

Ordinance No. 1517

AN ORDINANCE ADOPTING A PROPERTY MAINTENANCE CODE AS PART OF THE
HARRISON MUNICIPAL CODE;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CITY COUNCIL OF HARRISON, ARKANSAS.

WHEREAS, the City of Harrison presently regulates the maintenance of property through several ordinances and code sections;

WHEREAS, large portions of these ordinances and code sections are not written in a manner consistent with the Arkansas Fire Prevention Code and the Harrison Zoning Ordinance.

WHEREAS, reasonable and enforceable regulations of the property maintenance code benefit public health, safety and welfare and enhances the value of the properties so regulated.

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

SECTION 1: That the Property Maintenance Code, attached hereto as Exhibit "A" and incorporated herein by reference, is hereby adopted in its entirety.

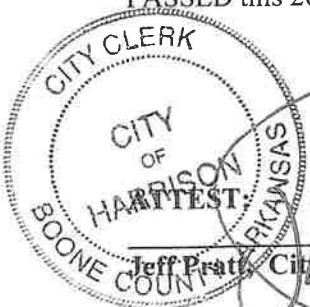
SECTION 2: That the Property Maintenance Code be codified within Title 5, Health and Sanitation, by the addition of Chapter 5.09, Property Maintenance.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. Specifically, Chapter 5.12, Clean Premises (as created by Ordinance Nos. 1492, 1462 and 1454); and Chapter 5.14, International Property Maintenance ((as created by Ordinance Nos. 1492, 1462 and 1454) of the Harrison Municipal Code are hereby repealed.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases, or provisions.

SECTION 5: It is hereby found and determined that the adoption of this Ordinance is immediately necessary to insure the proper and orderly growth of the City of Harrison, Arkansas and is necessary for the immediate preservation of 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.

PASSED this 28th day of September, 2023.



Jeff Pratt, City Clerk

APPROVED:

Jerry Jackson, Mayor

CITY OF HARRISON
PROPERTY MAINTENANCE CODE

Table of Contents

ARTICLE 1 – ADMINISTRATION	7
Section 1 – INTRODUCTION	7
1.1.1 General	7
1.1.2 Applicability	7
1.1.3 Maintenance	7
Section 2 - CODE ENFORCEMENT OFFICERS	7
1.2.1 General	7
1.2.2 Identification	7
1.2.3 Modifications	7
1.2.4 Enforcement Procedures	7
1.2.5 No duty to enforce	8
1.2.6 Liability	8
1.2.7 Legal Defense	8
Section 3 – INSPECTIONS	8
1.3.1 Right of entry	8
1.3.2 Inspections	8
Section 4 - VIOLATIONS	8
1.4.1 Violations declared to be strict liability misdemeanors	8
1.4.2 Fines	8
1.4.3 Citations	8
1.4.4 Appeals	8
Section 5 - REVOCATION OF CERTIFICATES, LICENSES AND PERMITS	9
1.5.1 General	9
1.5.2 Administrative Revocation	9
1.5.3 Temporary Emergency Orders	9
1.5.3.1 Service of Temporary Emergency Orders	9
Section 6 - ADMINISTRATIVE PROCEDURES	9
1.6.1 Notice of Violation	9
1.6.2 Method of service	10

1.6.2.1 Notice by Mail	10
1.6.3 Transfer of ownership.	10
1.6.4 Exceptions.....	10
Section 7 – CONDEMNATION.....	10
1.7.1 Keeping condemned structures prohibited.	10
1.7.2 Condemnation.....	10
1.7.3 Notices.....	10
1.7.3.1 Prior notice of proposed condemnation.....	10
1.7.3.2 Notice to unknowns/non-residents.	11
1.7.4 Resolution Information.	11
1.7.5 Posting.....	11
1.7.6 Removal.	11
1.7.7 Saleable material.....	11
1.7.8 Proceeds.....	11
1.7.9 Liens.....	11
1.7.10 Fine.....	12
1.7.11 Judicial declaration.	12
Section 8 - EMERGENCY PROCEDURES.....	12
1.8.1 Temporary safeguards.	12
1.8.2 Closing streets.	12
1.8.3 Emergency repairs.....	12
Article 2 - DEFINITIONS.....	12
Section 1 – PURPOSE	12
2.1.1 General.....	12
Section 2 - LIST OF DEFINITIONS	13
ARTICLE 3 - GENERAL REQUIREMENTS	15
Section 1 – GENERAL	15
3.1.1 Scope.	15
3.1.2 Responsibility.....	15
3.1.3 Vacant structures and land.....	15
Section 2 - EXTERIOR PROPERTY AREAS.....	16
3.2.1 Sanitation.....	16
3.2.2 Grading and drainage.	16

3.2.2.1 Illegal Dumping.....	16
3.2.3. Sediments and mud.....	16
3.2.3.2 Abatement.	16
3.2.3.2 Exclusions.	16
3.2.3.3 Clean-up.....	16
3.2.3.4 Fine.....	16
3.2.4 Grass or Weeds.	17
3.2.5 Rodent harborage.	17
3.2.6 Exhaust vents.	17
3.2.7 Accessory structures.....	17
3.2.8 Motor vehicles.	17
3.2.8.1 Storage of inoperable or abandoned vehicles.....	17
3.2.8.2 Storage of Construction/Heavy Equipment.	17
3.2.8.3 Seasonal Vehicles.	17
3.2.8.4 Authorized removal of inoperable motor vehicles.....	17
3.2.8.5 Exception:.....	18
3.2.9 Defacement of property.....	18
Section 3 - SWIMMING POOLS, SPAS AND HOT TUBS	18
3.3.1 Maintenance.	18
Section 4 - PROPERTIES WITH LOCKED GATE OR FENCE	18
3.4.1 Plain View.....	18
Section 5 - RUBBISH AND GARBAGE.....	18
3.5.1 Accumulation of rubbish or garbage.	18
3.5.2 Disposal of rubbish.	18
3.5.3 Appliance/Furniture	18
3.5.4 Disposal of garbage.....	18
3.5.4.1 Garbage Container.	18
Section 6 - SANITARY DRAINAGE SYSTEM	18
3.6.1 General.....	18
3.6.2 Maintenance.	18
ARTICLE 4 - NUISANCES.....	19
Section 1 – GENERAL	19
4.1.1 Intent.....	19

4.1.2 Prohibited.....	19
4.1.3 Illustrative enumeration of a nuisance.....	19
Section 2 - UNSIGHTLY APPEARANCES.....	19
4.2.1 Unsightly.....	19
4.2.2 Nuisance Structures.....	20
Section 3 - ADDITIONAL REMEDIES	20
4.3.1 Authorized abatement.....	20
4.3.2 Authorized removal of basketball goals.....	20
Section 4 – PLACARDING.....	20
4.4.1 Placarding.....	20
4.4.1.1 Placard removal.....	21
Section 5 - PROHIBITED OCCUPANCY	21
4.5.1 Prohibited occupancy.....	21
ARTICLE 5 – PROPERTY MAINTENANCE	21
Section 1 – EXTERIOR STRUCTURE.....	21
5.1.1 General.....	21
5.1.2 Unsafe Conditions.....	21
5.1.3 Protective Treatment.....	22
5.1.4 Structural Members.....	22
5.1.5 Foundation Walls.....	22
5.1.6 Exterior Walls.....	22
5.1.7 Roofs and Drainage.....	22
5.1.8 Decorative Features.....	22
5.1.9 Overhang Extensions.....	22
5.1.10 Stairways, decks, porches and balconies.....	22
5.1.11 Chimney and Towers.....	22
5.1.12 Handrails and Guards.....	22
5.1.13 Window, skylight, and door frames.....	23
5.1.14 Glazing.....	23
5.1.15 Openable Windows.....	23
5.1.16 Doors.....	23
5.1.17 Basement Hatchways.....	23
5.1.18 Guards for Basement Windows.....	23

5.1.19 Building Security.	23
5.1.20 Gates.....	23
5.1.21 Premises Identification.....	23
SECTION 2 - GENERAL PLUMBING	23
5.2.1 Scope.	23
5.2.2 Responsibility.	23
5.2.3 Dwelling Units.....	23
5.2.4 Rooming Houses.....	23
5.2.5 Hotels/Motels.....	24
5.2.6 Employee's Facilities.	24
5.2.7 Public Toilet Facilities.	24
SECTION 3 - PLUMBING SYSTEMS AND FIXTURES	24
5.3.1 General.....	24
5.3.2 Fixture clearances.....	24
5.3.3 Plumbing system hazards.....	24
SECTION 4 - WATER SYSTEM	24
5.4.1 GENERAL.....	24
5.4.2 Contamination.....	24
5.4.3 Supply.	24
5.4.4 Water heating facilities.....	24
5.4.5 Non-potable water reuse systems.	25
5.4.6 Abandonment of systems.	25
SECTION 5 - SANITARY DRAINAGE SYSTEM	25
5.5.1 General.....	25
5.5.2 Maintenance.	25
5.5.3 Grease interceptors.....	25
SECTION 6 - STORM DRAINAGE.....	25
5.6.1 General.....	25
SECTION 7 - HEATING FACILITIES	25
5.7.1 Facilities required.	25
5.7.2 Residential occupancies.....	25
5.7.3 Heat supply.....	25
5.7.4 Room temperature measurement.....	26

SECTION 8 - MECHANICAL EQUIPMENT	26
5.8.1 Mechanical equipment and appliances.....	26
5.8.2 Removal of combustion products.....	26
5.8.3 Clearances.....	26
5.8.4 Safety controls.....	26
5.8.5 Combustion air.....	26
5.8.6 Energy conservation devices.....	26
SECTION 9 - ELECTRICAL FACILITIES	26
5.9.1 Facilities required.....	26
5.9.2 Electrical system hazards.....	26
5.9.3 Abatement of electrical hazards associated with water exposure.....	26
5.9.4 Electrical equipment.....	26
5.9.5 Abatement of electrical hazards associated with fire exposure.....	27
5.9.6 Electrical Equipment.....	27
SECTION 10 - ELECTRICAL EQUIPMENT	27
5.10.1 Installation.....	27
5.10.2 Receptacles.....	27
5.10.3 Luminaries.....	27
5.10.4 Wiring.....	27

ARTICLE 1 – ADMINISTRATION

Section 1 – INTRODUCTION

1.1.1 General. These regulations shall be known as the Harrison Property Maintenance Code. These regulations are intended to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises within the City of Harrison, Arkansas.

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

1.1.3 Maintenance. Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or required shall be maintained in good working order. No occupant shall cause any required service, facility, equipment or utility to be removed from or shut off from or discontinued for any occupied dwelling, except for temporary interruptions necessitated by repairs or alterations. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises.

Section 2 - CODE ENFORCEMENT OFFICERS

1.2.1 General. This Code shall be enforced by the Community Risk Reduction Division of the Harrison Fire Department. Those employees shall be referred to as Code Enforcement Officers of the City of Harrison. For the purposes of this Code, a Code Enforcement Officer shall be defined as any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing etc., within the municipal boundaries of the City, to include all city and state highways and streets, alleys and other thoroughfares. *This Code may also be enforced by any and all duly sworn law enforcement officers of the Harrison Police Department.*

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

1.2.3 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Chief Code Enforcement Officer shall have the authority to grant modifications for individual cases, provided the Chief Code Enforcement Officer shall first make written findings that a special condition or circumstance exists such that the strict letter of this Code is impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

1.2.4 Enforcement Procedures Whenever, in the judgment of the Code Enforcement Officer charged with enforcement of this code, it is determined upon investigation that a public nuisance is being

maintained or exists within the City, such officer shall issue a written notice in accordance with Section 4.3.1, to the person committing or maintaining such nuisance, requiring such person to remedy and abate the nuisance.

1.2.5 No duty to enforce Nothing in this Code shall be construed as requiring the City to enforce the regulations in this Code against:

- 1) alleged violations determined to be frivolous complaints, or
- 2) alleged violations lacking in substantive evidence to constitute a nuisance, or
- 3) alleged violations where the evidentiary value of the alleged violation is not enough to support a conviction in court, or
- 4) violations which may occur and are not recognized by the city due to the lack of availability of the resources.

Section 3 – INSPECTIONS

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

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

Section 4 - VIOLATIONS

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

1.4.2 Fines.

A. Except as otherwise provided, any person, firm or corporation violating any of the several provisions of this Code shall, upon conviction, be punished by a fine of One Hundred and Twenty Five Dollars (\$125.00). If the violation is continuous in nature, each day such violation shall be permitted to continue shall be considered a separate offense and shall be punishable as such.

B. The penalty for subsequent offenses shall be:

1. Two Hundred and Fifty Dollars (\$250.00) for the second offense that occurs within twelve (12) months of the prior offense.
2. Five Hundred Dollars (\$500.00) for the third offense that occurs within twelve (12) months of prior offenses.
3. One Thousand Dollars (\$1,000.00) for the fourth and all subsequent offenses that occur within twelve (12) months of prior offenses.

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

1.4.4 Appeals. Any person after being found guilty of a violation or after entering a plea of guilty or nolo

contendere to a violation shall have those appellant rights granted under the Laws of the State of Arkansas, US Constitution and Arkansas Rules of Criminal Procedure. Appeals of convictions of a violation will be with Boone County Circuit Court.

Section 5 - REVOCATION OF CERTIFICATES, LICENSES AND PERMITS

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

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

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

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

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

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

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

Section 6 - ADMINISTRATIVE PROCEDURES

1.6.1 Notice of Violation. A "Notice of Violation" shall be written on standardized or letter form by the Chief Code Enforcement Officer that shall include the following information:

- (A) The name of the owner and/or occupant, if known;
- (B) An address or description of the real estate sufficient for identification;
- (C) A description of the violation or violations;
- (D) A statement that citations may be issued and fines assessed in addition to any administrative remedy imposed by the City.
- (E) Include a statement that the City has a right to cause repairs or demolition to be made and

that the costs may be assessed against the owner and the property of the owner; and
(F) The information required by ARK. CODE ANN. 14-54-903, if applicable.

1.6.2 Method of service. Administrative notices (such as a Notice of Violation) shall be issued by any person authorized under ARK. CODE ANN. § 14-54-903 by:

- (A) Posting on the subject property; OR
- (B) Regular mail; AND
- (C) Certified mail, return receipt requested.

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

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

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

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

Section 7 – CONDEMNATION

1.7.1 Keeping condemned structures prohibited. 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 house, building and/or structure within the corporate limits of the City of Harrison, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council.

1.7.2 Condemnation. 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 insure the removal thereof as herein provided.

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

1.7.3.1 Prior notice of proposed condemnation. That prior to the consideration of a Resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lien holder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said Resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lien holder(s), of the right to be heard at the City Council meeting on the proposed Resolution declaring such house, building and/or structure to be a nuisance.

1.7.3.2 Notice to unknowns/non-residents. Should the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the City Clerk or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s), mortgagee(s), and lien holder(s). Thereupon, service of publication as now provided for by law against unknown and/or non-resident defendant(s) may be had and an attorney ad litem shall be appointed to notify such persons by certified letter addressed to their last known place(s) of residence or business.

1.7.4 Resolution Information. That the Resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said Resolution an adequate description of the house, building, and/or structure; the name(s), if known, of the owner(s) and mortgagee(s) and/or lien holder(s) thereof; and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.

1.7.5 Posting. After a house, building and/or structure has been found and declared to be a nuisance and condemned by Resolution as herein provided, a true and certified copy of said Resolution will be mailed to the owner(s) and mortgagee(s) and/or lien holder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lien holder(s) thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner(s) and mortgagee(s) and/or lien holder(s) of said house, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said Resolution as hereinabove provided will suffice as notice of the condemnation.

1.7.6 Removal. If the house, building and/or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the Resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Chief Code Enforcement Officer or his duly designated representative.

1.7.7 Saleable material. The Chief Code Enforcement Officer or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the City, to insure its removal and the abatement of the nuisance.

1.7.8 Proceeds. All proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials there from and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Finance Officer. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the City, plus any fine or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance.

1.7.9 Liens. If the City has any net costs in removal of any house, building or structure, the City shall place a lien on the personal property and/or real estate property as provided by ARK. CODE ANN. § 14-54-904.

1.7.10 Fine. A fine of not less than Two Hundred Fifty (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred Fifty Dollars (\$250.00) for each said separate and distinct offense; provided the notice as herein provided in Section 5 hereof has been given within ten (10) days after said house, building and/or structure has been by Resolution found and declared to be a nuisance.

1.7.11 Judicial declaration. In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the City, and the only notice to be given to the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in Circuit Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a Court of competent jurisdiction, a fine of One Hundred Dollars (\$100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the Court and for each day thereafter, said nuisance be not abated constitutes a continuing offense punishable by a fine of One Hundred Dollars (\$100.00) per day.

Section 8 - EMERGENCY PROCEDURES

1.8.1 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Code Enforcement Officer, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

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

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

Article 2 - DEFINITIONS

Section 1 – PURPOSE

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

Section 2 - LIST OF DEFINITIONS

2.2.1 Definitions.

ABANDONED MOTOR VEHICLE. Any motor vehicle, regardless of whether wrecked or inoperable, which is left on public property for a period of more than 24 hours or on private for more than 72 hours, without approval from the property owner to place the vehicle upon such property.

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

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

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

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

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

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

CHIEF CODE ENFORCEMENT OFFICER. Fire Chief of the Harrison Fire Department.

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

CONDEMN. To adjudge unfit for human occupancy.

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

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

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

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

FREESTANDING. Not relying on or linked to anything else; independent.

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

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

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

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

HEAVY COMMERCIAL VEHICLES. A vehicle including but not limited to, backhoe, excavator, skid steer, bull dozer, dump truck.

HISTORIC. Any existing buildings or structures designated by the City of Harrison, the State of Arkansas,

or the United States government to be historic or located within a Harrison historic district.

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

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

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

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, uninsured, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power. Such vehicle is also considered an abandoned vehicle if left on public property or thoroughfare for a period in excess of 24 hours.

INOPERABLE TRAILER. Means any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, and is wrecked, inoperable, unregistered, abandoned, and/or in a state of disrepair; including without limitation the following: Boat trailers, camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements.

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

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

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

NUISANCE. This term is defined in Article 4 Section 1 of this Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNCUT WEEDS AND GRASS. See Section 3.2.4 for definition.

STORAGE TRAILERS / PODS. A container whether on wheels or freestanding, used for storage of construction material or other items.

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

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

THOROUGHFARE. A road or path forming a route between two places; streets, alleys, sidewalks.

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

TRAILER. Means any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, regardless of whether wrecked or inoperable, and regardless of whether currently inspected and/or registered, including without limitation the following: Boat trailers, camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements.

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

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

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

ARTICLE 3 - GENERAL REQUIREMENTS

Section 1 – GENERAL

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

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

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

Section 2 - EXTERIOR PROPERTY AREAS

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

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

3.2.2.1 Illegal Dumping. That it shall be unlawful for any person, firm, or corporation to drop, dispose of, throw, toss or otherwise deposit leaves, paper, debris, brush, limbs, grass, or other similar articles in drainage ditches, curbs and along gutters of city streets in the City of Harrison, Arkansas.

3.2.3. Sediments and mud. All public roadways shall be kept clean of sediment and soil erosion from soil disturbing activities.

3.2.3.2 Abatement. Any person engaging in soil disturbing activities within the Harrison city limits shall be required to implement measures to minimize the tracking of sediments and mud onto adjacent streets and roadways by vehicles leaving the site.

3.2.3.2 Exclusions. The following activities are specifically excluded from the requirements of this ordinance: emergency street, storm drainage or utility repairs. The following properties are specifically excluded from the requirements of this ordinance: approved retention areas and reservoirs.

3.2.3.3 Clean-up. If a soil disturbing activity creates a violation, the violator shall clean up the material daily or as frequently as needed to avoid a hazard or nuisance. If an activity is found in violation of the provisions of this ordinance, the Chief Code Enforcement Officer shall issue a "cease and desist" order for all activities on the site until the appropriate clean-up measures are implemented and provisions are made to prevent additional pollution. The city's approval of construction, building permit approvals, payments, release of payments or bonds and final approvals shall also be withheld or revoked until a violation is corrected and appropriate sediment control measures are in place.

3.2.3.4 Fine.

A. Except as otherwise provided, any person, firm or corporation violating any of the several provisions of this ordinance shall, upon conviction, be punished by a fine of One Hundred and Twenty Five Dollars (\$125.00). If the violation is continuous in nature, each day such violation shall be permitted to continue shall be considered a separate offense and shall be punishable as such.

B. The penalty for subsequent offenses shall be:

1. Two Hundred and Fifty Dollars (\$250.00) for the second offense that occurs within twelve (12) months of the prior offense.
2. Five Hundred Dollars (\$500.00) for the third offense that occurs within twelve (12) months of prior offenses.
3. One Thousand Dollars (\$1,000.00) for the fourth and all subsequent offenses that occur within twelve (12) months of prior offenses.

3.2.4 Grass or Weeds. Grass or weeds shall not exceed eight (8) inches in height in all zoning districts.

This restriction will not apply to:

A. Property that is zoned A-1. A-1 properties shall keep grass, weeds, and brush clear from property line abutting developed properties.

B. Areas specifically designated or recognized by the city, the state or the United States as wetlands, open spaces, natural or wild flower areas, or other designated preservation areas.

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

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

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

3.2.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an approved spray booth, in properly zoned locations.

3.2.8.1 Storage of inoperable/abandoned motor vehicles and trailers. No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle, or trailer of any kind, which is wrecked or inoperable, whether attended or not, upon any private property within the city, except as allowed by the following exceptions:

(1) Any subject item parked or stored within a building or enclosed garage on private property

(2) Any subject item held in connection with a business enterprise lawfully licensed by the city for servicing and repair of subject items and properly zoned operated in an appropriate business zone pursuant to the zoning ordinances of the city.

3.2.8.2 Construction Vehicles Equipment, Storage Trailers on Residential Properties.

The parking or storage, of construction vehicles, storage trailers, machines, devices or equipment, as herein defined, on a Residential Property, used during the construction or maintenance of buildings, dwellings, houses, driveways, driveway aprons and sidewalks, public or private, is restricted. Where such construction vehicles, storage trailers, machines, devices, equipment are being used for the building, renovation, maintenance or improvement of a house, dwelling, driveway, driveway apron and public or private sidewalk in any Residential District, the temporary parking or storage of the vehicles, storage trailers, PODS, machines, devices and/or equipment shall be permitted until the project has been completed. Placement or storage of devices, equipment, construction materials, construction vehicles, equipment, machines, or storage trailers shall not be placed or located within fifteen (15) feet of the public sidewalk or a street curb when not in use.

(B) Removal of construction vehicles, equipment, storage trailer/PODS will follow 3.2.8.4

3.2.8.4 Authorized removal of inoperable/abandoned motor vehicles and trailers. Code Enforcement Officers shall have the authority to remove inoperable/abandoned vehicles and trailers on private property fourteen (14) days after written notice has been affixed to the subject item. Freestanding trailers; not considered to be inoperable/abandoned sitting on city thoroughfares shall be removed twenty four (24) hours after a written notice has been affixed to the subject item. Notices shall state that the subject item is a nuisance and order whoever has an interest in the subject item to remove the item from the property. If such nuisance is found upon private property, in

addition to the foregoing notice, a copy of such may be placed on the residence or business. The presence of such subject items on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this Code. Any inoperable/abandoned motor vehicle, inoperable/abandoned trailer sitting on city thoroughfares can be removed immediately at the owner's expense.

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

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

Section 3 - SWIMMING POOLS, SPAS AND HOT TUBS

3.3.1 Maintenance. Swimming pools, hot tubs and spas shall be maintained in a clean and sanitary condition, and in good repair. Please see ARK. CODE ANN. § 14-54-901.

Section 5 - RUBBISH AND GARBAGE

3.5.1 Accumulation of rubbish or garbage. All exterior property and premises of every structure shall be free from any accumulation of rubbish or garbage.

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

3.5.3 Appliance/Furniture and similar equipment not in operation shall not be discarded, abandoned or stored on premises outside of any enclosed building such as storage shed or accessory building.

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

3.5.4.1 Garbage Container. No trash or garbage container shall be stored in a front or side yard abutting a street so as to be closer to the street than the building on the lot except on trash days. Garbage and trash containers must be placed at the curb no earlier than 12:00 p.m. the day before and removed before 12:00 p.m. the day after garbage is picked up

Section 6 - SANITARY DRAINAGE SYSTEM

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

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

ARTICLE 4 - NUISANCES

Section 1 – GENERAL

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

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

4.1.2 Prohibited. It shall be unlawful for any person or entity to cause, permit, maintain or allow the creation or maintenance of a nuisance.

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

- (A) Noxious weeds and other rank vegetation;
- (B) Accumulations or storage of rubbish, garbage, materials, metals, lumber, tires, and other materials;
- (C) Any condition which provides harborage for rats, mice, snakes and other vermin;
- (D) Dilapidated structures;
- (E) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (F) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (G) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (H) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (I) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (J) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (K) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.
- (L) Graffiti.
- (M) Inoperable/abandoned motor vehicles, trailer, construction/heavy equipment.
- (N) The use of tarpaulins, canvas, plastic, oil cloth, sheeting and other similar materials as fencing or to shield or enclose any structure (including, without limitation, openings for windows, doors, walls, roofs, garage doors or carports) except when temporarily necessary to perform repairs under a properly issued building permit.
- (O) Permanent or temporary basketball goals (except those approved by the City) on any public street or on any right-of-way adjacent to a public street.

Section 2 - UNSIGHTLY APPEARANCES

4.2.1 Unsightly. Uncut weeds, grass and other unsightly and unsanitary articles. All property owners and occupants within the municipal boundaries of the City of Harrison are required to cut weeds and grass, remove garbage, rubbish and other unsightly and unsanitary articles and things from their property, and to eliminate, fill up, or

remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. For specific requirements related to the required maintenance of grass and weeds, refer to subsection 3.2.4.

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

(A) Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe conditions due to lack of abandonment of lack of maintenance, or, unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(B) Unfit structure for human occupancy. A structure is unfit for human occupancy whenever the Code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

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

Section 3 - ADDITIONAL REMEDIES

4.3.1 Authorized abatement. If the owner of any lot or other real property within the city of Harrison shall neglect or refuse to remove, abate or eliminate any condition, violation, or prohibition as may be provided for in this Code, after having been given a Notice of Violation with seven (7) days' notice in writing to do so by the appropriate city official, the city is hereby authorized to do whatever is necessary to correct the condition, including but not limited to entering upon the property and having such weeds, rank grass or other vegetation cut and removed, or eliminating any unsanitary and unsightly condition, or causing necessary repairs to be made and charging the cost thereof to the owner of such premises, which shall constitute a lien thereon. The above mentioned seven days' notice shall be calculated by counting the first day of the seven day period as the day after written notice is given to the owner, by counting every calendar day, including weekends and holidays, and by establishing the deadline to take the above required actions as 11:59 p.m. on the seventh day. Condemnations shall follow the procedures established in Section 7 of Article I. The City reserves the right to secure a priority clean-up lien pursuant to ARK. CODE ANN. § 14-54-903.

4.3.2 Authorized removal of basketball goals. Code Enforcement Officers shall have the authority to order the immediate removal of any permanent or temporary basketball goal (unless approved by the City) that is on any public street or on any right-of-way adjacent to a public street. If the apparent owner of the basketball goal is unknown, unavailable, or unwilling to remove the basketball goal, a Code Enforcement Officer may cause the goal to be removed.

Section 4 – PLACARDING

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

4.4.1.1 Placard removal. The Code Official shall remove unfit for human habitation or unsafe structure placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

Section 5 - PROHIBITED OCCUPANCY

4.5.1 Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

ARTICLE 5 – PROPERTY MAINTENANCE

Section 1 – EXTERIOR STRUCTURE

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

5.1.2 Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code, the International Existing Building Code, or the City of Harrison Fire Prevention Code as required for existing buildings:

- (1.) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
- (2.) The anchorage or the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
- (3.) Structures or components thereof that have reached their limit state.
- (4.) Siding and masonry joints including joints between the building envelope and the perimeter or windows, doors, and skylights are not maintained, weather resistant or water tight.
- (5.) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
- (6.) Exterior walls that are not anchored to supporting and supported elements or are not free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- (7.) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portions of the roof framing that is not in good repair with signs or deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
- (8.) Flooring and flooring components with defects that affect serviceability or flooring components that show signs or deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
- (9.) Veneer, cornice, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- (10.) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- (11.) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

(12.) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the Code Official.

5.1.3 Protective Treatment. 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 coverings or treatment. Peeling, flaking and chipping paint shall be eliminated and surfaces repainted. 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. Metal surfaces subject to rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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

5.1.5 Foundation Walls. Foundation walls shall be maintained 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.

5.1.6 Exterior Walls. 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.

5.1.7 Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portions 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 to create a public nuisance.

5.1.8 Decorative Features. 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.

5.1.9 Overhang Extensions. 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. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatments.

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

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

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

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

5.1.14 Glazing. Glazing materials shall be maintained from cracks and holes.

5.1.15 Openable Windows. Every window, other than fixed window, shall be easily openable and capable of being held in fixed positions by window hardware.

5.1.16 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with City of Harrison Fire Prevention Code. Deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys or special knowledge shall have a minimum lock throw of 1 inch. Such deadbolt locks shall be installed according to the manufactures specifications and in good working order.

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

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

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

5.1.20 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrance shall tightly secure the gate.

5.1.21 Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches in height on residential and commercial structures.

SECTION 2 - GENERAL PLUMBING

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

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

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

5.2.4 Rooming Houses. Not less than one water closet, lavatory and bathtub and/or shower shall be supplied for each four rooming units.

5.2.5 Hotels/Motels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub and/or shower having access from a public hallway shall be provided for each 10 occupants.

5.2.6 Employee's Facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

5.2.7 Public Toilet Facilities. Public toilet facilities shall be maintained in a safe, sanitary and working conditions in accordance with the International Plumbing Code, and the City of Harrison Fire Prevention Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 3 - PLUMBING SYSTEMS AND FIXTURES

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

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

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

SECTION 4 - WATER SYSTEM

5.4.1 GENERAL. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code and City of Harrison Fire Prevention Code.

5.4.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

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

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

5.4.5 Non-potable water reuse systems. Non-potable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.5.1.

5.4.6 Abandonment of systems. Where a non-potable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with 1301.10 of the International Plumbing Code.

SECTION 5 - SANITARY DRAINAGE SYSTEM

5.5.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

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

5.5.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Record of Maintenance cleaning and repairs shall be available for inspection by the code official.

SECTION 6 - STORM DRAINAGE

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

SECTION 7 - HEATING FACILITIES

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

5.7.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel burning space heaters be used as a means to provide required heating. Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 68°F shall be maintained.

5.7.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants, shall supply heat to the occupants thereof at all times to maintain a minimum temperature of 68°F in all habitable rooms, bathrooms and toilet rooms. Exceptions: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operation at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 68°F shall be maintained.

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

SECTION 8 - MECHANICAL EQUIPMENT

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

5.8.2 Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: Fuel-burning equipment and appliances that are labeled for un-vented operation.

5.8.3 Clearances. Required clearances to combustible materials shall be maintained in effective operation.

5.8.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operations.

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

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

SECTION 9 - ELECTRICAL FACILITIES

5.9.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of the section and 605 and connected to an energized service system.

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

5.9.3 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

5.9.4 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaries, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code and the City of Harrison Fire Prevention Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panel-boards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts

5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternation current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters, and current transformers.
11. Low and medium voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaries that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

5.9.5 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

5.9.6 Electrical Equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code and City of Harrison Fire Prevention Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 10 - ELECTRICAL EQUIPMENT

5.10.1 Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

5.10.2 Receptacles. Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

5.10.3 Luminaries. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

5.10.4 Wiring. Flexible cords shall not be used for permanent wiring or for running through doors, windows, cabinets or concealed within walls, floors or ceilings.

ORDINANCE NO. 1492

AN ORDINANCE AMENDING SECTION
104.1 and 104.2 OF ORDINANCE NO. 1454

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISON,
ARKANSAS:

Section 1: That Section 104.1 of Ordinance No. 1454 shall be amended to add a Paragraph F, which shall read as follows:

F. Trash and recycling receptacles shall not be moved to the curb until 12:00 p.m. the day before trash pickup. Trash and recycling receptacles shall be moved from the curb no later than 12:00 p.m. the day following trash pickup. When not at the curb for pickup during the times specified previously in this paragraph, all trash and recycling receptacles shall be stored in a garage or carport on the property. If the property does not have a garage or carport, or if storage in a garage or carport cannot be reasonably accomplished, the receptacles shall be stored adjacent to, but under no circumstances more than two (2) feet from, the dwelling unit or any detached garage.

Section 2: That Section 104.2 of Ordinance No. 1454 shall be amended to read as follows:

104.2 Clean Premises Enforcement. Violators of the above "clean premises" codes (except for Paragraph (F)) will be given written notice that they have fourteen (14) calendar days to correct the violation. Notice may be by personal delivery, by certified mail to the last known address, or by posting the "Notice" on the premises. If the condition is not corrected in the fourteen (14) days, the City is authorized to enter the violating premises to perform the required work, or the City may pay a private contractor to perform mowing or clean-up. The owner may also be charged and cited into Boone County District Court. The cost of labor, equipment, and supplies incurred by the City may be claimed by the City as restitution,

together with fines and costs levied by the District Court Judge. In cases where the violator does not respond, one notice attempt shall be sufficient for repeat mowing when required.

Violators of Paragraph (F) above will be given written notice of the violation: Notice may be by personal delivery, by mail, or by posting the "Notice" on the premises. If the violator receives two notices, they will then be sent a notice by certified mail and if the violation continues the violator will be issued a ticket and be required to appear in court at which time they may be fined a minimum of \$100 and a maximum of \$250.

PASSED AND ADOPTED THIS 27th day of January, 2022.

CITY OF HARRISON, ARKANSAS

BY:

JERRY JACKSON, MAYOR

ATTEST:

JEFF PRATT, CITY CLERK



J. D. D.

Ordinance 1462

AN ORDINANCE AMENDING SECTION
104.2 OF ORDINANCE NO. 1454
AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISON,
ARKANSAS:

Section 1: That Section 104.2 of Ordinance No. 1454 shall be deleted and replaced in its entirety with the following:

104.2 Clean Premises Enforcement. Violators of Section 104.1(A) of this Ordinance will be given written notice that they have seven (7) calendar days to correct the violation. Notice may be by personal delivery, by certified mail to the last known address, or by posting the "Notice" on the premises. If the condition is not corrected in the seven (7) days, the City is authorized to enter the violating premises to perform the required work, or the City may pay a private contractor to perform mowing or clean-up. The owner may also be charged and cited into Boone County District Court. The cost of labor, equipment, and supplies incurred by the City may be claimed by the City as restitution, together with fines and costs levied by the District Court Judge. In cases where the violator does not respond, one notice attempt shall be sufficient for repeat mowing when required.

Violators of all other parts of Section 104 will be given written notice that they have fourteen (14) calendar days to correct the violation. Notice may be by personal delivery, by certified mail to the last known address, or by posting the "Notice" on the premises. If the condition is not corrected in the fourteen (14) days, the City is authorized to enter the violating premises

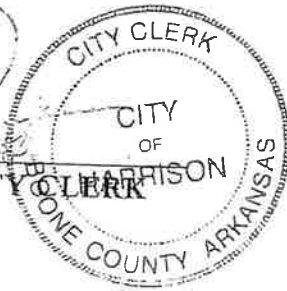
to perform the required work, or the City may pay a private contractor to perform mowing or clean-up. The owner may also be charged and cited into Boone County District Court. The cost of labor, equipment, and supplies incurred by the City may be claimed by the City as restitution, together with fines and costs levied by the District Court Judge. In cases where the violator does not respond, one notice attempt shall be sufficient for repeat mowing when required.

Section 2: Emergency: This Amendment being necessary to ensure that the City of Harrison is free from clean premises issues, an emergency is hereby declared to exist, and this Amendment shall be in full force and effect from and after its passage and approval and the filing of adequate copies of same with the City Clerk and a publication of the notice that the same has been filed, and the filing of copies of the same with the County Recorder of Boone County, Arkansas.

PASSED AND ADOPTED THIS 28th day of May, 2020.

ATTEST:

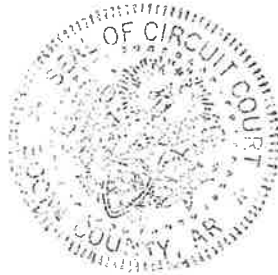
JEFF PRATT, CITY CLERK



CITY OF HARRISON, ARKANSAS

BY:

JERRY JACKSON, MAYOR



J. D. Co.

ORDINANCE NO. 1454

AN ORDINANCE TITLED THE HARRISON PROPERTY MAINTENANCE CODE, REPEALING AND REPLACING ORDINANCE 1358 AND 1349 DEALING WITH "CLEAN PREMISES" VIOLATIONS AND ENFORCEMENT

WHEREAS, the Harrison City Council has been asked by citizens to establish and enforce updated codes to keep privately owned areas clean and safe; and

WHEREAS, existing Ordinances No. 1358 and 1349 need to be updated and replaced to accomplish City beautification and to eliminate health and safety issues; and

THEREFORE, Ordinances No. 1358 and 1349 are hereby repealed and replaced as follows:

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Harrison, Arkansas, hereinafter referred to as "this code".

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safe-guards required by this code or a previous regulation or code under the structure or premises was constructed, altered or repaired shall be maintained in good working order. An owner, owner's authorized agent, operator or occupant shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 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 City of Harrison Fire Prevention Code, Plumbing Code, Mechanical Code, Electrical and Zoning Code.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the

public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The property maintenance inspection duties are hereby given to the Community Risk Reduction Division within the Harrison Fire Department, and the executive official in charge thereof shall be the Fire Chief, with the Administrative Division Chief of Community Risk Reduction being supervisor of these duties. In general terms, all personnel assigned to this division shall be known as the Code Official.

103.2 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Fire Chief shall have the authority to appoint personnel as needed to this division, and these deputies shall have powers as delegated by the Fire Chief.

103.3 Liability. The Code Enforcement official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reasons of an act or omission in the discharge of official duties.

103.3.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

SECTION 104 CLEAN PREMISES

104.1 Requirements of Owner or Occupant of Property. The owner(s) or occupant(s) of property within the Harrison city limits are hereby required to:

- A. Maintain, cut, and remove weeds, grass, and brush, or any other no cultivated plant(s), which are not used for agricultural purposes, which exceed the height of eight (8) inches.

- B. Remove garbage, rubbish, or any other unsanitary or unsightly articles and things including, but not limited to, boards, bricks, sheet metals, construction materials, appliances, and plumbing fixtures. This article applies to items which are in public view and are not being used in immediate construction projects.
- C. Eliminate, fill, or remove holes, items containing water, pools, ponds, or any nuisance that might attract children or vagrant persons, or might become a breeding place for flies, mosquitoes, rats, pests, germs, or vermin, or any unsafe or harmful to persons.
- D. Remove any items, whether valuable or junk, that might collect to interfere with the flow of drainage water in ditches, drains, or culverts.

104.2 Clean Premises Enforcement. Violators of the above "clean premises" codes will be given written notice that they have fourteen (14) calendar days to correct the violation. Notice may be by personal delivery, by certified mail to the last known address, or by posting the "Notice" on the premises. If the condition is not corrected in the fourteen (14) days, the City is authorized to enter the violating premises to perform the required work, or the City may pay a private contractor to perform mowing or clean-up. The owner may also be charged and cited into Boone County District Court. The cost of labor, equipment, and supplies incurred by the City may be claimed by the City as restitution, together with fines and costs levied by the District Court Judge. In cases where the violator does not respond, one notice attempt shall be sufficient for repeat mowing when required.

104.3 Procedure where owner's whereabouts in unknown or is a nonresident. In the event the owner has not been located, the City may file a lien against the premises for the cost of clean-up, as authorized by Arkansas Code Section 18-44-101 in which the lien may be enforced against the real estate within eighteen (18) months by filing suit in Boone County District or Circuit Court.

104.4 Fines and costs. A person convicted of a violation of this code for a first offense shall be guilty of an unclassified misdemeanor and shall be fined up to one thousand dollars (\$1,000). For premises violations that are not corrected, the fines may apply and be calculated for each day the violation continues, as well as any costs incurred by the City for the violation may be added as restitution.

SECTION 105 UNSAFE STRUCTURE

105.1 Damaged and Unsafe Structures. The owners of fire damaged, dilapidated, or casualty damaged properties that renders the structure(s) or premises unsafe, unsightly, or unsanitary are required to repair or eliminate the condition. The owner of the property shall be given written notice of the violation by a designated city official, and shall have thirty (30) days in which to eliminate the violation or, if additional time is needed and requested, to present a written plan of timely abatement acceptable to city officials. If the correction or abatement is not satisfactory to the enforcement official(s), a nuisance may be declared by Resolution of the city council. A structure found to be a nuisance may be condemned by a Resolution of the city council.

105.2 Nuisance and condemnation of buildings.

- A. 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 house, building and/or structure within the corporate limits of the City of Harrison, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the city council.
- B. That any such house, building and/or structure which is found and declared to be a nuisance by Resolution of the city council may be condemned to insure the removal thereof as herein provided.
- C. That the Resolution of the city council condemning any house, building and/or structure which constitutes a nuisance will include said Resolution an adequate description of the house, building and/or structure, the name or names, if known, of the owner or owner's thereof; and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.
- D. After a house, building and/or structure has been found and declared to be a nuisance and condemned by Resolution, a true or certified copy of said Resolution will be mailed to the owner or owners thereof; provided that, if the owner or owners of said house, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said Resolution on premises as herein above provided will suffice as notice.
- E. If the house, building and/or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated within thirty (30) days after notice is given or posted, the same may be torn down and/or removed by the city. Arkansas Code Sections 14-54-902, 903, and 904 are hereby adopted as if set out herein word for word.
- F. The persons designated by the Mayor to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any salable material thereof, by public sale to the highest bidder for cash after ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city.
- G. All of the proceeds of the sale of any such house, building, and/or structure or the proceeds of the sale of salable materials therefrom shall be paid to the city Treasurer. If any such house, building and/or structure or the salable materials there from be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the city, plus any fine or fines imposed, the balance thereof will be returned to the city Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance.
- H. If the city has any net costs in removal of any house, building or structure, the city shall have a lien upon the property as provided by Section 1 of Act 8 of 1983. The lien may be enforced at any time within eighteen (18) months after the work has been done by an action in the District or Circuit Court.

SECTION 106 INOPERABLE OR PARKED MOTOR DRIVEN VEHICLES AND EQUIPMENT

106.1 Inoperable or parked motor driven vehicles and equipment. The owner(s) or occupant(s) of property within the City limits of Harrison are hereby required to remove motor vehicles, trailers, and equipment that is unused, inoperable, and has been parked fourteen (14) days without use. The vehicle or equipment shall be presumed to be inoperative when any of the following conditions exists:

- A. One or more tires are flat.
- B. One or more wheels are missing.
- C. Weeds or grass have grown around the vehicle or equipment.
- D. The vehicle has no current registration.
- E. Any other factor that is indicative of non-use.

Note: This section does not apply to vehicles or equipment stored in closed garages or outbuildings, but does apply to driveways, yards, and open carports. This section does not apply to automotive or equipment businesses operating in commercial or industrial zones.

106.2 Enforcement. Violations of this section shall be given written notice that they have seven (7) calendar days to remove the vehicle or equipment. Notice may be by personal delivery or by certified mail. If the condition is not corrected in the seven (7) days, the City is authorized and directed to remove the violating vehicle or equipment. Alternatively, the City may engage and authorize a licensed towing/handling entity to remove the vehicle, all at the expense of the violator. The owner may also be charged and cited into Boon County District Court.

106.3 Fines and costs. A person convicted of a violation of this code section shall be guilty of an unclassified misdemeanor and shall be fined up to one thousand dollars (\$1,000). For violations that are not corrected, the fines may apply and be calculated for each day the violation continues. Also, any reasonable costs to remove the vehicle or equipment may be added to the court costs as restitution.

SECTION 107 ABANDONED VEHICLES

107.1 Abandoned vehicles and equipment. Any vehicle or equipment parked on the city street of the City of Harrison for a period of more than twenty-four (24) hours shall be considered to be abandoned and dealt with as hereafter set out. This provision shall not apply to vehicles parked in the street in front of a residence by the resident thereof or his guests.

107.2 Removal and storage. Any vehicle so parked shall be towed to an appropriate storage place by licensed business authorized and directed by the City to do so. Said vehicle shall remain in storage until such time as claimed by the proper owner. The towing business shall have a lien against said vehicle for the tow and storage charges incurred by reason of said abandonment. For the purpose of identifying the person with whom the charge abandonment, it shall be presumed as a matter of law that the registered title holder of said vehicle is the one who did so abandon.

107.3 Fines and costs. A person convicted of a violation of this code section shall be guilty of an unclassified misdemeanor and shall be fined up to one thousand dollars (\$1,000). For violations that are not corrected, the fines may apply and be calculated for each day the violation continues. Also, any reasonable costs to remove the vehicle or equipment may be added to the court costs as restitution.

SECTION 304 EXTERIOR STRUCTURE

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

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code, the International Existing Building Code, or the City of Harrison Fire Prevention Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
6. Exterior walls that are not anchored to supporting and supported elements or are not free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
7. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs or deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
8. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
9. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
11. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly

anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

12. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

304.2 Protective Treatment. 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. 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. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

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

304.5 Foundation walls. Foundation walls shall be maintained 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.

304.6 Exterior walls. 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.

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

304.8 Decorative features. 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.

304.9 Overhang extensions. 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. Where 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.

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

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. 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.

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

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

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in fixed position by window hardware.

304.14 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with City of Harrison Fire Prevention Code.

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

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

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

304.17.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

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

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

304.18 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 501 GENERAL

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

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

SECTION 502 REQUIRED FACILITIES

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

502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.

502.4 Employee's facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the International Plumbing Code, and City of Harrison Fire Prevention Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

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

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

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

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code and City of Harrison Fire Prevention Code.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

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

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature not less than

110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

505.5 Non-potable water reuse systems. Non-potable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.51.

505.5.1 Abandonment of systems. Where a non-potable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with 1301.10 of the International Plumbing Code.

SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

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

506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507 STORM DRAINAGE

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

SECTION 602 HEATING FACILITIES

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

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in

Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel burning space heaters be used as a means to provided required heating. Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 68°F shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants, shall supply heat to the occupants thereof at all times to maintain a minimum temperature of 68°F in all habitable rooms, bathrooms and toilet rooms. Exceptions: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 68°F shall be maintained.

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

SECTION 603 MECHANICAL EQUIPMENT

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

603.2 Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: Fuel-burning equipment and appliances that are labeled for un-vented operation.

603.3 Clearances. Required clearances to combustible materials shall be maintained in effective operation.

603.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operations.

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

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

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and 605 and connected to an energized service system.

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

604.3 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaries, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code and the City of Harrison Fire Prevention Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panel-boards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low and medium voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaries that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code and City of Harrison Fire Prevention Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaries. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISON, ARKANSAS:

PASSED AND ADOPTED THIS 21ST DAY OF November, 2019.



JEFF PRATT, CITY CLERK

CITY OF HARRISON, ARKANSAS

JERRY JACKSON, MAYOR



**STATE OF ARKANSAS
COUNTY OF BOONE**

I hereby certify that this instrument was filed for record in my office the 12/18/2019 9:55AM and duly recorded. Record as Instrument # 2019006907. Witness my hand and the court seal this 12/18/2019 9:55AM.

W. KAY CHERRY, Clerk of Court

