

CHAPTER 3**VACANT SINGLE FAMILY AND DUPLEX RESIDENTIAL
STRUCTURE CODE**

Art.	I.	In General, §§17-3-1--17-3-1.3
Art.	II.	Administration, §§17-3-1.4–17-3-1.19
Art.	III.	Maintenance Standards, §§17-3-1.20 - 17-3-1.34
Art.	IV.	Definitions, §17-3-1.35

ARTICLE I. IN GENERAL**17-3-1. Adoption.**

A vacant structure code is hereby adopted as follows:

17-3-1.1. Short title.

This Code shall be known and cited as the Hot Springs Vacant Single-Family and Duplex Residential Structure Code.

17-3-1.2. 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 the conditions and maintenance of vacant single family and duplex residential structures and to insure that all vacant commercial and residential structures are secure and impervious to the elements.

17-3-1.3. Application.

No person, firm or corporation shall own or maintain any vacant single family or duplex residential structure or vacant portions of an occupied structure, including the adjoining premises which is not completely secure and impervious to the elements or otherwise does not comply with the provisions of this Code.

ARTICLE II. ADMINISTRATION**17-3-1.4. Scope.**

The provisions of this Code shall apply to all vacant structures, vacant portions of occupied structures and premises, and shall constitute the minimum required maintenance standards for said structures and premises including standards for protection from the elements, safety from fire, sanitary maintenance and other hazards.

17-3-1.5. Responsibility.

It shall be the owner's or the operator's responsibility to insure vacant structures are maintained in compliance with this Code.

17-3-1.6. Application of other codes.

Alterations or additions to a vacant structure, or the systems of a vacant structure, shall be done in accordance with the procedures and provisions of the most current addition of the Zoning Code, Building Code, Fire Code and other technical codes as adopted by the City of Hot Springs.

17-3-1.7. Historic districts.

Structures located within locally recognized historic districts are not exempt from the provision of this code. Required and/or proposed facade changes to the exterior of a structure within locally recognized historic districts, including but not limited to, boarding, windows, awnings, doors, signs, light fixtures, steps and paving or other appurtenant fixtures shall not be erected, altered, restored, moved, or demolished within said historic district until after an application for a certificate of appropriateness has been submitted to and approved by the historic district commission.

17-3-1.8. Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and all materials shall be installed in accordance with the compliance officers instructions.

17-3-1.9. Requirements not covered by Code.

Requirements necessary for the strength, stability or proper operation of a vacant structure, or equipment, or for the public safety, health, and general welfare, not specifically covered by this Code, shall be determined by the Compliance Officer.

17-3-1.10. Enforcement.

The Compliance Officer shall enforce the provisions of this Code. The Compliance Officer shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties.

17-3-1.11. Right of entry.

The Compliance Officer is hereby authorized to enter any vacant structure or premise at reasonable times to inspect for compliance with this Code subject to constitutional restrictions on unreasonable searches and seizures or upon receipt of voluntary written consent. If entry is refused or not obtained, the City is authorized to pursue other recourse as provided by law.

17-3-1.12. 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. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by law. Notice shall be given to the owner or the person or persons responsible. Such notice shall be in writing, include a description of the real estate sufficient for identification, include a statement of the violation or violations, and the amount of time to correct the violation or violations.

17-3-1.13. Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Compliance Officer shall have the authority to grant minor modifications for individual cases, wherein 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 a permanent record shall be maintained.

17-3-1.14. Alternative materials, methods and equipment.

The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Chief Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code. 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 Chief Building Official shall have the authority to require tests to be made as evidence of compliance at no expense to the City.

17-3-1.15. Permits/Repairs.

All required repairs or alterations performed on a structure pursuant to the provisions of this Code shall require the owner or the operator to first obtain a vacant structure permit. Said permits shall be effective for 30 days from the date of purchase. All repairs required under the provisions of this code, shall be completed within that 30 days. Any repairs to the electrical facilities, plumbing facilities, mechanical facilities or other facilities shall require the applicable permits as prescribed in the City of Hot Springs Code of Ordinances. The administrator shall have authority to grant 30- day extensions to a permit provided substantial progress has been made. No more than one extension per structure shall be allowed.

17-3-1.16. Permit fees.

Permit fees shall be as prescribed for building permits in the City of Hot Springs Building Code as may now or hereafter be adopted by the Board of Directors.

17-3-1.17. Appeals.

Any person directly affected by a decision related to this Code or a notice or order issued under this Code shall have the right to appeal. Said appeal shall be made to such technical board as may now or hereafter exist and designed by the Board of Directors to serve in this capacity. Written application for appeal shall be filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means, or that the strict application of any requirement of this Code would cause an undue hardship.

Cross reference - §15-1-10, board of adjustments and appeals.

17-3-1.18. Emergency action.

Notwithstanding any provisions herein to the contrary, in cases of extreme emergency where notice is not practical, the City is hereby authorized to enter upon any real property, structure or premise and take such action or actions as may be immediately necessary for the preservation of the public health, safety and welfare prior to the issuance of notice as provided herein. Provided, further, that the procedural requirements of this ordinance shall be adhered to following such emergency action.

17-3-1.19. Penalties.

Any person, firm, corporation or person responsible upon conviction in the City of Hot Springs District Court or any other court of competent jurisdiction for violation of the provision of this Code shall be subject to such fines and penalties as established by the general penalty clause of the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

ARTICLE III. MAINTENANCE STANDARDS**17-3-1.20. Exterior surfaces.**

All exterior surfaces including, but not limited to, siding, exterior finish material, doors, door and window frames, cornices, porches, trim, balconies, decks, exterior stairway, and all appurtenances attached thereto shall be maintained in good condition. All exterior surfaces shall be maintained weatherproof and properly surface coated to prevent deterioration and shall be free from holes, breaks, and loose or rotting materials; All material applied to the exterior of a vacant structure shall be exterior rated approved material. Exterior wood surfaces shall be protected from the elements and decay by painting or other protective covering or treatment.

17-3-1.22. Structural members.

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

17-3-1.23. Roofs and drainage.

The roofing and flashing materials shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance or affect neighboring property.

17-3-1.24. Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

17-3-1.25. Overhang extensions.

All overhang extensions including, but not limited to, canopies, 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.

17-3-1.26. Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust.

17-3-1.27. Windows/Doors.

All windows and doors shall be properly maintained and completely impervious to the elements. All glazing materials shall be maintained free from cracks and holes. Windows and doors may be boarded, provided the method of boarding is approved by the compliance officer. All boarded windows and door shall be painted a color to blend with the surrounding facade and must be approved by the compliance officer.

17-3-1.28. Basement hatchways or windows.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

17-3-1.29. Infestation.

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are 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.

17-3-1.30. Premises/Exterior property.

All exterior and premises shall be maintained in a clean, safe and sanitary condition. The owner or responsible party shall keep the exterior property in a clean and sanitary condition. In this regard, all exterior property shall comply with the following requirements.

17-3-1.31. Weeds and debris.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, this provision shall not include cultivated flowers and gardens. Weeds outside yards and fences to the curb and from the centerline of an alley must also be cut and removed by the adjacent owner.

All exterior areas 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, appliances, household items, rubbish, debris, or other similar items.

17-3-1.32. Dead trees.

All premises and exterior property shall be maintained free from dead trees that constitute a hazard to public or private property as stated in the City of Hot Springs Code ' 17-6-6. Further provided, all premises and exterior property shall be maintained free from fallen branches and limbs.

17-3-1.33. Grading and drainage.

All developed premises shall be graded and maintained to prevent the erosion of soil and the accumulation of stagnant water on the premises.

17-3-1.34. Accessory structures.

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

17-3-1.35. Defacement of property.

No person shall damage, mutilate, or deface any exterior surface of a structure, building, fence, or wall by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the owner or operator to restore said surface to an approved state of maintenance, repair and removal all graffiti within three (3) days.

ARTICLE IV. DEFINITIONS

17-3-1.36. Definitions.

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 through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this article.

Basement. That portion of a building which is partly or completely below grade.

Boarding. The placement of material over a window, door gap or other similar area or opening.

City. The words “the City” or “this City” shall be construed as if the words “of Hot Springs” follow it and shall extend to and include its several officers, agents and employees.

Compliance officer. The City Manager or employee or agent of the City of Hot Springs designated by the City Manager with the responsibility for enforcement and administration of this Code.

Enclosure. A structure or building that completely conceals the contents from public view and is constructed of approved materials.

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.

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

Guard or rail. 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.

Imminent danger or hazard. A condition which could cause serious or life-threatening injury or death at any time, hereafter termed “life safety violation.”

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

Operator. Any person who has legal charge, care, or control of a structure or premises.

Owner. Any person, firm, or corporation having a legal or equitable interest in the property; or recorded in the official 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.

Premises. A developed lot, plot, or parcel of land.

Rubbish. Waste materials including 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.

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

Undeveloped property. A parcel of land that has not been developed for residential or commercial use or has not been cleared of natural tree and plant growth.

Workmanlike. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.