

**CITY OF HAMPTON, ARKANSAS
ORDINANCE NO. 2018-02**

**AN ORDINANCE REGARDING MAINTENANCE OF REAL PROPERTY WITHIN
THE CITY OF HAMPTON, ARKANSAS**

BE IT ORDAINED by the City Council of the City of Hampton, Arkansas:

Sections:

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- 2 Interpretation
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Section 1. General intent and purpose: The intent of this ordinance is to protect the public health, safety and welfare of the residents of Hampton, Arkansas, with regard to residential and non-residential properties within the city limits of Hampton by establishing minimum property maintenance requirements and standards to prevent blight, crime and disease, to preserve property values, to increase public confidence in safety, to increase tourism, to facilitate the basic rights of adjacent property owners and citizens to enjoy their surroundings, to fix the responsibility of owners and occupants and to provide for administration, enforcement and penalties.

Section 2. Interpretation: This ordinance shall be construed liberally and justly in insure public health, safety and welfare insofar as they are affected by the continual use and maintenance of residential and non-residential properties.

Section 3. Definitions:

For the purposes of this Ordinance the following words and phrases shall have the meanings respectively ascribed to them:

(1) Code Official: Any person employed on a full time basis with the City of Hampton, Police Department or Fire Department with the authority to issue non-compliance citations.

(2) Nuisance property: A nuisance property is one that unreasonably interferes with the use and enjoyment of lands of another, including the use of a structure which disturbs the peaceful, quiet, undisturbed use and enjoyment of nearby property. The definition of nuisance property shall also include but not be limited to, those properties found to be dilapidated, unsightly, unsafe, unsanitary, obnoxious, unfit for human occupancy, unlawful or detrimental to the public welfare.

(3) Owners, occupants: Any person(s) whether owner(s) or occupants(s) under a lease agreement, shall be responsible for the care, maintenance and upkeep of the property owned or occupied.

(4) Property: For the intent and purpose of this Ordinance, "property" or "properties" shall be defined as any lot or parcel and its existing structures or buildings whether residential, commercial or industrial.

(5) Unfit for human occupancy: A structure is unfit for human occupancy or use whenever the Code Official determines that such structure is unsafe, unlawful or because of the degree in which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination or lacks water and sewer service or other utility services making the structure a hazard.

(6) Unlawful structure: A structure found in whole or in part to be a harbor for criminal activity, or one that constitutes a blighting problem due to a consistent lack of regular property maintenance, or is in such a structural state that the building constitutes a danger to anyone in, on or near said structure.

(7) Unsafe equipment: Equipment that is unsafe means any machinery that no longer functions in a manner consistent with its make and is openly and obviously displayed on property within the city limits.

(8) Unsafe property: An unsafe property is one in which all or part of the premises thereof is found to be dangerous to life, health, property, or the safety of the public or the occupants of the structure due to a state of non-repair, damage, decay, dilapidation, trash or fire hazard of such faulty construction or unstable foundation that would make the structure unsafe with partial or complete collapse likely.

(9) Unsanitary property: An unsanitary property is one in which the condition of the premises allows for infestation by rodents, vermin, pestiferous insects, mosquitoes or flies. An unsanitary property will include, but not be limited to, those allowing stagnant pools of water causing the breeding of mosquitoes.

(10) Unsightly property: Any residential, commercial or industrial lot, business, residential yard property within the city limits of Hampton, Arkansas that allows weeds or grass to grow over 12 inches high. Unsightly properties shall include those allowing bagged or unbagged trash, garbage or refuse of any kind to accumulate on the premises. Unsightly properties shall include those allowing overgrown vegetation or conditions to exist that would have a potential to cause rat infestation or other vermin to occupy and breed on the property thereby causing infestation to spread to neighboring properties. Unsightly properties shall include those allowing inoperable, wrecked or "junked" vehicles, or vehicles on blocks, to remain on the property. Unsightly properties shall include those allowing non-trash items of any kind to accumulate on and around the premises, including but not limited to appliances, furniture or other household items. Unsightly properties shall include those that are not kept in good exterior repair.

Section 4. Minimum property maintenance requirements and standards: It shall be unlawful for any person to keep, own or maintain any property, house, building, or other structure within the corporate limits of the City of Hampton, Arkansas that constitutes a nuisance or that is unsightly, unsanitary, unsafe, unlawful or unfit for human occupancy. Property owners/occupants shall be held responsible for compliance to this Ordinance as follows:

A. Any equipment that is unsafe, inoperative, unfit for human use, or unlawful shall not openly and obviously displayed on Property within the city limits.

B. All accessory structures, including but not limited to detached garages, fences and walls shall be kept in good repair and free from vines or other vegetation that may grow into or onto an adjoining property.

C. A vacant structure unfit for human habitation, occupancy or use shall not be allowed to remain standing.

D. Long-term offensive odors shall not be permitted to emanate from the Property that unreasonably interfere with the ordinary use and enjoyment of neighboring property owners' land. This excludes naturally occurring odors beyond the control of the property owner.

E. Premises and exterior property shall be kept in good repair and free from all used or dismantled household appliances, furniture, vehicle parts, discarded personal property, garbage, junk, scrap, or refuse excepting those structures in the building, remodeling or demolition process.

Section 5. Enforcement: Any tenant and/or owner of real property within the City of Hampton, Arkansas, whose property violates this Ordinance shall be notified of the violation by the City of Hampton and shall be given seven (7) days' notice to correct the ordinance violation. Said notice shall be sent by regular and certified mail and shall be sent to the following:

A. The occupant, if any, of the property, with notice sent to the physical address of the property;

B. The owner of the property, with notice sent to the owner's address of record at the office of Calhoun County Collector; and

C. Any lien holders of the property as reflected in the office of the Clerk and ExOfficio Recorder for Calhoun County, Arkansas.

If the owner, occupant or lien holder shall, after being sent notice as provided hereinabove, shall neglect or refuse to remove, abate or eliminate any condition as may be provided for in this Ordinance or fails to correct the ordinance violation, then the city may take any and all action necessary to correct the ordinance violation, and shall charge the costs thereof to the owner of the real property. As used herein, the term "costs" shall include the actual cost to correct the ordinance violation, as well as any administrative and collection costs incurred by the city. The city shall be

entitled to a lien against the property for all such costs, provided that the lien shall be perfected, imposed and collected in the time and manner set forth in A.C.A. 14-54- 903 and 14-54-904.

Section 6. Penalties: Any person in violation of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than Fifty Dollars (\$50.00) nor more than (\$100.00) per day. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

This ordinance shall be in full force and effect from and after the date of its passage and approval.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

DONE AND PASSED THIS _____ DAY OF _____ 2018.

Mayor Rick Shirron

Attest: _____
Recorder/Treasurer