

SILOAM SPRINGS PROPERTY MAINTENANCE AND NUISANCE ABATEMENT CODE

ARTICLE I - ADMINISTRATION

Sec. 66-1 - Introduction

- (a) *General.* These regulations shall be known as the *Siloam Springs Property Maintenance and Nuisance Abatement Code* and may be referred to herein as “*the Code*” or “*this Code*”. These regulations are intended to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises within the City of Siloam Springs, Arkansas.
- (b) *Applicability.* The provisions of this Code shall apply to all residential and nonresidential structures and all premises within the City of Siloam Springs, Arkansas and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. Structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein, after appropriate notification by the City. 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, or Siloam Springs Municipal Code, the most restrictive standard or requirement shall govern.
- (c) *Historic Buildings, Structures and Districts.* Existing buildings or structures designated by the City, the State of Arkansas, or the United States government to be historic or within a designated historic district shall be exempted from the literal requirements of such provisions of this Code if it is determined by the city administrator such literal requirement infringes upon the historic nature of the building or structure. However, no exemption may be allowed unless the buildings or structures are judged by the senior code enforcement officer to be safe and in the public interest of health, safety and welfare.
- (d) *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.

- (e) *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 senior code enforcement officer. Such decisions are considered to be administrative determinations subject to appeal as provided by section 66-7. No citations may be issued based upon an administrative decision under this subsection until interested parties have been informed about the decision and been afforded an opportunity to appeal. code enforcement officers shall maintain, or cause to be maintained, a file of all administrative rules made pursuant to this subsection which shall be available for copy and inspection by the public.
- (f) *Application of other codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the most current adopted Arkansas Fire Prevention Code, Arkansas Energy Code, Arkansas Fuel Gas Code, Arkansas Mechanical Code, Arkansas Plumbing Code and NFPA 70. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Siloam Springs Municipal Code.
- (g) *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.

Sec.66-2 – Code Enforcement Officers

- (a) *General.* This Code shall be enforced by all code enforcement officers of the City. For the purposes of this Code, a code enforcement officer shall be defined as any city employee who has been authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing etc., within the municipal boundaries of the City. This Code may also be enforced by any and all duly sworn law enforcement officers of the Police Department.
- (b) *Identification.* All code enforcement officers shall carry proper identification and present the same upon request when performing duties under this Code.
- (c) *Rule-making authority.* The city administrator shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate administrative and procedural rules and to interpret and implement the provisions of this Code in a manner consistent with the intent thereof. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety. Rules and interpretations made pursuant to this subsection are considered to be administrative determinations subject to appeal as provided by section 66-7. No citations may be issued based upon a rule or interpretation under this subsection until interested parties have been informed about the decision and been afforded an opportunity to appeal. The city administrator shall maintain, or cause to be maintained, a file

of all administrative rules made pursuant to this subsection which shall be available for copy and inspection by the public.

- (d) *Modifications.* Whenever the senior code enforcement officer identifies practical difficulties involved in carrying out the provisions of this Code, the city administrator shall have the authority to grant modifications for individual cases, provided the city administrator 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 code enforcement division's files.

Section 66-3 - Inspections

- (a) *Right of entry.* Whenever the code enforcement officer has reasonable cause to believe that there exists in or upon a premises a condition in violation of this Code, or when it is necessary to make an inspection to determine compliance with a Notice of Violation that has been issued, the code officer is authorized to request entry into the structure or premises at reasonable times to inspect or perform the duties imposed by this Code, subject to constitutional restrictions on unreasonable searches and seizures. If such structure or premises is occupied the code enforcement officer shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code enforcement officer shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code enforcement officer shall have recourse to the remedies provided by law to secure entry.
- (b) *Inspections.* The code enforcement officer shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code enforcement officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the city administrator.
- (c) *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Senior code enforcement officer shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction. Reports of tests shall be recorded and entered in the department files.
- (d) *Material and equipment reuse.* Materials, equipment and devices shall not be reused unless a code enforcement officer finds that such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

Section 66-4 - Violations

- (a) *Violations* ~~declared to be strict liability misdemeanors unlawful~~. 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.~~
- (b) *Fines*. The penalty for violation of this chapter shall be as provided in section 1-7 of this Code.
- (c) *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. Siloam Springs District Court shall have exclusive jurisdiction over citations issued pursuant to this Code.
- (d) *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 Siloam Springs District Court.
- (e) *Board of Adjustment*. The authority of the Siloam Springs Board of Adjustment is specifically restricted to administrative matters. The Board of Adjustment is not authorized to adjudicate citations or the appeal of citations.

Sec. 66-5 – Administrative Procedures

- (a) *Notice of Violations*. “Notice of Violations” shall be written on standardized or letter form approved by the senior code enforcement officer that shall include the following information:
- (1) The name of the owner, if known;
 - (2) An address or description of the real estate sufficient for identification;
 - (3) A description of the violation or violations;
 - (4) A statement of acts necessary to abate the violation;
 - (5) Rights of Appeal under section 66-7;
 - (6) A statement that if the violation isn’t corrected within a specific timeframe, a minimum of which shall be seven (7) days from the date of the letter, that citations may be issued and fines assessed in addition to any administrative remedy imposed by the City.
 - (7) Include a statement that the City has a right to cause repairs or demolition to be made, or cause the nuisance to be abated, and that the costs may be assessed against the owner and the property of the owner;
 - (8) Signature of the citing officer; and
 - (9) The information required by Ark. Code Ann. § 14-54-903, if applicable.

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

- (1) By personal service, if the whereabouts of the person involved are known;
- (2) By regular mail and certified mail, return receipt requested; or
- (3) When the identity or whereabouts of a person is unknown, by weekly publication in a newspaper having general circulation throughout the City for two (2) consecutive weeks.

(c) *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.

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

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

(e) *Absentee owners not exempted.* Any person who owns property within the corporate limits of the city (place or state of residence notwithstanding) shall be liable for compliance with this chapter, and actions as prescribed in this chapter shall be applied to the fullest extent necessary to effect such compliance.

(f) *Notice of publication upon unknown or nonresident owners; attorney ad litem.* In case the owner of any lot or other real property is unknown, or his whereabouts is not known or he is a nonresident of the state, then a copy of the written notice referred to shall be posted upon the premises. Before any action to enforce such lien shall be initiated, the clerk shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresident, and thereupon service by publication as now provided for by law against nonresident defendants may be had, and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known address, if such address can be found

(g) *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 66-4(c).

66-6 – Emergency Procedures

- (a) *Temporary safeguards.* Notwithstanding other provisions of this Code, whenever, in the opinion of the senior code enforcement officer, there is imminent danger due to an unsafe condition, the code officer 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 officer deems necessary to meet such emergency.
- (b) *Closing streets.* When necessary for public safety, the code officer shall temporarily close structures and close, or requests the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- (c) *Emergency repairs.* For the purposes of this section, the senior code enforcement officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the City. The City Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Sec. 66-7 - Appeals

- (a) *Administrative appeal.* Administrative determinations may be appealed to the Siloam Springs Board of Adjustment. The following actions are *not* subject to administrative appeal and shall be appealed in the manner provided by law for those particular actions:
 - (1) Citations heard in Siloam Springs District Court; and
 - (2) Condemnations heard by the City Board of Directors or a court of law.
- (b) *Timely Submission of Appeal.* Unless otherwise provided in this Code, any person affected by a “Notice of Violation” or other administrative determination under this Code may appeal the determination by submitting a written application to the Community Development Department or the Code Enforcement Division within seven (7) days, excluding weekends and holidays, after the date the notice was personally served or posted, or from the date the notice was mailed. If no appeal is requested, it will be assumed that all elements of the notice are clearly understood and abatement action will proceed as directed.
- (c) *Contents of Appeal.* A request for an administrative appeal must be made upon forms approved by the Community Development Department or in any written form that contains the following information:
 - (1) The date the appeal is submitted;
 - (2) The name and address of the appellant;
 - (3) The address of affected property;
 - (4) A description of the administrative decision being appealed; and
 - (5) The desire that the administrative decision be overturned or reviewed.

- (d) *Notice of Hearing.* The Board of Adjustment shall consider the appeal at the next available date. The appellant shall be provided notice, by the city, of the hearing by first class mail sent to the address shown on the request for administrative appeal no less than seven (7) days prior to the hearing.
- (e) *Actions pending appeal.* No code enforcement officer may take action based upon an administrative decision while that decision is being appealed *except* for citations issued under subsection 66-4(c).
- (f) *Conduct of Hearing.* Hearings shall be conducted in an open forum according to such procedural rules as may be adopted by the Board of Adjustment. No administrative decision of a code enforcement officer may be overturned unless a determination is made that:
- (1) The true intent of this Code or the rules legally adopted there under have been incorrectly interpreted;
 - (2) The provisions of this Code do not fully apply; or
 - (3) The requirements of this Code are adequately satisfied by other means.
- (g) *Orders.* Upon the conclusion of an appeal, the Board of Adjustment shall issue a written decision. Such written decision shall include notification to the person involved. The findings of the Board of Adjustment will be final and conclusive and, if a violation is found to exist, it shall be ordered to be corrected within a time reasonable under the circumstances.

Secs. 66-8 – 66-19. Reserved

Article II

DEFINITIONS

Sec. 66-20. General

- (a) 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." Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. Where terms are not defined in this Code but are defined in other chapters of the Siloam Springs Municipal Code, or the most current adopted versions of the Arkansas Fire Prevention Code, Arkansas Energy Code, Arkansas Fuel Gas Code, Arkansas Mechanical Code, Arkansas

Plumbing Code or the National Fire Prevention Association's National Electric Code (NFPA 70), such terms shall have the meanings ascribed to them as stated in those codes

Sec. 66-21. List of Definitions

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

ANCHORED. Secured in a manner that provides positive connection.

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.

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

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

CONDEMN. To adjudge unfit for human occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness

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

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

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

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

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

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

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

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

HISTORIC. Any existing buildings or structures designated by the City, the State of Arkansas, or the United States government to be historic or located within a 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 may or may 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 an unusually large number of insects, rats, vermin or other pests.

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

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

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

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

NEGLECT. The lack of proper maintenance for a building or *structure*.

NUISANCE. This term is defined in Article VIII 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 officer 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, or other items and materials, 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. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, with or without meals, for compensation. Bed-and-breakfasts, boarding houses, half-way houses, and hotels 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.

SEMITRAILER. A detachable trailer for hauling freight, with wheels at the rear end, and the forward end being supported by the rear of a truck tractor. When attached to a truck tractor, the combination of both is typically referred as a tractor-trailer.

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

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

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

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

TRAILER. Means any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, including without limitation the following: boat trailers, camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, farm implements, livestock trailers, and gooseneck trailers, but not including semitrailers

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

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

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

Secs. 66-22 – 66-29. Reserved

ARTICLE III

GENERAL REQUIREMENTS

Sec. 66-30. General

- (a) *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.
- (b) *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.
- (c) *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.

Sec. 66-31. Exterior Property Areas

- (a) *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.
- (b) *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

(c) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be maintained free from hazardous conditions.

(d) *Grass or Weeds, and Trees.* Except as otherwise provided herein, all lands, whether or not platted and/or subdivided, which have never been cleared or developed and which remain in their natural state, may be maintained in their undeveloped, natural state, provided that a Notice of Violation authorized by this section may be issued for any portion of such property as is necessary to abate vegetation which negatively impacts the use of public sidewalks or trails, or blocks pedestrian or vehicular vision of traffic, provided further that in the event such lands are put to any use, including but not limited to pasturing for livestock, then such lands shall be maintained as is provided in subsection 66-31(d)(1) below, and provided further that any inhabitant of the city may initiate a complaint to a code enforcement officer that a tract of land is not maintained as provided in subsection 66-31(d)(1) below. If such complaint is received, or if lands are otherwise discovered to appear to lack required maintenance, an investigation of the subject lands will be made. If the investigation results in a determination that the subject lands, even though such lands remain undeveloped, constitute a substantial health, fire, flooding hazard or detriment to the inhabitants of the city because of the subject land's close proximity to developed lands, or for other reasons provided by law, the code enforcement officer shall order such lands maintained as is provided in subsection 66-31(d)(1) below.

(1) All lands, except as otherwise provided in subsection 66-31(d) above, shall be maintained so that weeds and grasses thereon shall not exceed nine inches in height.

(2) The owners of all lands, other than those described in subsection 66-31(d), shall maintain all unopened street rights-of-way, easements for utility drainage, walking or other purposes, unopened alleys, opened alleys other than the portion of the same used for vehicular traffic, and those portions of the public street right-of ways between the property line and the back of the street curb line or for up to a maximum of ten feet outside the property line if there is no street curb, which adjoin the owners' lands so that weeds and grasses shall not exceed nine inches in height. If any such rights-of-way, easement or alley is adjoined by the lands of two property owners, then each owner shall maintain such right-of-way, easement or alley to its midpoint.

(3) The owners of all lands shall remove or cause to be removed all dead or dying trees and dead parts of living trees from their lands when such dead or dying trees or dead parts of trees shall constitute a hazard to personal safety or property due to the imminent possibility of their falling upon or being blown upon public property or property of other owners, or when such trees because of disease or decay constitutes a nuisance and/or imminent health threat to other trees located on public property or property of other owners.

(e) *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved

processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

- (f) *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.
- (g) *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- (h) *Motor vehicles.* Except when fully contained within an enclosed structure, or as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an approved spray booth. For specific requirements related to the removal of wrecked or inoperable vehicles, refer to subsection 66-84(c)(2).

Exception: Inoperable or wrecked motor vehicles stored or keep in ~~residential garages,~~ carports, or similar structures, for the purposes of being repaired or restored, and owned by the owner or tenant of the premise, are permitted for a period not to exceed one (1) year, so long as the repair or restoration work is effectively progressing, and provided that all such work is performed inside the structure. All other major motor vehicle overhaul work, including body work, shall be performed at locations zoned appropriately and approved for such purposes.

- (i) *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.

Sec. 66-32. Exterior Structure

- (a) *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.
- (b) *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion.
- (c) *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

- (d) *Foundation walls.* All foundation walls shall be maintained in such condition so as to prevent the entry of rodents and other pests.
- (e) *Exterior walls.* All exterior walls shall be free from holes, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (f) *Roofs and drainage.* All roofs and flashing shall 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. Roof water shall not be discharged in a manner that creates a public nuisance.
- (g) *Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.
- (h) *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.
- (i) *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
- (j) *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.
- (k) *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
- (l) *Insect screens.* Any and all residential property and residential apartments which are not serviced by a heating and air conditioning unit or units shall be required to have insect screens to provide for ventilation of habitable areas. Such insect screens shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging, screened, door shall have a self-closing device in good working condition.
- (m) *Doors.* All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with subsection 66-71(c).
- (n) *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.

Sec. 66-33. Interior Structure

- (a) *General*. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
- (b) *Structural members*. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- (c) *Interior surfaces*. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition.
- (d) *Stairs and walking surfaces*. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- (e) *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.
- (f) *Interior doors*. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Sec. 66-34. Rubbish and Garbage

- (a) *Accumulation of rubbish or garbage*. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
- (b) *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.
 - (1) *Appliances*. Appliances such as refrigerators, stoves, clothes washer and dryers, dishwashers, deep freezers, and similar equipment shall not be discarded, abandoned or stored outside on premises.
- (c) *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.

Sec. 66-35. Extermination

- (a) *Infestation*. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents infestation is found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

- (b) *Owner*. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- (c) *Single occupant*. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.
- (d) *Multiple occupancy*. The owner of a structure containing two or more dwelling units, a rooming house or a multiple occupancy residential or nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.
- (e) *Occupant*. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

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

Secs. 66-36 – 66-39. Reserved

ARTICLE IV

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

Sec. 66-40. General

- (a) *Scope*. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.
- (b) *Responsibility*. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.
- (c) *Alternative devices*. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the current adopted version of the Arkansas Fire Prevention Code shall be permitted.

Sec. 66-41. Light

- (a) *Habitable spaces*. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be of sufficient size to allow the habitable space to be reasonable illuminated during daylight hours.

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

- (b) *Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb, or equivalent, for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than one- and two-family dwellings, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.
- (c) *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

Sec. 66-42. Ventilation

- (a) *Habitable spaces.* Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be of sufficient size to provide reasonable ventilation of the space.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 17.5 square feet.

- (b) *Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by subsection (a) above, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors or attic and shall not be recirculated.
- (c) *Cooking facilities.* Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by a code enforcement officer.

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

- (e) *Clothes dryer exhaust.* Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

Sec. 66-43. Occupancy Limitations

- (a) *Privacy.* Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.
- (b) *Minimum room widths.* A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.
- (c) *Minimum ceiling heights.* Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 6 feet, 6 inches.

Exceptions:

- (1) In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
- (2) Rooms occupied exclusively for sleeping, study or similar purposes and having, a sloped ceiling over all or part of the room, with a clear ceiling height of at least 6 feet, 6 inches over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.
- (d) *Bedroom requirements.* Every bedroom shall comply with the following requirements:
- (1) *Area for sleeping purposes.* Every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
- (2) *Access from bedrooms.* Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

- (3) *Water closet accessibility.* Every bedroom shall have interior access to at least one water closet and one lavatory without passing through another bedroom. Additionally, every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- (4) *Prohibited occupancy.* Kitchens and non-habitable spaces shall not be used for sleeping purposes.

(5) *Other requirements.* Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section; the plumbing facilities and water-heating facilities requirements of Article V of this chapter; the heating facilities and electrical receptacle requirements of Article VI of this chapter; and the smoke detector and emergency escape requirements of Article VII of this chapter.

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

Secs. 66-44 – 66-49. Reserved

ARTICLE V

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Sec. 66-50. General

- (a) *Scope.* The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
- (b) *Responsibility.* The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

Sec. 66-51. Required Facilities

- (a) *Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.
- (b) *Rooming houses.* At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.
- (c) *Employees' facilities.* A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.
- (1) *Drinking facilities.* Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

Sec. 66-52. Toilet Rooms

- (a) *Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.
- (b) *Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from an interior common hall or passageway.
- (c) *Location of employee toilet facilities.* Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area. Employee facilities shall either be separate facilities or combined employee and public facilities.
- (d) *Floor surface.* In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

Sec. 66-53. Plumbing Systems and Fixtures

- (a) *General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
- (b) *Plumbing system hazards.* Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the code enforcement officer shall require the defects to be corrected to eliminate the hazard.

Sec. 66-54. Water System

- (a) *General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the most recently adopted version of the Arkansas Plumbing Code.
- (b) *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.

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

Sec. 66-55. Sanitary Drainage System

- (a) *General*. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (b) *Maintenance*. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
- (c) *Grease interceptors*. Grease interceptors and automatic grease removal devices shall be maintained in accordance 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 enforcement officer.

Sec. 66-56. Storm Drainage. 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.

Secs. 66-57 – 66-59. Reserved

ARTICLE VI

MECHANICAL AND ELECTRICAL REQUIREMENTS

Sec. 66-60. General

- (a) *Scope*. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

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

Sec. 66-61. Heating Facilities

- (a) *Facilities required.* Heating facilities shall be provided in structures as required by this section.
- (b) *Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
- (c) *Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom shall supply heat sufficient to maintain a temperature of not less than 65°F in all habitable rooms, bathrooms, and toilet rooms.

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

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

Sec. 66-62. Mechanical Equipment

- (a) *Mechanical appliances.* All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- (b) *Removal of combustion products.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

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

- (c) *Clearances.* All required clearances to combustible materials shall be maintained.
- (d) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.
- (e) *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.

Sec. 66-63. Electrical Facilities

- (a) *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 66-64 below.
- (b) *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.
- (c) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code enforcement officer shall require the defects to be corrected to eliminate the hazard.

Sec. 66-64. Electrical Equipment

- (a) *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner, including the maintenance of protective shields and covers.
- (b) *Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.
- (c) *Lighting fixtures.* Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

Sec. 66-66. Elevators, Escalators and Dumbwaiters

- (a) *General.* Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.
- (b) *Elevators.* In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

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

Sec. 66-67. Duct Systems

- (a) *General.* Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

Secs. 66-68 – 66-69. Reserved

ARTICLE VII

FIRE SAFETY REQUIREMENTS

Sec. 66-70. General

- (a) *Scope.* The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.
- (b) *Responsibility.* The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

Sec. 66-71. Means of Egress

- (a) *General.* The occupant shall maintain a safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Arkansas Fire Prevention Code.
- (b) *Aisles.* The required width of aisles in accordance with the Arkansas Fire Prevention Code shall be unobstructed.
- (c) *Locked doors.* All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Arkansas Fire Prevention Code.
- (d) *Emergency escape openings.* Required emergency escape openings shall be maintained in accordance with the building codes in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the building codes that were in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

Sec. 66-72. Fire-Resistance Ratings

- (a) *Fire-resistance-rated assemblies.* The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
- (b) *Opening protectives.* Required opening protectives shall be maintained in an operative condition. All fire and smoke top doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

Sec. 66-73. Fire Protection Systems

- (a) *General.* All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Arkansas Fire Prevention Code.
- (b) *Smoke alarms.* Single or multiple-station smoke alarms shall be installed and maintained in all residences, regardless of occupant load at all of the following locations:
 - (1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - (2) In each room used for sleeping purposes.
 - (3) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple-station smoke alarms shall be installed in other occupancy groups in accordance with the Arkansas Fire Prevention Code.
- (c) *Power source.* In all residences, regardless of occupant load, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

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

- (1) in buildings where no construction is taking place;
 - (2) in buildings that are not served from a commercial power source; and
 - (3) in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure.
- (d) *Interconnection.* Where more than one smoke alarm is required to be installed within a residence, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

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

Secs. 66-74 – 66-79. Reserved

ARTICLE VIII

NUISANCES

Sec. 66-80. General

- (a) *Intent.* It is the intent of this Code to prevent and abate nuisances within the municipal boundaries of the City of Siloam Springs.
- (b) *Creation or maintenance of nuisances.* It shall be unlawful for any person or entity (owner, lessee, or other) to cause, permit, maintain or allow the creation or maintenance of a nuisance on premises under their control within the City.
- (c) *Persons held responsible.*
 - (1) Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of property, created by a former owner, is liable therefor in the same manner as the one who first created the cause for nuisance.
 - (2) In cases wherein dual ownership or responsibility exists, notification or service of notice to abate to one owner will be sufficient to effect notice to all concerned.
 - (3) Absentee owners are responsible in the same manner as residents of this city.
- (d) *Establishing ownership.* Ownership of vacant lots in violation of this chapter shall be established by first applying local research. If local knowledge does not reveal ownership, property records maintained by the county recorder will be checked for registered ownership which, when revealed, will be considered final.
- (e) *Lapse of time does not legalize.* No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

Sec. 66-81. Definitions

NUISANCE means any act, omission, or property condition that is detrimental to the health, safety, and welfare of the public in that it:

- Injures or endangers the comfort, repose, health or safety of others;
- Offends decency;
- Is offensive to the senses;

- Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- In any way renders other persons insecure in life or the use of property; or
- Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

NUISANCE, PRIVATE means one which involves a singular dispute between two persons or a thing or condition perpetrated to affect only a confined number of persons and not general in nature.

NUISANCE, PUBLIC means one which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

Sec. 66-82. Declaration of certain nuisances.

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 declaration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (2) Accumulation or storage of refuse, used appliances or building materials not planned for use within a six-month period, on any lot.
- (3) Accumulations of weeds, grass or brush on private or public property.
- (4) Parking, placement, or storage of inoperative, wrecked, or abandoned motor vehicles, discarded components of such vehicles, or inoperative implements or machinery on any lots unless housed within a building or garage on the premises.
- (5) Placement of signs, notices or political advertising upon public buildings, utility poles or other appurtenances within street or alley rights-of-way, or upon other public property.
- (6) Abandonment of vehicles, discarded appliances or dead animal carcasses upon streets, alleyways or other public property.
- (7) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (8) Obstruction of street accesses by shrubs, brush or construction of any nature, other than in accordance with this Code.
- (9) Overhanging limbs of less than eight feet above streets or sidewalks.
- (10) All explosives, inflammable liquids or other dangerous substances stored in any manner or in any amount other than as permitted by applicable law or this Code.
- (11) All enclosures within which animals are penned or sheltered which create offensive odor or appearance to disturb neighbors or neighborhood.

- (12) 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.
- (13) Accumulations of shipping cartons, crates or other containers so placed as to interfere with normal travel upon and through public streets and alley rights-of-way of the city.
- (14) Any noise-producing apparatus, device or activity the operation of or through which the comfort, repose, health or well-being of others is offended or by which distraction the peace of others is disturbed unless resultant from recognized sports activities of short duration.
- (15) The pollution or existence of causes of pollution of any public stream, natural water source, lake or other body of water by sewage, waste matter from either industrial, commercial, or residential uses, or by other substances.
- (16) 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.
- (17) All snow and ice not removed from public sidewalks in commercial areas within 24 hours, not including Sundays and holidays, after depositing has ceased.
- (18) All hanging signs, awnings and other structures over the streets and sidewalks so situated or constructed as to endanger public safety.
- (19) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (20) Unsafe structures.
- (21) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.
- (22) Unsafe equipment, including, but not limited to, any boiler, heating equipment, elevator, moving stairway or escalator, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- (23) 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.
- (24) Such other conditions or situations as may be revealed by public pronouncement as determined by the board of directors and adopted by such body in response to an emergency need.
- (25) The parking or storage of trailers, boats, camping trailers and the like in the exterior property of a premise when parked or stored within the premise's front setback, or in the premise's side or corner setback (refer to Chapter 102, Article IV – Zoning District Regulations). EXEMPTION: One (1) trailer, boat, camping trailer and the like is permitted to be parked or stored in the premise's driveway. All other trailers and the like are permitted to be stored in the side and rear yards of premises.

Sec. 66-83. General Remedies

- (a) *Other remedies unaffected.* The remedies found in this article are not intended to displace any other remedies of law or equity found in the common or statutory law of Arkansas that may be

available to the City of Siloam Springs, a citizen of the City of Siloam Springs, or any public or private entity to abate or prevent a nuisance.

(b) *Citations.* Code enforcement officers are authorized to issue citations or notices of violation to any person in violation of subsection 66-80(b).

(c) *Remedies against public nuisances.* Remedies against public nuisances are as follows:

- (1) Prosecution on complaint before the district court.
- (2) Prosecution on information or indictment before another appropriate court.
- (3) Civil action.
- (4) Abatement by City in accordance with law.

(d) *Remedies against private nuisances.* Remedies against private nuisances are as follows:

- (1) Civil action.
- (2) Abatement by City in accordance with law.

(e) *Abatement.* In addition to the authority found in this section, code enforcement officers are authorized to take such action as may be reasonably necessary to abate nuisances within the City of Siloam Springs. For the specific nuisances that are referenced in Section 66-84 below, code enforcement officers may use the associated method of abatement which is deemed to be both a reasonable and necessary response by the City to abate a nuisance.

Sec. 66-84. Remedies for abatement of nuisances.

(a) *Power of city to define and summarily abate nuisances.*

- (1) Pursuant to A.C.A. § 14-54-104, the City has the power to prevent injury or annoyance within the limits of the corporation, from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated.
- (2) If a person served with notice of the existence of a nuisance neglects, fails or refuses to abate the nuisance as directed, the administrator may cause the nuisance to be abated utilizing city resources. An accurate account of all costs incurred shall be itemized and filed with the city administrator or the administrator's designee.
- (3) The city administrator or the administrator's designee shall mail a statement to the person involved showing total costs assessed against them, being due and payable upon receipt. If such statement has not been paid in full or acceptable payment arrangement made within 30 days, the city administrator or the designee shall certify the costs to the city attorney, who will initiate appropriate civil action, pursuant to A.C.A. § 14-54-903, claiming a lien on property included.
- (4) The lien provided for above may be enforced in accordance with law. The amount determined by the Board of Directors, plus ten percent (10%) penalty for collection, will be certified to the county tax collector for placement on the records as delinquent taxes and collected accordingly.

(5) In cases where circumstances appear to deem it impractical to summarily abate, the city may bring civil action for abatement of the nuisance.

(b) *Enforcement.* The administrator is charged with the responsibility to enforce, through the administrator's designated agents, all provisions of this article. Any city official may report the existence of or alleged existence of a nuisance to the administrator or the designated agents for enforcement action. The code enforcement officers, the building official, or other persons designated by the administrator, or any police officer is authorized to issue notice and/or subsequent citation for violation of any part of this article.

(c) *Remedies for specific nuisances.*

(1) *Uncut weeds, grass and unsanitary articles.* All property owners and occupants within the municipal boundaries of the City are required to cut weeds and grass when greater than nine (9) inches in height, remove garbage, rubbish and other unsanitary articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. For specific requirements related to the required maintenance of grass and weeds, refer to subsection 66-31(d).

(A) Authorized abatement. If the owner of any lot or other real property within the city shall neglect or refuse to remove, abate or eliminate any condition as may be provided for under subsection 66-84(c)(1), after having been given a Notice of Violation with a minimum of seven days' notice in writing to do so by a code enforcement officer, the city is hereby authorized to take such action is necessary to correct the condition, including but not limited to entering upon the property and having such weeds, rank grass or other vegetation cut and removed, or eliminating any unsanitary and unsightly condition, or causing necessary repairs to be made and charging the cost thereof to the owner of such premises, which shall constitute a lien thereon. The abovementioned notice shall be calculated by counting the first day of the notice 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 last day of the notice period. The City reserves the right to secure a lien for its costs, including a priority clean-up lien pursuant to A.C.A § 14-54-903.

(B) Special notice rules for weed lots. For purposes of this section, a "weed lot" is a previously platted and subdivided lot that is vacant or upon which an unsafe and vacant structure is located and that contains debris, rubbish, or grass contrary to this Code. Due to the continual growth cycle of vegetation on weed lots, continuous abatement is often necessary. Thus the minimum seven day Notice of Violation described in subsection 66-84(c)(1)i above shall be issued with the following additional statement,

“Work to abate this nuisance will not be complete until the end of the growing season and no additional notices will be issued.” No additional Notice of Violation need be given unless and until the growing season concludes and further abatement is necessary.

(C) Exemptions. The following shall be exempt from the application of the provisions of this subsection:

1. Agricultural lands under cultivation;
2. Construction under timely and efficient progression.

(2) *Inoperable or wrecked motor vehicles, trailers, and any parts thereof.* The accumulation of inoperable or wrecked motor vehicles and inoperable or wrecked trailers in the City is degrading to the environment, property values, and the aesthetic beauty of the City. Thus, the only location outside of a completely enclosed structure where an inoperable or wrecked motor vehicle, an inoperable or wrecked trailer, or any parts thereof, may be parked, kept, or stored within the City is in an approved storage area on property that is properly zoned and permitted for that purpose. (Please refer to Chapter 102 – Zoning of the Municipal Code.) The parking, keeping, or storing of inoperable or wrecked motor vehicles, inoperable or wrecked trailers, or any parts thereof, at any other location, or unauthorized area thereon, in the City is declared to be a nuisance and may be cited for violation of subsection 66-31(h) and, if necessary, abated as provided in subsections 66-84(c)(2)C and 66-84(c)(2)D, below.

(A) Presumption of inoperability. A vehicle shall be deemed inoperable when two or more of the following conditions exist:

1. One or more tires are flat.
2. One or more wheels are missing.
3. The hood or trunk is raised or missing and has appeared to remain so for more than three days.
4. Weeds or grass have grown up around the vehicle.
5. The engine is missing.
6. The vehicle has no current vehicle tags or registration.
7. The door or doors, fender or fenders are removed or missing.
8. The front or rear windshield is broken, removed or missing, or the side windows are broken or removed or missing.

(B) Presumption of inoperability. A trailer, as defined in section 66-9 shall be deemed inoperable when two or more of the following conditions exist:

1. One or more tires are flat.
2. One or more wheels are missing.
3. Weeds or grass have grown up around the vehicle.

4. The trailer has no current tags or registration.
5. Hitch is missing.
6. The structure or frame is severely damaged.
7. Flooring is missing.

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

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

(E) Exemption. ~~Inoperable or wrecked motor vehicles, or inoperable or wrecked trailers stored or kept in residential garages, carports, or similar structures, for the purposes of being repaired or restored, and owned by the owner of the premise, are permitted for a period not to exceed one (1) year, so long as the repair or restoration work is effectively progressing, and provided that all such work is performed inside the structure. All other major motor vehicle or trailer overhaul work, including body work, shall be performed at locations zoned appropriately and approved for such purposes. This section shall not apply to any motor vehicle in operable condition~~

~~specifically adopted or designed for operation on drag strips or raceways~~ As provided for in section 66-31(h).

(3) Impediments to City streets, easements, or rights-of-way. The City owns property rights throughout the jurisdiction of this Code which are necessary to the efficient flow of traffic, storm water, utility service, and the like. Impediments to these property rights are declared to be a public nuisance as they reduce the public benefit of public property and can endanger the health and welfare of the citizens who use and depend upon these property rights. Code enforcement officers shall have the authority to order the immediate removal of any impediment to the use of public streets, sidewalks, drains, ditches, utilities, easements, or other right-of-ways. If the apparent owner of the impediment is not known, available, or willing to remove the impediment, a code enforcement officer may cause the same to be removed. Any person who is aggrieved by the actions of a code enforcement officer under this subsection may appeal the same pursuant to Section 66-7.

(A) Property deemed abandoned. Any property seized by the City pursuant to subsection 66-84(c)(3) shall be deemed abandoned after thirty (30) days and properly disposed of by the Senior code enforcement officer.

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

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

1. Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
2. Unfit structure for human occupancy. A structure is unfit for human occupancy whenever the code enforcement officer 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.

3. 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.
- (B) Vacating of Unfit or Unsafe Structures and Utility Services. Any premises declared as unsafe or unfit for human habitation by a code enforcement officer and so designated by placard, shall be vacated within seven (7) days after notice of such action has been given to both the owner and occupant of the building. On the eighth (8th) day after said notice the Code Enforcement Division shall notify all utilities to discontinue services to the dwelling or dwelling unit. After utilities services are cutoff no further services shall be made available until the appropriate construction permits are obtained or until the Code Enforcement Division notifies utilities that services may be provided to the dwelling or dwelling unit.
1. Placarding. Upon failure of the owner or person responsible to comply with the Notice of Violation for a nuisance structure or equipment within the time given, the code enforcement officer 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.
 2. Placard removal. The Code Officer shall remove the placard referred to in this subsection whenever the defect or defects upon which the placarding actions were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Officer shall be subject to the penalties provided by this Code.
- (C) Prohibited occupancy. Any person who shall occupy placarded premises and any owner or responsible person of placarded premises who allows another person to occupy such placarded premises shall be subject to the penalties provided by this Code.
- (D) Abatement. When warranted, code enforcement officers may perform work to secure, abate and otherwise cause a nuisance structures to conform with this Code and seek reimbursement for the cost thereof in the manner provided by law.
- (E) Condemnation. When warranted, code enforcement officers may initiate condemnation proceedings under Article III of Chapter 18 of the Siloam Springs Municipal Code in lieu of or in addition to the procedures in this section

Sec. 66-85. Railroad rights-of-way.

- (a) *View obstruction at crossings.* All railroad companies operating within the city shall maintain their rights-of-way at or around any railroad crossing with a public street, alley or other public way free from weeds, grasses, trees, bushes, shrubs and other growing vegetation which may obstruct the view of pedestrians and vehicle operators using the public ways for a distance of 100 yards in all right-of-way directions from such railroad crossings.
- (b) *Maintenance of rights-of-way.* All railroad companies shall maintain their rights-of-way so that weeds and grasses thereon shall not exceed nine (9) inches in height.
- (c) *Authorization.* The administrator, or designated representative, is authorized to order, in the name and by the authority of the city, any railroad company having a railroad right-of-way within the city to maintain its rights-of-way as provided in this section.

Secs. 66-86 – 66-89. Reserved

ARTICLE IX

NOISE

Sec. 66-90. General

- (a) *Prohibited generally.* The creating or allowing of any unreasonably loud, disturbing and unnecessary noise within the limits of the city, including noise of such character, intensity or duration as to be detrimental to the life, health or safety of any individual, or in disturbance of the public peace and welfare is prohibited.
- (b) *Exception.* None of the terms or prohibitions of this article shall apply to or be enforced against any vehicle of the city while engaged upon necessary public business, or any ambulance or emergency vehicle while being operated in cases of emergency.
- (c) *Prohibited noises enumerated.* The following are declared to be noises in violation of this article, but this enumeration shall not be deemed to be exclusive:
 - (1) *Horns; signaling devices.* The repetitive sounding of any horn or signal device on any automobile, motorcycle, bus, taxicab or other vehicle while not in motion except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; or the creation by means of any such signal device of any unreasonably loud or harsh sound; or the sounding of such device for an unnecessary and unreasonable period of time shall be a violation of this article.
 - (2) Playing of radios, instruments and other instruments or devices. The playing of any radio, jukebox or similar device, phonograph or any other kind of musical instrument or loudspeaker device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner or with such a volume as to annoy or disturb the quiet, comfort or repose of persons in any

office, hospital, dwelling, hotel or other type of residence or of any persons in the vicinity shall be a violation of this article. The act of playing any such instrument or device during any period of time in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, dwelling, hotel or other type of residence, or of any persons in the vicinity, is declared to be in violation of this article if any person so disturbed shall swear to and sign an affidavit for warrant for arrest of the offending party.

(3) Yelling, shouting, hooting, whistling or singing. Yelling, shouting, hooting, whistling or singing on the public streets without a permit at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or any other type of residence or of any persons in the vicinity shall be a violation of this article.

(4) Motor Vehicles.

(A) *Use regulations.* The use of any vehicle in such a condition or manner as to cause unreasonably loud grating, grinding, rattling or other noise shall be a violation.

(B) *Hours.* Between the hours of 10:00 p.m. and 8:00 a.m., no person shall permit a vehicle to be parked for more than 15 minutes within 250 feet of any residential property unless each engine in or upon the vehicle is switched off and is not operating, or unless the sound generated by the engine is entirely inaudible from the immediate exterior of the vehicle.

(C) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Engine means all fuel-driven or electric engines or motors whatever, whether main, auxiliary or otherwise.

Parked means stationary or substantially stationary.

Person means any natural person, association, business or other legal entity having ownership, custody or control of the vehicle, or having ownership, control or occupancy of the land upon which the vehicle is situated.

Residence means any structure used for human habitation in a residential zone.

Vehicle means any truck, automobile, bus, train, trailer, motorcycle, tractor or any other wheeled vehicle whatsoever

(5) Engine exhausts. The discharge into the open air of the exhaust of any stationary steam engine, stationary internal-combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom, shall be a violation of this article.

(6) Near schools, hospitals, churches or courts. The creation of any excessive noise on any street or other property adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions of such institutions, shall be a violation of this article.

(d) *Permits.* Any person may apply to the City for a permit to conduct activities which might otherwise violate this article. The board of directors may impose such limitations as time and geographic area for such activity. The City shall consider such factors as adequate police protection, interference with established businesses and the like. Such activities shall include, but not be limited to, functions advancing the arts, holiday festivals and parades, public functions protected by the First Amendment, and election activities.

SECTION II. Repealer and severability.

Prior Ordinances in conflict with the provisions enacted herein are repealed to the extent of the conflict as of the effective date of this Ordinance. If any provision of a section of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.