CITY OF WRIGHTSVILLE

PROPERTY MAINTENANCE CODE

Adopted by the Wrightsville City Council

Ordinance #2025-001

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TABLE OF CONTENTS

ARTICLE I. CITATION AND PURPOSE 1
Section 1.01.0. Citation 1
Section 1.02.0. Purpose 1
Section 1.03.0. Validity and Repeal 1
1.03.1. Validity 1
1.03.2. Repeal 1
Section 1.04.0. Applicability 1
ARTICLE II. ADMINISTRATION AND ENFORCEMENT 2
Section 2.01.0. Administrative Official 2
Section 2.02.0. Violations and Penalty 2
2.02.1. Enforcement Responsibilities 2
2.02.2. Penalty for Violation 3
ARTICLE III. GENERAL PROVISIONS 4
Section 3.01.0. Property Maintenance Requirements 4
Section 3.02.0. Inoperable Vehicle Requirements 4
ARTICLE IV. CONDEMNATION 6
Section 4.01.0. General Provisions 6
4.01.01. Nuisance Structure Prohibited 6
4.01.02. Nuisance Defined 6
4.01.03. Resolution Requirements 6
Section 4.02.0. Condemnation Procedure 6

ARTICLE I. CITATION AND PURPOSE

Section 1.01.0. Citation

This Code shall be known as the Wrightsville Property Maintenance Code and may be cited as such or, for the sake of brevity, as the "Property Maintenance Code." It may be referred to in this document as "the Code."

Section 1.02.0. Purpose

These regulations are intended to ensure public health, safety, and welfare to the extent they are affected by the continued occupancy and maintenance of structures and premises within the City of Wrightsville.

Section 1.03.0. Validity and Repeal

1.03.1. Validity

The following statements pertain to the validity of this code:

A. This Code and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or subsection, phrase or clause is judged unconstitutional or invalid, it is hereby provided that the remainder of the Property Maintenance Code shall not be affected thereby.

B. The City Council of the City of Wrightsville hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

1.03.2. Repeal

All or parts of ordinances in conflict with this Property Maintenance Code or inconsistent with provisions of this Code are hereby repealed to the extent necessary to give this Code full force and effect upon its adoption by ordinances of the City Council of the City of Wrightsville, Arkansas.

Section 1.04.0. Applicability

Except where expressly limited, these regulations shall apply to all structures and premises within the City of Wrightsville.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Section 2.01.0. Administrative Official

The provisions of this Code shall be administered and enforced by the Administrative Official, which shall be a person or persons designated by the Mayor. The Administrative Official may be provided with the assistance of such other persons as directed by the Mayor.

Section 2.02.0. Violations and Penalty

2.02.1. Enforcement Responsibilities

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a complaint. Such complaint shall be provided to the Administrative Official. They shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations. This does not limit the Administrative Official from investigating a violation for which no complaint has been filed.

A. If the Administrative Official shall find that the provisions of these regulations are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

B. The written violation notice shall include, at a minimum, the following:

1. A statement of the reason why it is being issued, and the sections of the code that are alleged to be in violation.
2. An allowance of at least seven (7) days to perform any action required of the property owner or liable party to bring the property within compliance.
3. A statement indicating that if the alleged violations are not voluntarily corrected within the stated time as set forth in the notice, the Administrative Official, shall institute legal proceedings, charging the person or persons, firm, corporation, agent, or other liable entity with a violation of this code.

C. The violation shall be provided by one or more of the following ways:

1. By personal delivery.
2. By leaving the notice at the usual place, abode, or business of the owner, agent, or responsible party, at his/her last known address by certified mail.
3. By posting and keeping posted for a period of not less than twenty-four (24) hours, a copy of the notice of in a conspicuous place on the premises, alleged to be in violation.
4. Or in any other way authorized by Arkansas law to perfect service of process.

D. Should the person(s) responsible for such violations fail to take the necessary action to correct it, the Administrative Official shall have the authority to take the following actions:

1. If appropriate, enter the property and have the violation removed or remedied. The cost shall be charged again the premises and a lien placed on the property. The Administrative Official shall not have the authority to remove personal property.
2. Notify the City Attorney of the violation, and said City Attorney shall within seven (7) days apply to the Court of jurisdiction for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.

E. Violations of the provisions of this Code may be prosecuted by the issuance of a criminal information or by the issuance of a citation by a law enforcement officer or code enforcement officer, as required by law.

F. The following procedures shall pertain to placing and collecting a lien on property:

1. The owner of the real property shall be notified of the lien in writing. In case the owner of any lot or other real property is unknown, cannot be located, or is not a resident of the State of Arkansas, a copy of the written notice shall be posted upon the premises. Before any action to enforce the lien is taken, the City Clerk or Recorder shall make an affidavit setting out the facts as to unknown address or whereabouts. Service of publication for a nonresident shall be provided and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his/her last known place of residence.
2. Liens may enforced and collected in the following ways:
    a. The lien may be enforced and collected at any time within eighteen (18) months after the work to remedy the violation has been completed by an action in the court of proper jurisdiction.
    b. The amount of the lien may be determined at a hearing before the City Council. The hearing shall be held after thirty (30) days' written notice by certified mail to the owner or owners of the property. Notice shall also be provided in a publication within general circulation within Pulaski County. The notice shall be placed in the publication once (1) per week for four (4) consecutive weeks. The amount of the lien plus ten (10) percent penalty for collection shall be certified by the City Council to the Pulaski County Tax Collector. The amount shall be recorded as delinquent taxes. When collected, the amount less three (3) percent shall be paid to the City of Wrightsville.

2.02.2. Penalty for Violation

Any person, firm, partnership, association of persons, owner, occupant, agent, corporation, or anyone having supervision or control, who shall violate any of the provisions of these regulations or fail to comply thereafter with any of the requirements thereof, shall be deemed guilty of a misdemeanor. Upon conviction, such person shall be punished by a fine of not less than $100. Each day such violation is permitted to exist shall constitute a separate offense.

ARTICLE III. GENERAL PROVISIONS

Section 3.01.0. Property Maintenance Requirements

It shall be unlawful for any of the following conditions to exist under any circumstance:

A. Grass, weeds, or any other plant that is not cultivated, to grow higher than an average of one (1) foot or twelve (12) inches over a lot or parcel of property. This shall not apply to any property that is more than one hundred fifty (150) feet from any developed lot.

B. Rubbish, brush, trash, dead trees, building materials, unsanitary, or unsightly matter of whatever nature to collect or be present upon a lot or parcel of property. If building materials are stored on the premises, all materials must be at least eight (8) inches off the ground.

C. Grass, weeds, or any other plant that is not cultivated, to grow in excess, or otherwise, in, along, upon, or across the abutting sidewalk or road easement/right-of-way, higher than an average of one (1) foot or twelve (12) inches.

D. The open storage of junk, iceboxes, refrigerators, or any other appliances or furniture for more than seven (7) days. During any such storage period, all doors, latches, and locks are to be removed or made inoperative in a manner to ensure the safety of all citizens.

E. The use of any stream or drainage way for the purpose of throwing or placing of stumps, brush, litter, rubbish, or any other liquid or solid material within or along the banks of any such stream or natural drainage way.

F. The accumulation of stagnant pools or water, or the open storage of any form of vessel that might collect water in which mosquitoes or other insects may breed.

G. The property, including all adjacent rights-of-way and alleys to be used for illegal dumping of any solid or liquid, household, commercial, industrial, construction, or demolition waste, including but not limited to: garbage, trash, furniture, tin cans, bottles, rubbish, refuse, lumber, whether dumped, thrown, burned, spilled, or abandoned.

H. Trash bins when not placed out for pick-up must be stored at the side or rear of an occupant's structure, or be placed inside a garage or similar accessory structure. Trash bins may not be placed out for pick-up earlier than one-day before the appointed trash pick-up date, or be left out more than one day after the trash pick-up date. This requirement may only be enforced if a complaint is filed.

Section 3.02.0. Inoperable Vehicle Requirements

It shall be unlawful for any of the following conditions to exist under any circumstance:

A. An inoperable vehicle, being a vehicle of any type that is in a condition of wrecked, dismantled, partially dismantled, incapable of being operated on a public street, or which has no license plate or expired registration/tags, shall not be parked on private property unless for more than seven (7) consecutive days.

B. Inoperable vehicles may be, but not be limited to, any of the following: trucks, cars, recreational vehicles, boats, and trailers.

C. The following shall be excluded from the provisions of this section:

   a. An inoperable vehicle parked or stored within a building or enclosed garage on private property or inside a solid fence or wall that obstructs view of the vehicle to other property.
   b. An inoperable vehicle held in connection with a business enterprise lawfully licensed by the city for the storage, servicing, or repair of inoperable vehicles and properly operated in an appropriate business zone pursuant to the zoning ordinances of the city.
   c. An inoperable vehicle within a carport that is being actively repaired on at least a weekly basis. Subject vehicle and its parts when not being repaired shall be neatly and completely covered with an opaque cover.

ARTICLE IV. CONDEMNATION

Section 4.01.0. General Provisions

These regulations shall govern the condemnation and removal of buildings and structures constituting a nuisance.

4.01.01. Nuisance Structure Prohibited

A. It is illegal for any person or persons, partnership, corporation, or association, to own, keep, or maintain a house, building, or structure that constitutes a nuisance, as found and declared to be a nuisance by Resolution of the City Council.

B. Any house, building, or structure which has been found and declared to be a nuisance may be condemned to insure removal.

C. Any house, building, or structure which has been found and declared to be a nuisance shall be considered a violation of this code.

4.01.02. Nuisance Defined

Any dwelling or other structure that has any of the following defects may be condemned as unfit of human habitation, and declared to be a nuisance:

A. A structure so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that is creates a serious hazard to the health and safety of the occupants or public.

B. A structure which lacks utility services or sanitary services, including but not limited to running water or sewer/septic service, necessary to adequately protect the health or safety of the occupants or the public.

4.01.03. Resolution Requirements

The resolution declaring the structure a nuisance and condemning it shall include the following:

A. An adequate description of the house, building, or structure.

B. Name or names, if known, of the owner or owners

C. Findings that the house, building, or structure is unfit for human occupancy, or otherwise detrimental to the life, property, safety, health, and general welfare of the public.

Section 4.02.0. Condemnation Procedure

A. After a house, building, or structure has been found and declared to be a nuisance and condemned, a true and certified copy of the resolution will be mailed to the owner or owners via certified mail. If the owner or owners cannot be located or are unknown, a

copy of the resolution will be posted in a conspicuous place on the house, building, or structure. These methods shall serve as proper notice.

B. If the house, building, or structure has not been torn down and removed, or the nuisance abated within thirty (30) days of the notice being provided, then the house, building, or structure will be removed by the City or an entity designated for removal by the City Council.

C. When removed by the City or its designated entity, the destruction and removal will be handled in the manner appropriate to the circumstances. If the house, building, or structure or its contents have substantial value, a public sale to the highest bidder for cash may be conducted. The sale must be advertised in a newspaper of general circulation at least ten (10) days in advance.

All proceeds of the sale and all fines collected from the violation shall be provided to the City Treasurer. If the funds collected exceed the costs associated with the abatement of the nuisance and/or removal of the condemned building, house, or structure, the excess balance will be returned to the owner or owners of the property.

D. If the City Council determines that a particular house, building, or structure should be judicially declared a nuisance, the City Council shall direct the City Attorney or other legal counsel to bring such action in the name of the city. The only notice given to the owner or owners will be that which is provided for by Arkansas law. When any such structure has been judicially declared to be a nuisance by a court of law, a penalty as provided by the Code will be imposed against the owner or owners from the date the finding is made by the court. Each day the nuisance is not abated shall constitute a separate offense.