

EMERGENCY ORDINANCE NO. 2008-9

BE IT ENACTED BY THE QUORUM COURT OF SALINE COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

"AN ORDINANCE TO CREATE A PROPERTY CODE FOR THAT AREA OF SALINE COUNTY, ARKANSAS KNOWN AS HOT SPRINGS VILLAGE, AS AUTHORIZED BY A.C.A. SECTION 14-14-814; AND FOR OTHER PURPOSES."

WHEREAS, pursuant to A.C.A., Section 14-14-814 the Board of Directors of the Hot Springs Village Property Owners' Association has by formal action in writing requested that this Quorum Court regulate maintenance of property within the Saline County portion of Hot Springs Village by adopting the regulations set forth below; and

WHEREAS, this Quorum Court finds the request of the Property Owners' Association in furtherance of the health, welfare, and safety of the residents and property owners of Hot Springs Village.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF SALINE COUNTY, ARKANSAS:

SECTION 1. That pursuant to A.C.A., Section 14 -14-814, the Hot Springs Village Exterior Maintenance of Property Code is adopted to read as follows:

Section 1. Purpose and Intent.

The purpose and intent of this Code is to insure the public health, safety, and welfare insofar as they are affected by conditions and maintenance of residential and commercial structures and premises and to insure consistent standards are applied to all residential and commercial properties.

Section 2. Definitions.

Commercial property includes all property used for business purposes, with the exception of residential properties used for home businesses if used in compliance with the Conditions and Regulations of Hot Springs Village.

Compliance officer means the Director of Planning and Inspections employed by the Hot Springs Village Property Owners' Association or designated employees of that Department.

Enclosure includes any structure or building that completely conceals its contents from public view.

Exterior property includes open space on the premises and on adjoining property under control of the owners or tenants of such premises.

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

E. Penalties.

Any person, firm, corporation, partnership, group, tenant, or occupant in physical control of the property upon conviction of violation of any provision of this Code shall be subject to fines and penalties not less than \$20.00 or more than \$500.00 for any first conviction and not less than \$40.00 or more than \$500.00 for all subsequent convictions.

Section 4. Exterior Property.

The owner or occupant shall maintain all exterior residential and commercial property and premises in a clean, safe and sanitary condition. In this regard, all exterior property within the Saline County portion of Hot Springs Village shall be maintained in compliance with the following requirements:

1. **Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. Weeds are defined as all grasses, annual plants and vegetation, other than trees and shrubs; provided that this provision shall not apply to ornamental grasses, cultivated flowers or gardens or to undeveloped properties.

2. **Exterior property and premises.** Exterior property and premises including sidewalks, driveways, and carports, porches, walkways, stairs, parking spaces, and similar areas not completely enclosed, shall be maintained free from hazardous conditions, building materials other than at active construction sites, appliances, household items, rubbish, garbage, debris and similar items.

3. **Rodent harborage.** All premises and exterior property shall be kept free from conditions, which might become a harborage for rodents; bird and animal feeders are exempt from this requirement.

4. **Outside storage.** All building materials, appliances, household items and similar items not intended for outside use or storage, and inoperable motor vehicles shall be stored in a completely enclosed building or enclosure (as defined above).

5. **Accessory structures,** including detached garages, fences, seawalls, docks, and walls, shall be maintained in structurally sound condition and good repair. All exposed wood surfaces other than treated or exterior-rated materials shall be covered with a protective coating.

6. **Defacement.** No person shall damage, mutilate, or deface any exterior surface of a structure, including accessory structures, including walls or fences, whether on private or Property Owners' Association property, by any marking, carving, or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 2. EMERGENCY CLAUSE. This ordinance being necessary to insure the public health, safety, and welfare insofar as they are affected by conditions and maintenance of structures and premises, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and publication.

APPROVED AND ADOPTED THIS 19TH DAY OF FEBRUARY, 2008.

ATTEST: 
FREDDY BURTON
SALINE COUNTY CLERK

APPROVED: 
LANNY FITE
SALINE COUNTY JUDGE

SPONSOR: TOM LISH, J.P. DISTRICT #13

ORDINANCE NO. 0-08-8

BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

"AN ORDINANCE TO CREATE A PROPERTY CODE FOR THAT AREA OF GARLAND COUNTY, ARKANSAS KNOWN AS HOT SPRINGS VILLAGE, AS AUTHORIZED BY A.C.A., SECTION 14-14-814; AND FOR OTHER PURPOSES."

WHEREAS, pursuant to A.C.A., Section 14-14-814 the Board of Directors of the Hot Springs Village Property Owners Association has by formal action in writing requested that this Quorum Court regulate maintenance of property within the Garland County portion of Hot Springs Village by adopting the regulations set forth below; and,

WHEREAS, this Quorum Court finds the request of the Property Owners' Association in furtherance of the health, welfare, and safety of the residents and property owners of Hot Springs Village.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS:

SECTION 1. That pursuant to A.C.A., Section 14-14-814, the Hot Springs Village Exterior Maintenance of Property Code is adopted to read as follows:

Section 1. Purpose and Intent.

The purpose and intent of this Code is to insure the public health, safety, and welfare insofar as they are affected by conditions and maintenance of residential and commercial structures and premises and to insure consistent standards are applied to all residential and commercial properties.

Section 2. Definitions.

Commercial property includes all property used for business purposes, with the exception of residential properties used for home businesses if used in compliance with the Conditions and Regulations of Hot Springs Village.

Compliance officer means the Director of Planning and Inspections employed by the Hot Springs Village Property Owner's Association or designated employees of that Department.

Enclosure includes any structure or building that completely conceals its contents from public view.

Exterior property includes open space on the premises and on adjoining property under control of the owners or tenants of such premises.

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

Infestation includes the presence, within or contiguous to a structure or premises, of vermin, rats, or other pests.

Inoperable motor vehicle includes any vehicle not in proper condition to be legally operated on the streets of the State of Arkansas, or not capable of self-locomotion, excluding operable golf carts.

Occupant includes any individual living or sleeping in a residential structure or having possession of space within such a structure.

Owner includes any and all persons, firms, partnerships or corporations having legal or equitable interest in the property.

Premises include any developed lot, plot, or parcel of land.

Residential structures and premises includes any dwelling unit occupied or not, owned, occupied, rented, leased, or unoccupied, any accessory or outbuildings, and the lot upon which such structure exists.

Rubbish includes waste materials, including paper, rags, cartons, wood, rubber, leather, tree branches, yard trimming, cans, metals, mineral matters, glass, crockery, and other similar materials.

Tenant includes a person, partnership, corporation, or group, whether or not the legal owner of record, occupying a building or portion thereof.

Undeveloped property includes any lot or portion thereof that has not been developed for residential or commercial use or has not been cleared of natural tree or plant growth.

Section 3. Administration.

A. Scope

The provisions of this Code shall apply to all residential and commercial structures and premises and shall constitute the minimum standards and requirements for all premises for exterior maintenance and responsibilities of owners and tenants for lands, buildings, and structures located within Hot Springs Village, Arkansas.

B. Responsibility.

It shall be the joint responsibility of the owner, any tenant, and any occupant in physical control of the property to insure that the property is maintained in compliance with this Code.

C. Right of Entry.

Employees of the compliance office, and any law enforcement officer duly certified by the State of Arkansas shall comply with all state and federal laws, statutes, and constitutional protections prior to entering upon the property of another to inspect said property for compliance with this Code.

D. Notices and Orders.

The Compliance Officer shall issue all necessary notices or orders to ensure compliance with this Code and shall keep official records of all business activities related to enforcement of this Code. Notice shall be given to the owner and/or occupant in physical control of the property in writing identifying the real property and including a statement of the violation or violations of this Code and the amount of time allowed to correct the violation or violations. Determination of such amounts of time shall be at the reasonable discretion of the Compliance Officer. Any law enforcement officer duly certified by the State of Arkansas shall issue criminal citations for failure to comply with notices and orders issued by the Compliance Officer.

E. Penalties.

Any person, firm, corporation, partnership, group, or tenant, or occupant in physical control of the property upon conviction of violation of any provision of this Code shall be subject to fines and penalties not less than \$20.00, nor more than \$500.00, for any first conviction, and not less than \$40.00 or more than \$500.00 for all subsequent convictions.

Section 4. Exterior Property.

The owner or occupant shall maintain all exterior residential and commercial property and premises in a clean, safe and sanitary condition. In this regard, all exterior property within the Garland County portions of Hot Springs Village shall be maintained in compliance with the following requirements:

1. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. Weeds are defined as all grasses, annual plants and vegetation, other than trees and shrubs; provided that this provision shall not apply to ornamental grasses, cultivated flowers or gardens or to undeveloped properties.
2. Exterior property and premises. Exterior property and premises, including sidewalks, driveways, and carports, porches, walkways, stairs, parking spaces, and similar areas not completely enclosed, shall be maintained free from hazardous conditions, building materials other than at active construction sites, appliances, household items, rubbish, garbage, debris, and similar items.
3. Rodent harborage. All premises and exterior property shall be kept free from conditions that might become a harborage for rodents; bird and animal feeders are exempt from this requirement.
4. Outside storage. All building materials, appliances, household items and similar items not intended for outside use or storage, and inoperable motor vehicles shall be stored in a completely enclosed building or enclosure (as defined above).
5. Accessory structures, including detached garages, fences, seawalls, docks, and walls, shall be maintained in structurally sound condition and good repair. All exposed wood surfaces other than treated or exterior-rated materials shall be covered with a protective coating.
6. Defacement. No person shall damage, mutilate, or deface any exterior surface of a structure, including accessory structures, including walls or fences, whether on private or Property Owners' Association property, by any marking, carving, or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 2. THAT THIS ORDINANCE ADOPTING THE REGULATIONS OF THE HOT SPRINGS VILLAGE EXTERIOR PROPERTY MAINTENANCE CODE SHALL BE EFFECTIVE ONLY UPON ADOPTION OF THE SAME REGULATIONS BY THE QUORUM COURT OF SALINE COUNTY, ARKANSAS, SHOULD THIS QUORUM COURT ACT FIRST.

ATTEST: *Tammy Larrigan*
Tammy Larrigan
Garland County Clerk

APPROVED: *Larry Williams*
Larry Williams
Garland County Judge

SPONSOR: *Larry Griffith*
Larry Griffith
Justice of the Peace

SPONSOR: *Darryl Mahoney*
Darryl Mahoney
Justice of the Peace

SPONSOR: _____
Mickey Gates
Justice of the Peace

DATE: 2/11/05