

## ORDINANCE 08-2023

### **AN ORDINANCE ADOPTING PREMISE AND VACANT LOT CLEANLINESS STANDARDS AND ESTABLISHING MINIMUM STANDARDS FOR MAINTENANCE AND CLEANLINESS FOR ALL PROPERTY WITHIN THE CITY OF HASKELL; TO REPEAL ALL PRIOR ORDINANCES ON CODE ENFORCEMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Haskell, Arkansas has a responsibility to prevent unsanitary conditions from occurring within the City; and that it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any lot, house, building, structure and/or real property within the corporate limits of the City of Haskell, Arkansas, which constitutes a nuisance.

**WHEREAS**, Arkansas Code Annotated Sections. 14-54-901-904 et seq. grants the City Council the authority to regulate unsanitary conditions which exist within the City.

### **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASKELL, ARKANSAS:**

#### **SECTION 1.** Statement of Intention.

It is the intention of the City Council of the City of Haskell, Arkansas that this Ordinance provide for the exercise of all powers set forth in

Arkansas Code Annotated Sections 14-54-901 through 904 et seq. as may be amended from time to time.

#### **SECTION 2.** Definitions:

**Antique Vehicle (different from Abandoned Vehicle)** shall mean any automobile or truck, operating, non-operating, licensed or un-licensed, that is 45 years or older. These vehicles may be kept in an "enclosure", which means a building, wall, or fence that conceals the vehicle from all adjoining property. This enclosure is restricted to the back portion of the lot, and shall be kept clean and not become unsightly.

**Automotive Repair Enterprise** shall mean any business which is located in a properly zoned area for the purpose of repairing vehicles, including inoperable vehicles. City shall mean the City of Haskell, Arkansas.

**Code Enforcement Officer** shall be a City employee designated as a Code Enforcement Officer by the Mayor.

**Inoperable watercraft** shall mean any boat, jet-ski, watercraft or similar type of transportation which is either unlicensed, uninsured, abandoned, missing necessary parts thereto, or that is in such a state of disrepair it is incapable of being placed in the water and float.

**Inoperable vehicle** shall mean any automobile, recreational vehicle, camper, motorcycle, lawn mower, trailer, or four-wheeler which is either unlicensed, uninsured, abandoned, missing

necessary parts thereto or that is in such a state of disrepair it is incapable of being moved under its own power (unless it is not designed to move under its own power such as a trailer).

**Lot** shall mean any tract/parcel of land that has fixed boundaries, whether occupied or unoccupied, improved or unimproved inside the corporate limits of the City owned by an individual, company or group of persons.

**Nuisance property:** shall mean:

(a) Any property where it is determined an unsafe condition exists that poses a threat to the health, safety and welfare of the community.

(b) Any property where it is found that a party allows unsightly and unsanitary conditions of any building or structure, the area around any building, property, or accessory apparatus that is a hazardous, safety, environmental or health threat and is found in any way to adversely affect or devalue the surrounding properties.

**Person** shall mean any individual, firm, corporation, partnership, and association of persons, agents, owner, occupant or anyone having supervision or control of any lot.

**Real Property** means the land plus anything growing on it, attached to it or erected on it, including man-made objects, such as buildings, structures, roads, sewers, and fences, but excluding anything that may be removed from the land without injury to the land.

**Unsafe and vacant structure or an abandoned home or residential property means:** A structure located on previously platted and subdivided property that is not fit for human habitation and has been declared unsafe and vacant by the city or town in which it is located in violation of an applicable ordinance; or (B) A home or residential property that is: (i) Unoccupied; (ii) In violation of a city safety standard.

**Vehicle** shall mean any automobile, recreational vehicle, camper, motorcycle, trailer, lawn mower, or four-wheeler.

**Watercraft repair enterprise** shall mean any business which is located in a properly zoned area for the purpose of repairing watercraft, including inoperable watercraft.

**Weed lot** a previously platted and sub divided lot that is vacant or upon which an unsafe and vacant structure is located and that contains debris, rubbish, or grass which is higher than that permitted by local ordinance.

### **SECTION 3. Unlawful Acts.**

It shall be unlawful for any person within the City to permit any of the following conditions to exist on any lot:

- a. Allow grass, weeds, or any other plants that are not cultivated to grow to a height greater than eight (8) inches tall on any lot or across abutting sidewalks or parking areas or to grow in rank profusion.

- b. Allow the accumulation of rubbish, brush, dead trees, tree limbs or any other objectionable, unsightly or unsanitary matter, of whatever nature, to be present upon any lot.
- c. Allow for the accumulation of unused or discarded building materials. If building materials are stored on the premises, all such materials must be stored at least (18) inches off the ground. However, building materials may be stored upon a lot during active construction of improvements thereupon without the necessity of storing the material higher than eighteen (18) inches, and shall be kept clean and not become unsightly.
- d. The storage of one or more inoperable/ abandoned vehicles (not those classified as antique) for a period of no more than thirty (30) calendar days, other than in connection with an automotive repair enterprise. An automotive repair enterprise shall maintain a professional business appearance and shall be kept clean and not become unsightly.
- e. The storage of one or more inoperable watercraft for a period no more than thirty (30) calendar days, other than in connection with a watercraft repair enterprise. A watercraft repair enterprise shall maintain a professional business appearance and shall be kept clean and not become unsightly.
- f. The visible placement from a public street of refrigerators, any other appliance, or furniture (except lawn furniture) for a period of fourteen (14) calendar days. Additionally, the storage of refrigerators and freezers which are not in use shall require that all doors, latches and locks are removed to ensure the safety of all individuals.
- g. Throwing or placing stumps, brush, litter, rubbish, or any type of liquid or solid material into any stream, stream bank, or drainage way.
- h. The accumulation of any unsanitary articles or the presence of any type of unsanitary condition which may become a breeding place for or harborage of mosquitoes, insects, flies, mice, rats, snakes or any other thing that could be harmful to the public health and safety.
- i. Illegal dumping, disposing, burning, releasing, or abandoning of any solid or liquid waste including household, commercial, industrial, yard, construction or demolition waste.
- j. The placement of any large trash dumpster upon private property for a period of more than four (4) months. Dumpsters shall be permitted during the construction, renovation, or demolition of any structure so long as the dumpster does not remain at the lot any longer than seven (7) calendar days past the completion of construction, renovation, or demolition. Dumpsters shall be dumped when at least three-fourths (3/4) full or when offensive odors exist therein. This provision shall not apply to dumpsters which have been permanently placed on private property for commercial purposes, which are dumped on a regular basis.
- k. The visible placement of garbage or waste, whether household or commercial, except in containers designed for this purpose with adequate covers.

- l. Impeding the flow of traffic on a public right of way or the flow of pedestrian traffic on any sidewalk by the placement of trees, shrubs, bushes or any other plant or object.
- m. Committing any act or permitting any condition to exist which would constitute a nuisance under the statutes of Arkansas or under the common law.
- n. That any such house, building and/or structure which is found and declared to be a nuisance by Resolution of the City Council will be condemned to ensure the removal thereof as herein provided.
- o. The Code Enforcement Officer has full rights by this Ordinance, to institute the appropriate protocol for clean-up of dilapidated and/or abandoned houses in the City of Haskell

#### **SECTION 4. Defenses Not Allowed**

Unless otherwise stated, it is not a defense to this Ordinance that any of the unlawful acts contained within Section 3 are occurring behind a fence, out of the site of the general public, or behind an enclosure.

#### **SECTION 5. Notice of Violation**

Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, the Code Enforcement Officer shall give written notice of such violation to the Owner, Occupant, or Lien Holder. Such notice shall be served by posting a copy of the notice in a conspicuous place at the site of the violation, or notification by Certified Mail. The notice shall contain the following:

- a) A copy statement of the reason(s) why it is being issued, and the sections of this ordinance that have been violated.
- b) The corrective action(s) required to eliminate the violation.
- c) Allow a minimum of seven (7) calendar days, and a maximum ten (10) days for performance of any corrective action, unless an immediate danger of the public health and safety is at hand.
- d) A statement that if the violation is not corrected within the time set forth in the notice, the Code Enforcement Officer shall institute legal proceedings by the issuance of a citation, charging the person with a violation of this ordinance.

#### **SECTION 6.**

Removal of any building, house or structure shall follow Arkansas Code Annotated Sections 14-54-901 through 904 et seq...

#### **SECTION 7. Penalty Provisions**

A violation of this ordinance is a misdemeanor punishable by a fine of

(A) (\$250.00) Two Hundred and Fifty dollars and not more than one thousand dollars (\$1,000) for grass or weed cutting.

(B) (\$1,000.00) One Thousand dollars and not more than five thousand dollars (\$5,000) to board and secure the property.

(C) Not more than seven thousand five hundred dollars (\$7,500) to demolish any structures on the property.

(D) Not more than fifteen thousand dollars (\$15,000) for environmental remediation.

(E) Each day that any offending condition is permitted to exist, shall be a separate offense.

**SECTION 8. Validity**

If any portion of this Ordinance is determined to be invalid, such determination shall not affect the remainder of this Ordinance.

**SECTION 9. Emergency Clause**

It is hereby found and determined that the immediate passage of this ordinance is necessary for the immediate regulation of nuisances in the City, and being necessary for the immediate preservation of the public health, safety and welfare; therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 8<sup>th</sup> DAY OF May, 2023.

Attest:

Approve:

  
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Jennifer Hill

Clyde Crookham

Clerk/Recorder/Treasurer

Mayor

