

CHAPTER 2

PROPERTY MAINTENANCE CODE

- Art. I. Purpose and Definitions, §17-2-1--§17-2-4
 Art. II. Administration and Permits, §17-2-5--§17-2-10
 Art. III. Premises Code, §17-2-11--§17-2-14
 Art. IV. Inoperable Motor Vehicles Code, §17-2-15--§17-2-20
 Art. V. Housing Code, §17-2-21--§17-2-27.6

ARTICLE 1. PURPOSE AND DEFINITIONS

17-2-1. Short title.

This Code shall be known and cited as the Hot Springs Property Maintenance Code.

17-2-2. Purpose; 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 existing residential structures, dwelling units, rooming units, and premises and to insure consistent community standards are applied to all residential property.

17-2-3. Application.

No person, firm or corporation shall occupy as owner-occupant or let or sublet to another for occupancy any residential structure, dwelling unit, rooming unit or guest room designed or intended to be used for the purpose of living, sleeping, or cooking therein, including the adjoining premises which does not comply with the provisions of this Code.

17-2-4. 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.

Addition. An extension or increase in the floor area or height of a structure or building.

Animal Waste. Fecal matter from animals kept on the premises

Antique motor vehicle. A vehicle twenty-five (25) years or older that has been or is being restored and is licensed as an antique vehicle.

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

Bathroom. A required space within a dwelling unit affording privacy to the user containing plumbing fixtures including at least a bathtub or shower, toilet and sink. Bathrooms shall have a minimum floor space of 36 square feet with no dimension less than 4 feet. Bathrooms must have a ceiling height of at least 6 feet 8 inches.

Bedroom. Any room or space used or intended to be used for sleeping purposes.

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.

Debris. Rubble or waste (nonusable) materials resulting from construction or demolition.

Developed lot. Land used or previously used for residential, commercial, industrial or public use.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, bathroom facilities and sanitation facilities. A unit designed for long term stay and may be let for occupancy by the day, week or month. Each dwelling unit shall have at least 250 square feet of habitable space for the first occupant and an additional 70 square feet of habitable space for each additional occupant.

Enclosure. A structure or building that completely conceals the contents from public view.

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

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

Guard. 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.

Habitable space. Space in a dwelling unit or rooming unit for living, sleeping, eating, or cooking. Bathrooms, closets, storage or utility spaces, and similar areas are not considered habitable spaces. Habitable spaces shall have a ceiling height of at least seven (7) feet.

Junk. Garbage, debris, rubble, rubbish and unusable items or parts including appliances and furniture.

Kitchen. A required space within a dwelling unit for the purpose of food preparation and food storage containing not less than a mechanical refrigeration unit, a permanently installed cook stove, a kitchen sink, cabinets and counter space for food preparation each having a clear working space of not less than 30 inches.

Imminent danger. 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.

Inoperable motor vehicle. Any vehicle not in proper condition to be legally operated on the streets of Hot Springs, not capable of self locomotion or that does not have a valid current license plate.

Labeled. 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.

Let for occupancy or let. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise, 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.

Occupancy. The purpose for which a building or portion thereof is utilized or occupied.

Occupant. Any individual living or sleeping in a building, or having possession of a space within a building.

Openable area. That part of a window, skylight, or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person who has charge, care, or control of a structure or premises which is let or offered for occupancy.

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 or undeveloped lot, plot, or parcel of land.

Rooming unit. Any space or room intended to be occupied for sleeping or living, but not for cooking purposes, including hotel and motel rooms. A rooming unit is not authorized for long term stay and may only be let by the day or week. Each rooming unit shall have at least 150 square feet of floor space for the first two occupants and at least 70 square feet of floor space for each additional occupant. At least one flush water closet, lavatory basin, and bathtub or shower shall be supplied for each four rooming units whenever such facilities are shared. All such facilities shall be located on the same floor they serve and shall be accessible from a common hall or corridor.

Rubbish. Waste materials including tires, 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.

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

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.

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Weed. A plant out of place or allowed to grow in an uncontrolled manner or not cared for or regularly maintained.

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

ARTICLE II. ADMINISTRATION AND PERMITS

17-2-5. Administration.

17-2-5.1. Scope.

The provisions of this Code shall apply to all existing residential structures, dwelling units, rooming units, guestrooms and all residential use and all existing premises, and shall constitute the minimum requirements and standards for all premises, residential uses, equipment, facilities for light, ventilation, space, heating, sanitation, protection from the elements, safety from fire and other hazards, sanitary maintenance and the responsibilities of the owners and tenants.

17-2-5.2. Responsibility.

It shall be the owner's responsibility to insure residential property is maintained in compliance with this Code. Provided the occupants of a residential structure, dwelling unit, or rooming unit shall be responsible for keeping in a clean, sanitary, and safe condition that part of the structure, dwelling unit, rooming unit, or premises which they occupy or control.

17-2-5.3. Application of other codes.

Additions or modifications to a structure, or the systems of a structure, shall be done in accordance with the procedures and provisions of the most current addition of the Zoning Code, Building Code, Plumbing Code, Mechanical Code, Gas Code and the Electrical Code as adopted by the City of Hot Springs.

17-2-5.4. 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 manufacturer's installation instructions.

17-2-5.5. Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure, or equipment, or for the public safety, health, and general welfare, not specifically covered by this Code, shall be determined by the Chief Building Official

17-2-5.6. 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 or with the interests of the city.

17-2-5.7. Right of entry.

The compliance officer is hereby authorized to enter any residential structure, dwelling unit, or premise at reasonable times to inspect for compliance with this Code subject to constitutional restrictions on unreasonable searches and seizures 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.

17-2-5.8. 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 other regulations. 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.

17-2-5.9. Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Chief Building Official shall have the authority to grant minor modifications for individual cases, provided 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.

17-2-5.10. 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 proscribed 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 compliance officer shall have the authority to require tests to be made as evidence of compliance at no expense to the city.

17-2-6. Permits.**17-2-6.1. Repairs.**

All required repairs or alterations performed on a structure, dwelling unit, rooming unit, or guest room pursuant to the provisions of this Code shall require the owner, the owners agent, the occupant or the tenant to first obtain required permits. Life safety violation shall be corrected within 3 days. Any repairs to the electrical facilities, plumbing facilities, or mechanical facilities will require the applicable permits as prescribed in the City of Hot Springs Electrical Code, Plumbing Code and Mechanical Code. No extensions shall be granted for life-safety violations.

17-2-6.2. Permit fees.

Permit fees for rehabilitation permits 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.

17-2-7. 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.

17-2-8. 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.

17-2-9. Penalties.

Any person, firm, corporation or tenant upon conviction in the City of Hot Springs Municipal 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.

17-2-10. Reserved.

ARTICLE III. PREMISES CODE.

17-2-11. Premises.**17-2-11.1. Exterior property.**

All exterior residential and commercial property and premises shall be maintained in a clean, safe and sanitary condition. The owner or occupant shall keep that part of the exterior property which such owner or occupant controls in a clean and sanitary condition. In this regard, all exterior property shall comply with the following requirements. All premises and exterior property shall be maintained free from weeds or plant growth in excess of (6) inches for developed property and twelve (12) inches for platted undeveloped property. Weeds include 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. When drainage is by ditch because no curb and gutter exists, then maintenance responsibility shall extend only to the ditch on the privately owned side.

17-2-11.2. Weeds.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) 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. Exception: Undeveloped property as defined in Article I.

17-2-11.3. Exterior premises.

Exterior 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, appliances, household items, rubbish, debris, or other similar items.

17-2-11.4. Dead trees.

All premises and exterior property are subject to Hot Springs Code §17-6-6 and shall be maintained free from dead trees. Property owners shall removed dead trees that constitute a hazard to public or private property. Further provided, all premises and exterior property shall be maintained free from fallen branches and limbs.

17-2-11.5. 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.

17-2-11.6. Rodent harborage.

All premises and exterior property shall be kept free from conditions which might become a harborage for rodents.

17-2-11.7. Outside storage.

Outside storage is prohibited in residential and commercial business districts except for objects that are customarily placed outside and that are commonly associated with the permitted use. All building materials, appliances, household items, and other similar items not designed or intended for outside storage shall be stored in a completely enclosed building or structure impervious to the elements.

17-2-11.8. 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.

17-2-11.9. 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.

17-2-11.10. Defacement of property.

No person shall damage, mutilate, or deface any exterior surface of a structure, building, fence, or wall on 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.

17-2-11.11. Parking surfaces.

Parking any type of vehicles, boats, trailers and campers is prohibited on landscape or lawn portion of a front or side yard that is adjacent to public right of way. Vehicle parking requires an approved pavement or prepared gravel surface.

No more than 40% of the front yard can be a parking or driveway surface in the R-3, R-4 and R-L zone districts nor more than 25% in R-1 and R-2 districts.

17.2.11.12. Animal waste.

Animal waste from pets or other animals shall be removed daily by the occupant or owner.

17-2-12. Notice and lien.**17-2-12.1. Noncompliance.**

If the owner or person responsible for a lot or parcel of property within the city, after being given a written seven (7) day notice to comply, shall refuse or neglect to perform the duties in connection with his or their property as specified in said notice, the city is hereby authorized to enter upon said property and have said violation or violations removed. The cost incurred by the city in removing said violation shall be charged against the property and shall constitute a lien thereon. The authority granted to the city herein shall apply only to those violations listed in this article (Premises Code). (Ord. No. 5085, §1(b), 4-15-02)

17-2-12.2. Unknown or nonresident owner.

In cases where the owner of a lot is unknown or his/her whereabouts is not known or he/she is a nonresident of the State of Arkansas, a copy of the written notice herein referred to shall be posted upon the premises and, before any action to remove the violations or enforce such lien shall be had, the city shall prepare an affidavit setting out the facts as to the unknown address or whereabouts of the nonresident, and shall notify the defendant by registered letter addressed to the defendant's last known address.

17-2-12.3. Enforcement of lien.

The lien herein provided may be enforced and collected in either one of the following manners:

- (a) The lien may be enforced at any time within eighteen (18) months after work has been completed by an action in a court of competent jurisdiction;
or
- (b) The amount of the lien herein provided may be determined at a hearing before the board of directors held after thirty (30) days written notice by certified mail to the owner or owners of the property if the name of the owner or owners is known; and if the name of the owner or owners cannot be determined, then after publication of notice of such hearing in a newspaper having a bona fide circulation in Garland County for one insertion per week for four (4) consecutive weeks and the amount so determined at said hearing, plus ten (10) percent penalty for collection, shall be certified by the board of directors to the Garland County Tax Collector and by him/her placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three (3) percent thereof, when so collected shall be paid to the city.

17-2-13–17-2-14. Reserved.

ARTICLE IV. INOPERABLE MOTOR VEHICLES CODE.

17-2-15. Inoperable motor vehicles unlawful.

It shall be unlawful for any person to keep, maintain or store inoperable motor vehicles, as defined in Article I, upon public or private property within the City of Hot Springs without a valid permit per §17-2-15.2.

17-2-15.1. Exceptions.

The following exceptions shall be allowed upon private property:

- (a) Any vehicles stored within an enclosure as defined in Article I.
- (b) Vehicles designed for off road use that are not capable of being licensed for use on the streets of Hot Springs. Further provided, these vehicles are operable and capable of being used in the manner for which they were designed. Included in this category are dune-buggies, four wheelers, three wheelers and motorcycles.

17-2-15.2. Inoperable vehicle repair permits.

Property owners or tenants shall be allowed to obtain a repair permit from the city for the purpose of repairing an inoperable motor vehicle on their private property. No more than two permits will be issued at a specific address in a calendar year. The permit fee shall be ten dollars (\$10.00) per vehicle. The permit shall be for a period of four months.

17-2-15.3. Notice of violation; removal of vehicle; redemption or sale.

(a) Whenever the city manager or his duly authorized representative observes any such vehicle as defined in this Code to be a violation of this Code, placed or stored in the open public property, they shall file a written report, setting forth the location of said vehicle, its make or model, the license number and the name of the owner, if known. The vehicle shall be tagged with a notice requiring the owner of said vehicle to remove same within twenty-four (24) hours and in the event said vehicle is not removed, the city is hereby authorized and directed to cause the removal of vehicle and impound same in accordance with the laws governing abandoned motor vehicles. In the event said motor vehicle obstructs the movement of traffic or constitutes a traffic hazard, the city shall immediately have said motor vehicle removed.

(b) When the city manager or his duly authorized representative finds motor vehicles disassembled, abandoned, inoperable, junked or wrecked, as defined in this code, in the open on private property, a written notice shall be served upon the owner or the person responsible for placing same upon private property to remove the vehicle within five (5) days of receipt of said notice. If the disassembled, abandoned, inoperable, junked or wrecked motor vehicle has not been removed within five (5) days of receipt of notice to remove same, or upon return of said notice letter if sent via U.S. Mail, the city is authorized to cause said motor vehicle, or portions thereof to be removed and the same shall be handled as an abandoned vehicle under the laws of the State of Arkansas and disposed of accordingly.

(c) In the event the motor vehicle owners or the persons responsible for parking or storing same in the open upon private property cannot be determined or located, then a written notice shall be given to the owner of the property or the person in custody or control of the property notifying them to remove said vehicle within twenty (20) days from the receipt of such notice.

Upon the expiration of twenty (20) days, if the owner of the property or the person in possession or control of the property has not removed said vehicles, the city is authorized to cause said motor vehicles or portions thereof, to be removed and same shall be handled as an abandoned vehicle under the laws of the State of Arkansas and disposed of accordingly.

(d) In addition to towing, removal and storage charges assessed against said motor vehicle, there shall be added a cost of investigation, hereby determined to be twenty-five dollars (\$25.00) per vehicle, or portion thereof, and actual expenses for postage and related fees advanced by the City of Hot Springs, Arkansas, and all said charges shall be paid to the city upon redemption by the owner. If the vehicle is not redeemed, said charges shall be collected from the proceeds, upon sale, if available.

17-2-15-4. Licensed businesses.

Nothing in this article is to be interpreted as preventing any licensed business from operating in a properly zoned area.

17-2-16–17-2-20. Reserved.

ARTICLE V. RESIDENTIAL PROPERTY MAINTENANCE CODE.

17-2-21. Residential Property Maintenance Code.

No residential structure, dwelling unit, rooming unit, guest room or residential use shall be occupied for the purpose of living, sleeping, or cooking therein which does not comply with the provisions of this Code.

17-2-22. Unsafe equipment.

Unsafe equipment includes water heaters, heating equipment, electrical wiring or equipment, plumbing fixtures or devices, or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, or safety of the public or occupants of the premises or structure shall constitute a life safety violation and must be corrected within three (3) days of receipt of notice. All other repairs must be corrected within thirty (30) days from the receipt of notice. Failure to correct a life safety violation within the permitted time can result in removal of the utilities from the structure.

17-2-23. Exterior requirement.**17-2-23.1. Exterior of structures.**

All exterior surfaces including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, roofs, gutters and fences shall be maintained in good condition. Exterior wood surfaces, other than treated or decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Any paintable surface deteriorated 25% or more is a violation.

17-2-23.2. Structural members.

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

17-2-23.3. Foundation walls.

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.

17-2-23.4. Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated to prevent deterioration.

17-2-23.5. Roofs and drainage.

The roof and flashing 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.

17-2-23.6. 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.

17-2-23.7. 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. (Ord. No. 5085, §1(d), 4-15-02)

17-2-23.8. Stairways, decks, porches, and balconies.

Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Protective railings as prescribed in the City of Hot Springs Building Code shall be required on any unenclosed structure over 30 inches above ground level and on any steps or stairs with more than a single riser. All protective handrails and guards shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

17-2-23.9. 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 by periodic application of weather-coating materials, such as paint or similar surface treatment.

17-2-23.10. Windows.

Every habitable space shall have at least one window facing directly to the outdoors or to a court. The minimum total glazed area of a window in a habitable space shall be 8 percent of the floor area of such space. The total openable area of a window in a habitable space shall be equal to at least 45 percent of the minimum glazed area required. All glazing materials shall be maintained free from cracks and holes. All required windows shall be maintained to be openable and shall have security locking mechanisms installed.

17-2-23.11. Bathrooms and toilet rooms.

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

17-2-23.12. Insect screens.

Every door, window, and other outside opening required for ventilation shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch. Exception: Screens shall not be required if the dwelling unit is supplied with a working forced air system.

17-2-23.13. Exterior doors.

All exterior doors, with the exception of manufactured homes shall have a minimum clearance of 6 feet 8 inches. All exterior doors and door assemblies and hardware shall be maintained in good condition and shall be weatherproof. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door.

17-2-23.14. Basement hatchways.

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

17-2-23.15. Guards for basement windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

17-2-23.16. Means of egress.

Every residential structure shall have safe, unobstructed means of egress leading to a safe open space at ground level that meet the requirements listed below.

17-2-23.17. One and two family dwellings.

The primary means of egress must be a door at least 28 inches wide leading to the outside at grade. Secondary means of egress can be a second door independent and remote from the primary door or a window at least 20 inches wide no higher than 24 inches above the floor and no more than 20 feet above grade. If windows are used as the secondary means of egress each habitable space within the structure must have a window as described above.

17-2-23.18. Apartment buildings, rooming houses, motels and hotels.

Two means of egress are required. Dwelling units, rooming units or guest rooms may use the requirements listed above provided all the units are on the ground floor and each unit has a door opening to the outside at grade. Structures in which units open into a common hallway or corridor shall have at least two independent remote means of egress leading to the outside at grade for each floor. Each corridor or hall shall have lighted exit signs and emergency lights on each floor. Exit signs and emergency lights shall be installed as prescribed in the City of Hot Springs Fire Prevention Code. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys or special knowledge.

17-2-24. Interior.**17-2-24.1. General.**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing two or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

17-2-24.2. Structural members.

All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

17-2-24.3. Interior surfaces.

All interior surfaces, including walls, floors, ceilings, windows, doors, window frames, and door frames, shall be maintained in good, clean, and sanitary condition. Floor coverings in wet locations, (kitchens and bathrooms) shall be water impervious. Wall coverings around tubs or showers shall be water impervious material.

17-2-24.4. Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck, or other walking surface shall be maintained in sound condition and good repair.

17-2-24.5. Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

17-2-24.6. Accumulation of rubbish or garbage.

All interior property and the interior of every structure shall be free from any accumulation of rubbish or garbage.

17-2-24.7. Disposal of garbage.

Every occupant of a structure, dwelling unit, rooming unit, or guest room shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

17-2-24.8. 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. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure. The occupant of a one-family dwelling structure shall be responsible for extermination on the premises.

The owner of a structure containing two or more dwelling units (multiple occupancy) shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination. Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

17-2-24.9. Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

17-2-25. Plumbing requirements.**17-2-25.1. General.**

The provisions of this section shall govern the minimum plumbing systems, facilities, and plumbing fixtures to be provided.

17-2-25.2. Responsibility.

The owner of the structure shall provide such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this section.

17-2-25.3. Fixtures.

All plumbing fixtures shall be properly installed and maintained in working order. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. Plumbing fixtures shall have adequate clearances for usage and cleaning.

17-2-25.4. Plumbing system hazards.

(a) Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the compliance officer shall require the defects to be corrected to eliminate the hazard. Failure to remove a life safety hazard can result in the removal of utilities from the structure until such time as the hazard has been corrected.

(b) Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to either a public water system or approved private system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water. Supply lines shall be of approved materials, copper, or galvanized metal.

17-2-25.5. Water supply.

(a) The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. All hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(b) The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

17-2-25.6. Water heating facilities.

Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom, or other occupied room normally kept closed, unless adequate combustion air and ventilation air are provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

17-2-25.7. Maintenance.

Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks, and defects.

17-2-26. Mechanical requirements.**17-2-26.1. General.**

The provisions of this section shall govern the minimum mechanical facilities and equipment to be provided. Heating facilities shall be provided in structures as required by this section.

17-2-26.2. Residential occupancies.

Dwellings units and rooming units or guest rooms shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

17-2-26.3. Heat supply.

Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, guest room on terms, either expressed or implied, shall furnish heating facilities capable of maintaining a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

17-2-26.4. Room temperature measurement.

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

17-2-26.5. Mechanical appliances.

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances, and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

17-2-26.6. Removal of combustion products.

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent and a supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment. Exception: Fuel-burning equipment and appliances which are labeled for unvented operation in rooms other than bedrooms and bathrooms. A unvented fuel-burning device may be allowed in a bedroom, provided the maximum output of the device is 10,000 BTU or less and it has an O.D.S. device. A unvented heater may be allowed in a bathroom, provided the maximum output of the device is 6,000 BTU or less and it has an O.D.S. device.

17-2-26.7. Clearances.

All required clearances to combustible materials shall be maintained and safety controls for fuel-burning equipment shall be maintained in effective operation.

17-2-27. Electrical requirements.**17-2-27.1. Facilities required.**

Every occupied dwelling, dwelling unit, rooming unit, or guest room shall be provided with an electrical system in compliance with the requirements of this section. Installation of all electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

17-2-27.2. Service type.

Dwellings and dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes. Service shall be properly grounded and bonded. The service disconnect shall be located outside the structure and be totally accessible.

17-2-27.3. Receptacles.

Every habitable space in a dwelling unit, rooming unit, or guest room shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one ground fault circuit interrupter receptacle. Every section of kitchen counter top shall have at least one ground fault circuit interrupter receptacle.

17-2-27.4. Lighting fixtures.

Every habitable space and every public hall, interior stairway, kitchen, bathroom, laundry room, and utility room shall contain at least one electric lighting fixture.

17-2-27.5. Smoke detectors.

Every habitable space within a dwelling unit, rooming unit, or guest room shall have an approved, working smoke detector. Smoke detectors shall be battery operated and may also receive power from the building wiring.

17-2-27.6. Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants of the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, lack of proper smoke detection devices, deterioration or damage of wires or equipment or similar reasons, the compliance officer shall require the defects to be corrected to eliminate the hazard. Failure to correct or eliminate a life safety hazard can result in the power being removed from the structure.

17-2-28. Severability.

If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

17-2-29. Penalty.

The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors (Ord. No. 4960, § 35, 3-5-01)

Cross reference - §15-1-10, Board of Adjustments and Appeals.