Section 10: Structures -Hazardous Conditions

10-1 General.

Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof is a substandard building.

10-2 Combustible Waste Materials

1. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.
2. Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove there from all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.

10-3 Inadequate sanitation.

"Inadequate sanitation" includes but is not limited to the following:

- (1) Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit;
- (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel;
- (3) Lack of, or improper kitchen sink in a dwelling unit;
- (4) Lack of hot and cold running water to plumbing fixtures in a hotel or lodging house;
- (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
- (6) Lack of adequate heating facilities;
- (7) Lack or improper operating of required ventilating equipment;
- (8) Lack of minimum amounts of natural light and ventilation required by this ordinance;
- (9) Room and space dimensions less than required by this ordinance;
- (10) Lack of required electrical lighting;
- (11) Excess moisture in habitable rooms;
- (12) Infestation of insects, vermin or rodents;
- (13) General dilapidation or improper maintenance;
- (14) Lack of connection to required sewage disposal system;

- (15) Lack of adequate garbage and rubbish storage and removal facilities;
- (16) Sanitary sewer lines in violation of Ordinance.

10-4 Structural hazards.

"Structural hazards" include but are not limited to the following:

- (1) Deteriorated or inadequate foundations;
- (2) Defective or deteriorated flooring or floor supports;
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety;
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration;
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety;
- (6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration;
- (7) Members of ceiling, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;
- (8) Damaged or missing shingles or other roofing material which may cause rain leak to the interior of the structure.
- (9) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration;
- (10) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;
- (11) Walls, partitions or other vertical supports that list or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

10-5 Hazardous wiring.

"Hazardous wiring" includes all wiring except that which conformed with all applicable laws and ordinances in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

10-6 Hazardous plumbing.

"Hazardous plumbing" includes all plumbing except that which conformed with all applicable laws and ordinances in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures.

10-7 Hazardous mechanical equipment.

"Hazardous mechanical equipment" includes all mechanical equipment, including vents, except that which conformed with all applicable laws and ordinances in effect at the time of installation and which has been maintained in good and safe condition.

10-8 Faulty weather protection.

"Faulty weather protection" includes but is not limited to the following:

- (1) Deteriorated, crumbling, or loose plaster;
- (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors;
- (3) Defective or lack of weather protection for exterior wall coverings;
- (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

10-9 Fire hazard.

"Fire hazard" includes any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or to provide ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

10-10 Faulty materials of construction.

"Faulty materials of construction" includes all materials of construction except those which conformed with all applicable laws and ordinances in effect at the time of construction and which have been adequately maintained in good and safe condition.

10-11 Hazardous or unsanitary premises.

"Hazardous or unsanitary premises" includes those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

10-12 Inadequate maintenance.

"Inadequate maintenance" includes any building or portion thereof which is determined to be an unsafe building in accordance with the building code.

10-13 Inadequate exits.

"Inadequate exits" includes all buildings or portions thereof not provided with adequate exit facilities as required by this ordinance except those buildings or portions thereof whose exit facilities conformed with all applicable laws and ordinances at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.

10-14 Inadequate fire protection or firefighting equipment.

"Inadequate fire protection or firefighting equipment" includes all buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this ordinance except those buildings or portions thereof which conformed with all applicable laws and ordinances at the time of their construction and whose fire-resistive integrity and fire-extinguishing system or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

10-15 Improper occupancy.

"Improper occupancy" includes all buildings or portions thereof occupied for living, sleeping, cooking or eating purposes which are not designed or intended to be used for such occupancies.

10-16 Safeguarding vacant premises.

Temporarily unoccupied buildings, structures, premises or portions thereof shall be secured and protected in accordance with Arkansas Fire Code Sections 311.2.1 through 311.2.3. Exterior and interior openings accessible to other tenants or unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals. The fire code official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

10-17 Removal after Disaster

If any property owner shall suffer loss, either total, or partial, of a house, building and/or other structure, by fire or natural disaster including but not limited to a tornado, it shall be the duty of the city

to notify the owner, in writing, to remove all debris from the property. It shall be the duty of the property owner to remove all debris within thirty (30) days of notice. It shall be unlawful for any owner, or occupant to fail or refuse to repair, remove or raze any house, building and/or structure after being notified.

10-18 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 process which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

10-19 Exhaust vents.

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

Section 11: Vehicles

11-1 Motor Vehicle and equipment repair on residential premises

No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, or leaking fluids uncollected on the ground. Only minor repairs such as an oil change, tire repair, small parts change, or minor routine maintenance may be performed outside of a garage or approved accessory structure and only then on an approved parking surface. The associated vehicle(s) in which such minor repairs exceed seven (7) days shall be moved inside of a building that meets applicable code and zoning requirements.

Exception: A 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 and can be properly "screened" from public view.

11-2 Vehicles and/or machinery parts.

Except where permitted and licensed as a wrecking yard, all premises within the city shall be maintained free of the existence and maintenance of a storage area, junkyard or dumping ground for the wrecking or dismantling of automobiles, trucks, trailers, house trailers, boats, tractors or other vehicles or machinery of any kind, or for the storing or leaving of worn out, wrecked, inoperative or abandoned automobiles, trucks, trailers, house trailers, boats, tractors or other vehicles or machinery of any kind or of any major parts thereof.

Section 12: Vehicle parking/storage

12-1 Boats

Boats shall not be stored or parked on city streets. Boats should be stored in the side yard, back yard, garage or carport when feasible.

12-2 Camper's and Motor homes

Shall not be stored or parked on city streets. Campers, and motor homes, should be stored in the side yard, back yard, garage or carport when feasible. When parked at a location not zoned as recreational,

such equipment shall not be used for living or sleeping quarters or for housekeeping or storage purposes and shall not have attached thereto any water, sewer, electric or gas service connection, except for the purpose of recharging a vehicle's storage batteries.

12-3 Recreational vehicles

All recreational vehicles should be stored in the side yard, back yard, garage or carport when feasible.

1. All boats, campers, motor homes, recreational vehicles, and watercraft, and the associated parking areas shall be kept in a clean, neat and presentable condition. Such equipment shall not be inoperable, wrecked, junked, partially dismantled, abandoned or create a public or attractive nuisance.

Section 13: Posted notices.

No person shall remove, deface, or tamper with any complaint posted pursuant to this ordinance.

Section 14: Permits.

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done without first obtaining all permits required by, and complying with, the applicable ordinances of the city.

Section 15: Supplemental to Codes

The nuisance abatement regulations and enforcement procedures set out with in this ordinance are supplemental to any other public welfare technical codes, including but not limited to, building, fire, life safety, life safety, plumbing, electrical, and mechanical codes, and the enforcement provisions of such codes.

Section 16: Codes adopted.

The following publications are adopted by reference:

International Code Council
Arkansas Fire Prevention Code (2007)
National Electrical Code (2014)
Arkansas Plumbing Code (2006)
Arkansas Fuel Gas Code (2006)
International Property Maintenance Code
Arkansas Energy Code for New Building Construction (2013)
International Energy Conservation Code (2009)
American Society of Heating, Refrigerating, and Air-Conditioning Engineers ANSI/ASHRAE/IESNA
Standard 90.1-2007 (2007)

Section 17: **Duty of the building official.**

(1) The notice issued by the building official alleging any building to be substandard within the standards set forth in this ordinance must be in writing and shall be sent either by certified mail with return receipt requested or served personally upon any persons having any interest in and to said property, as shown by the records of the county auditor or occupants of said property; provided, that if the whereabouts of such persons are unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence, the building official shall make an affidavit to that effect and then said complaint shall be served either by personal service or by mailing a copy of the complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the building involved in the proceedings, and mailing a copy of the complaint and order by first-class mail to any address of each such person in the records of the county assessor or the county auditor for the county where the property is located. The building official shall cause to be posted upon such property, in a conspicuous place, a copy of the complaint and shall file a copy of the complaint with the auditor of Franklin County and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(2) Said complaint shall contain among other things the following information:

- (a) The name of the owner and any other persons interested, as provided hereinabove;
- (b) The street address and legal description of the property on which said building is located;
- (c) The complaint shall state in what respects the building or portion thereof is substandard, as defined in this ordinance.

Notice and Procedure (Civil Enforcement)

(a) Requirement of Notice. Upon identification of a property which is in violation of Sections six (6) through sixteen (16) of this Ordinance, and verification of same by the building official, as defined above, shall give notice to the record owner of such lands in accordance with the requirement set forth below.

(b) Contents of Notice. Such notice shall include the street address of the property in question and a particular statement concerning the violations of this ordinance or the Arkansas Fire Code or Arkansas Building Code, as well as a warning in all capital letters substantially as follows:

"FAILURE TO REMEDY THE VIOLATIONS IDENTIFIED HEREIN WITHIN SEVEN (7) DAYS, MAY RESULT IN THE CITY OF OZARK ENTERING UPON THE PREMISES SO RECITED AND REMEDYING THE VIOLATION. IF ANY IMPROVEMENT UPON THE PROPERTY IS DEEMED UNSAFE OR UNFIT FOR HABITATION PURSUANT TO THE APPLICABLE BUILDING OR FIRE CODES THE SAME MAY BE RAIZED BY CITY. THE COSTS EXPENDED BY THE CITY MAY BE CHARGED AS A LIEN UPON THE PROPERTY FOR THE AMOUNT SO DETERMINED BY THE CITY COUNCIL AS HAVING BEEN EXPENDED IN SUCH CLEAN-UP, REPAIR OR RAIZING OF THE PROPERTY."

(c) Notice, to whom and how served. For purposes of this Ordinance the "record owner" shall be deemed to be the person(s) listed upon the tax records of the Franklin County Assessor or the Franklin County Collector, and the notice shall be mailed by certified mail, return receipt requested to the address listed upon the tax records of the Franklin County Assessor or the Franklin County Collector. If

such notice be returned unclaimed or refused, the notice shall then be mailed by regular mail, and posted for a period of at least seven (7) days upon the property. If there is an improvement upon the property, then the same shall be affixed to the front and back door of the improvement upon the property. Whoever shall mail any notice by regular mail or post notice upon any property shall make affidavit of having done so and file the same with the City Clerk along with a copy of the notice. Additionally, a diligent search of the real estate records of the Franklin County Ex-Officio Recorder in order to identify any mortgage lien holder shall be performed. If authorized by the Mayor, a third party such as a title company may complete such lien search on behalf of the city, and then costs thereof shall be included in any assessment of costs as provided below. A copy of the notice identifying the record owner, and otherwise complying with the requirements in sub-paragraph (b) above, shall be mailed to the lienholder by certified mail, return receipt requested. For purposes of this Ordinance a Seller of lands by Contract of Sale shall be deemed to be and treated as a mortgage lien holder for all intents and purposes.

(d) No work or entry upon the premises, except for the purpose of giving the notices required above, shall be commenced until at least seven (7) days have elapsed since the service of notice(s) as required in paragraph (c) above has been given.

(e) During the work, the department head overseeing the same shall account for all equipment used in such clean-up and the hours of each employee completing same. Upon completion of the work the department head shall prepare a report of all of such expenses and file the same with the City Clerk, who shall affix a time for hearing before the next regular meeting of the City Council. If such report is filed fourteen (14) days or less before such meeting, then the next regular meeting thereafter shall be set for a hearing before the council.

(f) Upon the setting of a hearing date before the council, the Mayor, Police Chief, City Attorney or Fire Chief shall cause to be served upon such property owner a notice of hearing to consider assessment and levy upon the property by the City Council. Such notice shall be served in accordance with the provisions Section 7 (c), above, and affidavit of compliance with the notice requirement shall be filed with the City Clerk.

(g) At the time appointed for the consideration of the assessment and levy upon the property, the City Council shall hear from the department concerning the expenditures of the City, and may examine him; upon completion of the City's case, the respondent property owner shall have the opportunity to present his or her case to the council concerning the clean-up and cost. Upon conclusion of the hearing, the City Council shall approve by majority vote the amount of an assessment and levy upon the property in question. If that sum be not paid within seven (7) days, then the City Clerk shall forward the assessment and levy declared by the City Council, approved by the Mayor and attested by the Clerk to the Franklin County Tax Collector for collection as a real estate tax upon the described property. The Respondent shall have the time allowed by law to appeal any such assessment and levy to the Circuit Court of Franklin County.

(h) An amount equal to ten percent of the assessment and levy approved by the City Council shall be added to any such tax assessment for administrative costs. Upon collecting the same, the County Tax Collector shall be entitled to retain three percent of the total so collected for a Collector's fee and shall remit the remainder unto the City of Ozark.

Section 18: Criminal Enforcement of the Ordinance:

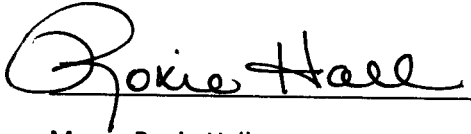
- (A) In addition to the civil enforcement procedures set out herein, in the event the owner and/or occupant of any real property, who is given a Notice to abate a condition pursuant to provisions of this ordinance, shall fail or refuse to so comply with such Notice within the period of time established for compliance by such Notice, said owner and/or occupant may be issued a citation by the Code Enforcement Officer, Chief or Police or his designee, to appear in the Ozark District Court and upon conviction thereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a minimum of One Hundred Dollars (\$100) for the first offense, plus costs, and for each subsequent offense shall be fined a minimum of Two Hundred Fifty Dollars (\$250), plus costs. Each day will constitute a new citable offense.
- (B) In the event the owner and/or occupant on any real property which is in violation of the provisions of this ordinance, shall fail or refuse to abate the offensive condition or conditions and/or fail or refuse to abide by the orders of the District Court, the city may also take such civil actions as are provided under subsection (A) of this section.

Section 19: Enforcement of Lien

If the city has incurred any costs in the clean-up of a lot or has incurred any net costs in the removal of any house, building, and/or structure, the city shall have a lien upon said property as provided by A.C.A. 14-51-904. The lien imposed for either occurrence may be enforced in either one of the following manners:

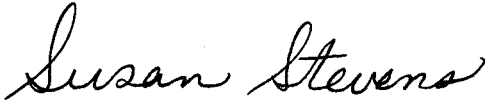
- (A) The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Circuit Court; or
- (B) The amount of the lien herein provided may be determined at a hearing before the City Council held after thirty (30) days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then after publication of notice of such hearing in a newspaper having a bona fide circulation in Franklin County, Arkansas, for one (1) insertion per week for four (4) consecutive weeks. The determination of the City Council is subject to appeal by the property owner or owners in the Circuit Court. The amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be certified by the City Council to the Franklin County Tax Collector, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the city of Ozark, Arkansas.

Approved and Passed this 14th day of September, 2020.

A handwritten signature in cursive script that reads "Roxie Hall". The signature is written in black ink and is positioned above a horizontal line.

Mayor Roxie Hall

City of Ozark

A handwritten signature in cursive script that reads "Susan Stevens". The signature is written in black ink and is positioned above the printed name.

Susan Stevens, City Clerk

City of Ozark