

## **ORDINANCE NO. 03-2026**

**AN ORDINANCE CREATING A NEW NUISANCE ABATEMENT CODE, SETTING OUT REGULATIONS TO ENSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE AS THEY ARE IMPACTED BY THE CONTINUED OCCUPANCY AND MAINTENANCE OF STRUCTURES AND PREMISES WITHIN THE CITY OF HASKELL, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS**, the City Council of the City of Haskell, Arkansas, is responsible for ensuring the public health, safety, and welfare of citizens related to the continued occupancy and maintenance of structures and premises within the City; and

**WHEREAS**, the City Council of the City of Haskell, Arkansas, desires to create a new nuisance abatement code to provide the Code Enforcement Officer of the City with additional authority to better address nuisances and other health, safety, and cleanliness issues related occupancy and maintenance of structures and premises within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASKELL, ARKANSAS:**

### **SECTION 1: Introduction.**

1. *General:* These regulations shall be known as the Haskell Nuisance Abatement Code. These regulations are intended to ensure public health, safety, and welfare insofar as they are impacted by the continued occupancy and maintenance of structures and premises within the City of Haskell, Arkansas.
2. *Applicability:* The provisions of this Code shall apply to all residential and nonresidential structures and all premises within the City of Haskell, Arkansas, and constitute the minimum requirements and standards for premises, structures, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement, and penalties. Structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of

health and safety as required herein. Repairs, alterations, additions to, and changes of occupancy in existing buildings shall comply with the Arkansas State Fire Prevention Code. Where different standards or requirements are imposed by this Code and other competent authority or by different sections of this Code, the most restrictive standard or requirement shall govern.

3. *Maintenance*: Equipment, systems, devices, and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered, or required shall be maintained in good working order. No occupant shall cause any required service, facility, equipment, or utility to be removed from or shut off from or discontinued for any occupied dwelling, except for temporary interruptions necessitated by repairs or alterations. The requirements of this Code are not intended to prove the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures, and premises.

## **SECTION 2: Definitions.**

- 1) *General*: Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit,” or “story” are stated in this Code, they shall be construed as though they were followed by the words “or any part thereof.”
- 2) *Specific Terms Defined*.
  - (i) *Abandoned motor vehicle*. Any motor vehicle, regardless of whether wrecked or inoperable, which is left on public or private property, for a period of more than twenty-four (24) hours, without approval from the property owner to place the vehicle upon such property.
  - (ii) Consented or agreed to in writing by a Code Enforcement Officer, or his or her proper designee.
  - (iii) That portion of a building that is partly or completely below grade.
  - (iv) A room containing plumbing fixtures including a bathtub or shower.

- (v) Any room or space used or intended to be used for sleeping purposes.
- (vi) Any vessel initially designed for the carrying of passengers or cargo upon the water, whether currently seaworthy or not, and regardless of size or design, including, without limitation, barges, motorboats, whether inboard or outboard, canoes, rowboats, rafts, and sailboats.
- (vii) A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides.
- (viii) *Code compliance supervisor*. The Code Enforcement Officer or, in his or her absence, the person who is directed or appointed to temporarily assume the duties of the Code Enforcement Officer.
- (ix) *Code enforcement officer*. Any City employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications, and licensing etc., within the municipal boundaries of the City. All duly sworn law enforcement officers of the Haskell Police Department are authorized to exercise authority as Code Enforcement Officers.
- (x) To adjudge unfit for human occupancy.
- (xi) *Dwelling unit*. Any room or group of rooms located within a structure forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation by a household or family.
- (xii) That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.
- (xiii) *Exterior property*. The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- (xiv) The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by poison spraying, fumigating, and trapping, or by any other approved pest elimination methods.

- (xv) The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food or other refuse.
- (xvi) Any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, pasted, or otherwise affixed to or on any structural component of any building, structure, or other permanent facility regardless of the nature of the material of that structural component, or the nature of the inscription, to the extent that the same was not authorized in advance by the owner, or otherwise deemed to be a public nuisance.
- (xvii) 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.
- (xviii) *Habitable space*. Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces, and similar areas are not considered habitable spaces.
- (xix) Any existing buildings or structures designated by the City of Haskell, the State of Arkansas, or the United States government to be historic or located within a Haskell Historic District.
- (xx) *Housekeeping unit*. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking, and eating that does not contain, within such a unit, a toilet, lavatory, and bathtub or shower.
- (xxi) *Imminent danger*. A condition that could cause serious or life-threatening injury or death at any time.
- (xxii) The presence, within or contiguous to, a structure or premises of insects, rats, vermin, or other pests.
- (xxiii) *Inoperable motor vehicle*. A vehicle that cannot be driven upon the public streets for reason including, but not limited to, being unlicensed, uninsured, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power. Such vehicle is also considered an abandoned vehicle if left on public or private property without authorization from the property owner for a period in excess of twenty-four (24) hours.
- (xxiv) Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing

laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

- (xxv) *Let for occupancy or let*. To permit, provide, or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises, or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement, or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.
- (xxvi) *Motor vehicle*. A machine of conveyance that is self-propelled and designed to travel along the ground, and includes but is not limited to automobiles, buses, electric scooters, mopeds, bicycles, motorcycles, trucks, tractors, go-carts, low-speed vehicles, motor homes.
- (xxvii) This term is defined in Section 3 of this Code.
- (xxviii) The purpose for which a building or portion thereof is utilized or occupied.
- (xxix) Any individual living or sleeping in a building, or having possession of a space within a building.
- (xxx) *Openable area*. That part of a window, skylight, or door that is available for unobstructed ventilation and that opens directly to the outdoors.
- (xxxi) Any person who has charge, care, or control of a structure or premises that is let or offered for occupancy.
- (xxxii) Any person, agent, operator, firm, entity, 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.
- (xxxiii) An individual, corporation, partnership, or any other group acting as a unit.
- (xxxiv) A lot, plot, or parcel of land, easement, or public way, including any structures thereon.
- (xxxv) *Private property*. Means any real property within the City that

is privately owned and that is not defined as public property in this section.

- (xxxvi) *Public property*. Means any real property in the City that is owned by a governmental body and includes buildings, parking lots, parks, streets, sidewalks, rights-of-way, easements, and other similar property.
- (xxxvii) *Public way*. Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the City for public use.
- (xxxviii) The act of clearing all material and debris whenever it becomes necessary to demolish any building that has been condemned and found to be a nuisance by resolution of the city council.
- (xxxix) A structure serving as a dwelling or home. For the purposes of this Code, the term residence includes dwelling units and rooming houses.
- (xl) *Rooming house*. A building arranged or occupied for lodging, with or without meals, for compensation. Bed-and-breakfasts, boarding houses, half-way houses, and hotels, as those terms are defined under the Haskell Zoning Ordinance, are included within the definition of a Rooming House.
- (xli) *Rooming unit*. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
- (xlii) Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, 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.
- (xlili) *Code Compliance Supervisor*. Code Enforcement Officer or, in his or her absence, the person who is directed or appointed to temporarily assume the duties of the Code Enforcement Officer.
- (xliv) That which is built or constructed or a portion thereof.
- (xlv) A person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

- (xlvi) *Toilet room*. A room containing a water closet or urinal but not a bathtub or shower.
- (xlvii) Means any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, regardless of whether wrecked or inoperable, and regardless of whether currently inspected and/or registered, including without limitation the following: Boat trailers, camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements.
- (xlviii) *Uncut weeds and grass*. This term is defined in Section 3 of this Code.
- (xlix) The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
- (l) Meeting or exceeding the standard or quality of workmanship performed by a reasonably competent construction professional; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.
- (li) *Wrecked motor vehicle*. Any motor vehicle that does not have lawfully affixed thereto an unexpired license plate and the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power on a public street, or from which the wheels, engine, transmission, or any substantial part thereof has been removed.

### **SECTION 3. Nuisance.**

1. *Intent*. It is the intent of this Code to prevent and abate nuisances within the municipal boundaries of the City. For the purposes of this Code, the word “nuisance” is defined as any act, omission, or property condition that is detrimental to the health, safety and welfare of the public in that it:
  - (i) Injures or endangers the comfort, repose, health or safety of others;
  - (ii) Is offensive to the senses;
  - (iii) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;

- (iv) In any way renders other persons insecure in life or the use of property; or
  - (v) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
2. *Prohibited.* It shall be unlawful for any person or entity to cause, permit, maintain or allow the creation or maintenance of a nuisance.
3. *Illustrative enumeration of a nuisance.* The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:
- (i) Noxious weeds and other rank vegetation;
  - (ii) Accumulations or storage of rubbish, garbage, materials, metals, lumber, tires, and other materials;
  - (iii) Any condition which provides harborage for rats, mice, snakes and other vermin;
  - (iv) Dilapidated structures;
  - (v) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
  - (vi) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
  - (vii) The carcasses of animals or fowl not disposed of within a reasonable time after death.
  - (viii) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
  - (ix) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
  - (x) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
  - (xi) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.
  - (xii)
  - (xiii) Inoperable or abandoned motor vehicles.
  - (xiv) The use of tarpaulins, canvas, plastic, oil cloth, sheeting and other similar materials as fencing or to shield or enclose any structure (including, without limitation, openings for windows, doors, walls, roofs, garage doors



or carports) except when temporarily necessary to perform repairs under a properly issued building permit.

- (xv) Permanent or temporary basketball goals (except those approved by the City) on any public street or on any right-of-way adjacent to a public street.

#### **SECTION 4. *Unsightly Appearances.***

1. *Uncut weeds, grass, and other unsightly and unsanitary articles.* All property owners and occupants within the municipal boundaries of the City are required to cut weeds and grass, remove garbage, rubbish, and other unsightly and unsanitary articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. For specific requirements related to the required maintenance of grass and weeds, refer to Section 4(b) Nuisance Structures.
2. *Nuisance Structures.* Any building or other structure that is in such a dilapidated condition that it is unsafe or unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or safety of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located shall constitute a nuisance.
  - *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe conditions due to lack of abandonment of lack of maintenance, or, unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
  - *Unfit structure for human occupancy.* A structure is unfit for human occupancy whenever a Code Enforcement Officer finds that such structure is unsafe, unlawful, or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary, or heating facilities or other essential equipment required by this Code, or

because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

- *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered, or occupied contrary to law.

## **SECTION 5: Code enforcement officers.**

1. *General:* This Code shall be enforced by all Code Enforcement Officers of the City of Haskell. For the purposes of this Code, a Code Enforcement Officer shall be defined as any City employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, and inspections within the municipal boundaries of the City. This Code may also be enforced by any and all duly sworn law enforcement officers of the Haskell Police Department.
2. *Identification:* All Code Enforcement Officers shall carry proper identification and present the same upon request when performing duties under this Code.
3. *Modifications:* Whenever there are practical difficulties involved in carrying out the provisions of this Code, Code Enforcement Officers, in conjunction with the Director of Community Development, shall have the authority to grant modifications for individual cases, provided the Code Enforcement Officer shall first make written findings that a special condition or circumstance exists such that 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 entered in the department files.
4. *Enforcement Procedures:* Whenever, in the judgment of the Code Enforcement Officer charged with enforcement of this code, it is determined upon investigation that a public nuisance is being maintained or exists within the City, such officer shall issue a written notice in accordance with Section 9, Administrative Procedures, to the person committing, permitting, or maintaining such nuisance, requiring such person to remedy and abate the nuisance.
5. Nothing in this Code shall be construed as requiring the City to enforce the regulations in this Code against:
  - (i) Alleged violations determined to be frivolous complaints;

- (ii) Alleged violations lacking in substantive evidence to constitute a nuisance;
- (iii) Alleged violations where the evidentiary value of the alleged violation is not enough to support a conviction in court; or
- (iv) Violations that may occur and are not recognized by the City due to the lack of availability of the resources.

## **SECTION 6: *Inspections.***

1. *Right of Entry:* Code Enforcement Officers are authorized to enter structures or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the officers may pursue such search authorizations as are provided by law.
2. *Inspections:* Code Enforcement Officers shall make all of the inspections required by this Code. All reports of such inspections shall be in writing by the responsible officer. Code Enforcement Officers are authorized to rely upon a responsible expert opinion as the officer deems necessary to report upon unusual technical issues that arise.

## **SECTION 7: *Violations.***

1. *Violations declared to be strict liability misdemeanors:* It shall be unlawful for a person, firm, or corporation to be in conflict with or in violation of any of the provisions of this Code. Any person who is convicted of a violation of this Code shall be guilty of a misdemeanor, and the violation shall be deemed a strict liability offense.
2. *Fines:* Except as otherwise provided, any person, firm, or corporation violating any of the several provisions of this Code shall, upon conviction, be punished by a fine up to five hundred dollars (\$500.00). The minimum fine shall be one hundred and fifty (\$150.00). If the violation is continuous in nature, each day such violation shall be permitted to continue shall be considered a separate offense and shall be punishable as such.
3. *Penalty:* The penalty for subsequent offenses shall be:
  - (i) Three hundred dollars (\$300.00) for the second offense that occurs within twelve (12) months of the prior offense.

- (ii) Six hundred dollars (\$600.00) for the third offense that occurs within twelve (12) months of prior offenses.
  - (iii) One thousand dollars (\$1,000.00) or the maximum allowed under Arkansas law for the fourth and all subsequent offenses that occur within twelve (12) months of prior offenses.
4. *Citations:* Code Enforcement Officers are hereby authorized to issue citations to any person, firm, or corporation in conflict with or in violation of any of the provisions of this Code. Issuances of citations must comply with the Arkansas Rules of Criminal Procedures. The Bryant District Court shall have exclusive jurisdiction over citations issued pursuant to this Code.
  5. *Appeals:* Any person after being found guilty of a violation or after entering a plea of guilty or nolo contendere to a violation shall have those appellant rights granted under the Laws of the State of Arkansas, US Constitution, and Arkansas Rules of Criminal Procedure. Appeals of convictions of a violation will be with Saline County Circuit Court.

## **SECTION 8: Revocation of certificates, licenses and permits.**

1. *General:* The purpose of this section is to provide a procedure for the revocation of various certificates, licenses, and permits issued by the City to prevent the use of structures described in Section 8(b), Administrative Revocation. The certificates, licenses and permits subject to revocation under this Code are those relating to the particular or general use of property; including, without limitation and for the purpose of illustration only: certificates of occupancy, zoning variances, certification of appropriateness, business licenses, sign permits, building permits, electrical and plumbing inspection approvals, conditional use permits, special use permits, and the like.
2. *Administrative Revocation:* Code Enforcement Officers shall have the authority to initiate administrative revocation of any such certificate, license or permit, if he or she has a reasonable belief that the use of the property or structure:
  - (i) Poses a danger to the health and welfare of the public;
  - (ii) Threatens property or safety of any citizen;
  - (iii) Violates the terms and or scope of the certificate, license, or permit; or
  - (iv) Lacks compliance with applicable State licensing laws and requirements.

The non-emergency administrative revocation of a certificate, license, or permit shall follow the procedures of notice and determination provided in Section 9, Administrative Procedures.

3. *Temporary Emergency Orders*: The Code Compliance Supervisor shall have the authority to issue a temporary emergency order in conjunction with notice of an administrative revocation as described in Section 8(b), Administrative Revocation. The Temporary Emergency Order shall have the effect of prohibiting all activity that may be harmful to the public or any person and suspending any certificate, license, or permit authorizing the same. The Code Compliance Supervisor may issue a temporary emergency order when he or she has a reasonable belief that the use of the property or structure:
  - (i) Poses an imminent danger to the health, safety or welfare of the public; or
  - (ii) Threatens the life or poses an imminent danger of serious injury to any citizen.
4. *Service of Temporary Emergency Orders*: Service of Temporary Emergency Orders may be made by any Code Enforcement Officer upon the owner, manager, employee, or occupant of a structure that is subject to the provisions of Section 8(c), Temporary Emergency Services. If no one is located at the structure, the Temporary Emergency Order shall be affixed to the structure and written notice shall proceed according to Section 8(b) Method of Service. All notices for this subsection shall clearly state "Temporary Emergency Order" and conform to the requirements of Section 9(a), Notice of Violation.
5. *Special Uses, Conditional Uses, and Other Authorizations Issued by City Council*. The City Council for the City may revoke a special use, conditional use, or any other authorization to use property or conduct business that violates the terms of the use or threatens the property or safety of any citizen, or is detrimental to the health, safety, or welfare of the public. Such a revocation may be performed at any regular or special meeting of City Council. The revocation shall be based upon the report of a Code Enforcement Officer, complaint of a citizen, or *sua sponte* action by City Council.

## **SECTION 9: Administrative procedure.**

1. *Notice of Violation:* A “Notice of Violation” shall be written on standardized or letter form approved by the Code Compliance Supervisor that shall include the following information:
  - (i) The name of the owner, if known;
  - (ii) An address or description of the real estate sufficient for identification;
  - (iii) A description of the violation or violations;
  - (iv) A statement that citations may be issued and fines assessed in addition to any administrative remedy imposed by the City.
  - (v) Include a statement that the City has a right to cause repairs or demolition to be made and that the costs may be assessed against the owner and the property of the owner; and
  - (vi) The information required by Ark. Code Ann. § 14-54-903, if applicable.
2. *Method of service:* Administrative notices (such as a Notice of Violation) shall be issued by any person authorized under Ark. Code Ann. § 14-54-903 by:
  - (i) Posting on the subject property;
  - (ii) Regular mail; and
  - (iii) Certified mail, return receipt requested.
3. Notice by mail shall be sent to the owner’s address of record with the applicable county treasurer or collector. When sent to the proper address with proper postage, notice by mail shall be deemed properly served without regard as to whether the owner or occupant accepted the mail or the mail was otherwise returned.
4. *Transfer of ownership:* After receiving a notice of violation, it shall be unlawful for the owner of any property or structure to sell, transfer, mortgage, and lease or otherwise alienate or dispose of the same until:
  - (i) The property or structure has been caused to conform with this code; or
  - (ii) The owner shall provide the other party a true copy of any notice of violation issued by a Code Enforcement Officer and shall furnish to the Code Compliance Supervisor a signed and notarized statement from the other party accepting responsibility for the property or structure.
5. *Exceptions:* The Notice of Violation requirements of this section shall not apply to the issuances of citations. Issuance of citations must comply with the procedures described in Section 7(d), Citations.

## **SECTION 10: Condemnation.**

1. *Keeping condemned structures prohibited:* That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the corporate limits of the City of Haskell, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council.
2. *Condemnation:* That any such house, building, and/or structure that is found and declared to be a nuisance by Resolution of the City Council will be condemned to insure the removal thereof as herein provided.
3. *Notices:* The Code Enforcement Officer shall be responsible for publication, mailing, or delivery of all notices required to condemn structures.
  - (i) That prior to the consideration of a Resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lien holder(s), of such house, building and/or structure shall be mailed written notification of the date, time, and place that the City Council will consider said Resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lien holder(s), of the right to be heard at the City Council meeting on the proposed Resolution declaring such house, building and/or structure to be a nuisance.
  - (ii) Should the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building, and/or structure be unknown or their whereabouts be unknown or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the City Clerk or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts, and/or non-resident status of said owner(s), mortgagee(s), and lien holder(s). Thereupon, service of publication as now provided for by law against unknown and/or non-resident defendant(s) may be had and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business.
4. *Resolution Information:* That the Resolution of the City Council condemning any house, building, and/or structure that constitutes a

nuisance will include in said Resolution an adequate description of the house, building, and/or structure; the name(s), if known, of the owner(s) and mortgagee(s) and/or lien holder(s) thereof; and shall set forth the reason or reasons said house, building, and/or structure is or has been condemned as a nuisance.

5. *Posting:* After a house, building, and/or structure has been found and declared to be a nuisance and condemned by Resolution as herein provided, a true and certified copy of said Resolution will be mailed to the owner(s) and mortgagee(s) and/or lien holder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lien holder(s) thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building, and/or structure. Provided, that if the owner(s) and mortgagee(s) and/or lien holder(s) of said house, building, and/or structure be unknown or if his, her, or their whereabouts or last known address be unknown, the posting of the copy of said Resolution as hereinabove provided will suffice as notice of the condemnation.
6. *Removal:* If the house, building, and/or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the Resolution at a conspicuous place on said house, building, and/or structure constituting the nuisance, it will be torn down and/or removed by the Code Compliance Supervisor or his duly designated representative.
7. *Saleable material:* The Code Compliance Supervisor or any other person or persons designated by him to tear down and remove any such house, building, and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building, and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one (1) publication in some newspaper having a general circulation in the City, to insure its removal and the abatement of the nuisance.
8. *Proceeds:* All proceeds of the sale of any such house, building, and/or structure, or the proceeds of the sale of saleable materials there from and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Clerk. If any such house, building, and/or structure, or the saleable materials thereof, be sold for an amount that exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the City, plus any fine or fines imposed, the



balance thereof will be returned to the former owner or owners of such house, building, and/or structure constituting the nuisance.

9. *Liens*: If the City has any net costs in removal of any house, building or structure, the City shall place a lien on the personal property or real estate property as provided by Arkansas Code § 14-54-904.
10. *Fine*: A fine of not less than two hundred fifty dollars (\$250.00); nor more than five hundred dollars (\$1,000.00) is hereby imposed against the owner(s) of any house, building, and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of two hundred fifty dollars (\$250.00) for each said separate and distinct offense; provided the notice as herein provided in Section 8 Administrative Procedure herein has been given within ten (10) days after said house, building, and/or structure has been by Resolution found and declared to be a nuisance.
11. *Judicial declaration*: In the event it is deemed advisable by the City Council that a particular house, building, and/or structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the City, and the only notice to be given to the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building, and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in Circuit Court. When any such house, building, and/or structure has been declared judicially to be a nuisance by a Court of competent jurisdiction, a fine of two hundred fifty dollars (\$250.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the Court and for each day thereafter, said nuisance be not abated constitutes a continuing offense punishable by a fine of one hundred dollars (\$100.00) per day.

## **SECTION 11: Emergency procedures.**

1. *Temporary safeguards*: Notwithstanding other provisions of this code, whenever, in the opinion of the Code Compliance Supervisor, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

2. *Closing streets:* When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.
3. *Emergency repairs:* For the purposes of this section, the Code Compliance Supervisor shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the City. The City Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

## **SECTION 12: General requirements.**

1. *Scope:* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, and exterior property.
2. *Responsibility:* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit, rooming unit, housekeeping unit, or premises that they occupy and control.
3. *Vacant structures and land:* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

## **SECTION 13: Exterior property areas.**

1. *Sanitation:* All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.
2. *Grading and drainage:* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

- (i) **Illegal Dumping:** That is shall be unlawful for any person, firm, or corporation to drop, dispose of, throw, toss or otherwise deposit leaves, paper, debris, brush, limbs, grass, or other similar articles in drainage ditches, curbs, and along gutters of city streets in the City of Haskell, Arkansas.
- 3. *Grass or Weeds:* Grass or weeds shall not exceed eight (8) inches in height in all zoning districts. This restriction will not apply to:
  - (i) Areas specifically designated or recognized by the City, the state, or the United States as wetlands, open spaces, natural, or wild flower areas, or other designated preservation areas.
- 4. *Rodent harborage:* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- 5. *Exhaust vents:* Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- 6. *Accessory structures:* All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.
- 7. *Motor vehicles:* Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any premises, and no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an approved spray booth.
  - (i) *Storage of inoperable or abandoned vehicles:* No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle, and/or trailer of any kind, which is wrecked or inoperable, whether attended or not, upon any private property within the city, except as allowed by the following exceptions:
    - a) Any subject item parked or stored within a building or enclosed garage on private property.
    - b) Any subject item held in connection with a business enterprise lawfully licensed by the city for servicing and repair of subject items

and properly zoned operated in an appropriate business zone pursuant to the zoning ordinances of the city.

- c) Subject vehicle within a carport that is being actively repaired on at least a weekly basis. Subject vehicles and its parts when not being repaired shall be neatly and completely covered with an opaque cover.
  - d) Inoperable vehicles deemed inoperable only due to not having current vehicle license plate or vehicle registration tag, may be stored in a covered carport.
  - e) Inoperable vehicles may be stored on private property when provided with a fitted and maintained cover designed for such vehicle.
  - (ii) *Authorized removal of inoperable motor vehicles:* Code Enforcement Officers shall have the authority to remove inoperable motor vehicles on private property fifteen (15) days after written notice has been affixed to the subject item. Such notice shall state that the subject item is a nuisance and order whoever has an interest in the subject item to remove the item from the property. If such nuisance is found upon private property, in addition to the foregoing notice, a copy of such shall be placed on the residence or business. The presence of such subject items on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this Code. Any inoperable vehicle sitting on city streets can and will be removed immediately at owners expense.
  - (iii) *Exception:* A motor vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
8. *Defacement of property:* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon 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 14: Swimming pools, spas, and hot tubs.**

1. *Maintenance*: Swimming pools, hot tubs, and spas shall be maintained in a clean and sanitary condition, and in good repair. See Arkansas Code § 14-54-901.

## **SECTION 15: Exterior structure.**

1. *General*. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
2. *Premises identification*. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of three (3) inches in height on residential structures and shall be a minimum of four (4) inches in height on commercial structures.

## **SECTION 16: Rubbish and garbage.**

1. *Accumulation of rubbish or garbage*. All exterior property and premises of every structure shall be free from any accumulation of rubbish or garbage.
2. *Disposal of rubbish*. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
  - (i) Appliance/Furniture and similar equipment not in operation shall not be discarded, abandoned, or stored on premises outside of any enclosed building such as storage shed or accessory building.
3. *Disposal of garbage*. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or an approved leak-proof garbage container.
  - (i) No trash or garbage container shall be stored in a front or side yard abutting a street so as to be closer to the street than the building on the lot except on trash days. Garbage and trash containers must be placed within five (5) ft. of curb no earlier than 5:00 p.m. the day before and removed before 7:00 p.m. the day garbage is picked up.

**SECTION 17:** All other ordinances and parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are hereby repealed to the extent of such conflicts.

**SECTION 18:** If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

PASSED AND APPROVED this the 8<sup>th</sup> day of June, 2026.

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Taylor Finley, Treasurer

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Clyde Crookham, Mayor