

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Littering
- 5.12 International Property Maintenance Code

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 Unsightly or unsanitary conditions on real property
- 5.04.02 Notice required
- 5.04.03 Clerical charge
- 5.04.04 Fine

5.04.01 Unsightly or unsanitary conditions on real property It shall be illegal for any person to dump, deposit, throw, place or in any manner leave or abandon any solid waste, including, but not limited to, garbage, tin cans, aluminum cans, bottles, rubbish, refuse, old furniture, appliances or trash upon public or private property inside the city limits of Huntsville, Arkansas. (Ord. No. 97-2, Sec. 1.)

5.04.02 Notice required Except to gather and collect solid wastes for transport and disposal to a place designated for the disposal of waste, it shall be unlawful for any person to place or allow to be placed or in any manner leave any solid wastes in such a manner or place as to create or be likely to create a public nuisance or a public health hazard. Further, should grass or weeds upon any lots within the city, be allowed to grow or remain unattended so as to become unsightly, a public nuisance or a public health hazard, the city may give notice to the owners and/or persons in possession of said property to cut the grass or weeds. Notice shall be by certified mail or in person by the city. If after ten days of notice duly given, the grass or weed problem remains, the city is hereby empowered to cut and clear the grass and weeds and assess the costs thereof to the property owner and property. (Ord. No. 97-2, Sec. 2.)

5.04.03 Clerical charge Section 4 of Ord. No. 100 providing a charge of \$1.00 for each lot or tract involved to cover the cost of clerical hire, office and supervisory expenses is hereby amended to provide a charge of \$25.00 in place of the \$1.00). (Ord. No. 97-2, Sec. 3.)

5.04.04 Fine Every person convicted of violating Section 1 or 2 of this ordinance shall be guilty of:

- A. An unclassified misdemeanor for a first offense, and shall be fined up to \$1,000.00, and/or sentenced up to one hundred (100) hours of community service; and
- B. For a second or subsequent offense, in addition to those penalties provided in subparagraph (A), any violator may also be required to remove litter from alongside public streets, upon public property, parks or recreational areas in the city. (Ord. No. 97-2, Sec. 4.)

CHAPTER 5.08

LITTERING

Sections:

5.08.01 Littering illegal

5.08.01 Littering illegal It shall be unlawful for any person to place, dispose, or otherwise permit to be located upon, in, on, or about any public street, sidewalk, alley or public thoroughfare or any private or public property adjacent thereto, any litter, refuse or debris.

CHAPTER 5.12

INTERNATIONAL PROPERTY MAINTENANCE CODE

Sections:

5.12.01	Code Adopted
5.12.02	Code Revisions
5.12.03	Repeal
5.12.04	Severability
5.12.05	Preexisting Rights

5.12.01 Code Adopted That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Huntsville, being marked and designated as the International Property Maintenance Code, 2012 edition, as published by the International Code Council be and is hereby adopted as the Property Maintenance Code of the City of Huntsville, in the State of Arkansas for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as here in provided: providing for the issuance of permits and collect on of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk are he re by referred to, adopted, and made a part hereof as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

5.12.01 Code Revisions The following sections are hereby revised:

- A. Section 101.1 Insert: "City of Huntsville."
- B. Section 103.3 "code official" changed to "chief appointing authority."
- C. Section 103.5 Insert: "\$15 per visit for compliance inspections."
- D. Section 104.1 Insert: "The code official shall report violations to a board before serving a notice of violation. The board will consist of the city engineer, fire chief, policy chief and utilities director."
- E. Section 104.3 Insert: "The code official shall be accompanied by another official before entering a structure."
- F. Section 106.2 Insert: "The code official shall be accompanied by another official before serving notice of violation."
- G. Section 109.6 Insert: "The Board of Zoning Adjustments will act as the appeals board."
- H. Section 111.2 "not employees" changed to "residents."
- I. Section 111.2.1 through Section 111.2.5 Deleted:

- J. Section 111.5 The “full” board changed to “majority” of the board;
- K. Section 112.4 Insert: “Not less than \$500 nor more than \$5,000” fine inserted in two places.
- L. Section 302.4 Insert: “excluding pasture land” after exterior property and insert “12 inches” height.
- M. Section 302.8 Delete ‘or unlicensed’ ‘and “at any time” ‘and insert “for a period not to exceed 60 days” after dismantled.
- N. Section 304.14 Insert: Date of May 1 to October 1;
- O. Section 3 04.18.1 Deleted all wording after “special knowledge or effort.”
- P. Section 308.2 Insert “and garbage” after “rubbish” in three p laces and change “owner” to “occupant of single family dwelling or owner of multi-family dwelling
- Q. Section 302.2.1 Insert “and garbage” after “rubbish” in three places;
- R. Section 304.18. 1 Delete all wording after “effort”;
- S. Section 308.3 Deleted;
- T. Section 402.2 Insert “or equivalent” after ‘a 60-watt standard incandescent lighting bulb”;
- U. Section 602.3 Insert: Date of October 1 to May 1 inserted in two locations.
- V. Section 112.4 Insert: “Not less than \$500 nor more than \$5,000” fine inserted in two places.
- W. Section 302.4 Insert: “excluding pasture land” after exterior property and insert “12 inches” height.
- X. Section 302.8 Delete “or unlicensed” and “at any time” and insert “for a period not to exceed 60 days” after dismantled.
- Y. Section 304.14 Insert: Date of May 1 to October 1:
- Z. Section 304.18.1 Deleted all wording after “special knowledge or effort.”
- AA. Section 308.2 Insert “and garbage” after “rubbish” in three places and change “owner” to “occupant of single family dwelling or owner of multi-family dwelling:
- BB. Section 302.2.1 Insert “and garbage” after “rubbish” in three places:
- CC. Section 304.18.1 Delete all wording after “effort”:
- DD. Section 308.3 Deleted:
- EE. Section 402.2 Insert “or equivalent” after “a 60-watt standard incandescent light bulb”:
- FF. Section 602.3 Inse1i: Date of October 1 to May 1 inserted in two locations.
- GG. Section 602.4 Insert: Date of October 1 to May 1 inserted in two locations.

5.12.03 Repeal All other ordinances or parts of laws in conflict herewith are hereby repealed.

5.12.04 Severability If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Huntsville hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

5.12.05 Preexisting Rights That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed as cited in Section 5.12.03 of this law: nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.