



PROPERTY MAINTENANCE CODE

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CHAPTER 1. SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 101. GENERAL

Sec. 101-1. Title.

These regulations shall be known as the Property Maintenance Code of the City of Russellville, Arkansas, hereinafter referred to as "this Code."

Sec. 101-2. Scope.

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, hearing, sanitation, protection from the elements, 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.

Sec. 101-3. Intent.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing 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.

Sec. 101-4. 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.

Sec. 101-4. Repealer.

Any ordinance, code, part of an ordinance or code in conflict with this Code is hereby repealed.

SECTION 102. APPLICABILITY

Sec. 102-1. General.

The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between the provisions of this Code and the referenced standards, the provisions of this Code shall apply. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

Sec. 102-2. 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 repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the

owner, occupant, or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

Sec. 102-3. Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NEPA 70. Nothing in this Code shall be construed to cancel, modify or set aside any provisions of the Russellville Zoning Code.

Sec. 102-4. Existing remedies.

The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

Sec. 102-5. 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 installed in accordance with the manufacturer's installation instructions.

Sec. 102-6. Historic buildings.

The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

Sec. 102-7. Referenced codes and standards.

The codes and standards referenced in this Code shall be those that are listed in Chapter 8 and considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply.

Exception: Where enforcement of a Code provision would violate the conditions of the listing of the equipment or appliance, the condition of the listing shall apply.

102-7.1. Conflicts.

Where conflicts occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply.

102-7.2. Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this Code, the provisions of this Code, as applicable, shall take precedence over the provisions in the referenced code or standard.

Sec. 102-8. 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 code official.

Sec. 102-9. Application of References.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Code.

Sec. 102-10. Other laws.

The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 103. DIVISION OF PROPERTY MAINTENANCE

Sec. 103-1. General.

The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

Sec. 103-2. Appointment.

The code official shall be appointed by the chief appointing authority of the City of Russellville.

Sec. 103-3. Deputies.

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint one or more deputies. Such employee or employees shall have powers as delegated by the code official.

Sec. 103-4. Liability.

The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representation of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. The government immunity from liability and suit for the City and its employees as determined by Arkansas law is not waived in any way by the adoption of this Code and shall be applicable to all activities of the city and its employees pursuant to this Code.

SECTION 104. DUTIES AND POWERS OF THE CODE OFFICIAL

Sec. 104-1. General.

The code official is hereby authorized and directed to enforce the provisions of this Code. The code official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

Sec. 104-1.1. Other authorized enforcement officials.

The Russellville Police Department Officers, Fire Marshal or their designee, or Building Official or their designee, are also authorized to enforce the provisions of this Code.

Sec. 104-2. Inspections.

The code official shall make all the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Sec. 104-3. Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this Code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed on by this Code, provided that if such structure or premise is occupied the code official shall present credentials to the occupant and request entry. If the structure or premise is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

Sec. 104-4. Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

Sec. 104-5. Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with this Code.

Sec. 104-6. Department records.

The code official shall keep official records of all business and activities of the division specified in the provisions of this Code. 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.

SECTION 105. APPROVAL

Sec. 105-1. Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this Code 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 division files.

Sec. 105-2. Alternative materials, methods and equipment.

The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code

official finds that the proposed design is satisfactory and compliance with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality strength, effectiveness, fire resistance, durability and safety.

Sec. 105-3. Required testing.

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 code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

Sec. 105-3.1. Test methods.

Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

Sec. 105-3.2. Test reports.

Reports of tests shall be retained by the code official for the period required for retention of public records.

Sec. 105.4. Used material and equipment.

The use of used materials which meet the requirements of this Code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

Sec. 105-5. Approved material and equipment.

Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

Sec. 105-6. Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Code, shall consist of valid research reports from approved sources.

SECTION 106. VIOLATIONS

Sec. 106-1. Unlawful acts.

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.

Sec. 106-2. Notice of violation.

The code official shall serve a notice of violation or order in accordance with Section 107.

Sec. 106-3. Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful

occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate pursuant to Arkansas law.

Sec. 106-3.1. Charging Instrument.

Violation of the provisions of this Code may be prosecuted by the issuance of a criminal information, affidavit of arrest warrant or by the issuance of a citation by a Code Enforcement Officer, Law Enforcement Officer, the Fire Marshal or their designee or the Building Official or their designee.

Sec. 106-3.2 Liens.

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

Sec. 106-3.2.1 Filing Action in Circuit Court.

Within eighteen (18) months after work has been done, by an action in the circuit court; or

Sec. 106-3.2.2. Administratively.

The amount of the lien may be determined at a hearing before the City Council held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners is known. If the name of the owner or owners cannot be determined, then the hearing before the City Council may be held after publication of notice of such hearing in a newspaper having a bona fide circulation in the county, for one (1) insertion per week for four (4) consecutive weeks. The amounts due the city as determined at the hearing, including all costs incurred by the City relevant to the nuisance, plus ten (10) percent penalty for collection, shall be that certified by the City Council to the county tax collector, and by him or her, placed on the tax books as a penalty to be collected in the manner and with the priority of delinquent taxes, and the amount, less three (3) percent thereof, when so collected, shall be paid to the City.

Sec. 106-3.3. Unknown or Non-resident Owner of Real Property.

If the owner of any lot or other real property is unknown or such owner's whereabouts is not known or such owner is a nonresident of this state, then a copy of the written notice referred to in Section 107 of this Code shall be posted upon the premises, and before any action to enforce the lien shall be had, the City Clerk-Treasurer shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents. Thereupon, service of the publication, as provided for by law against nonresident defendants, may be had, and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if it can be found.

Sec. 106-4. Violation penalties.

Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Sec. 106-5. Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premise.

Sec. 106-5.1. Authorization for City to Abate the Condition/Violation.

If the owner or responsible person of any real property within the City shall neglect or refuse to remove, abate or eliminate any condition as may be provided for under Sections 302 or 308 of this Code, after having been given seven (7) days' notice in writing to do so by the appropriate city official, the City with approval of the Mayor, is hereby authorized to do whatever is necessary to correct the condition, including but not limited to entering upon the property and having such weeds, rank grass or other vegetation cut and removed, or eliminating any unsanitary and unsightly condition, and charging the cost thereof to the owner of such premises, which shall constitute a lien thereon. The abovementioned seven (7) days' notice shall be calculated by counting the first day of the seven day period as the day after written notice is given to the owner, by counting every calendar day, including weekends and holidays, and by establishing the deadline to take the above required actions as 11:59 p.m. on the seventh (7th) day.

Sec. 106-5.2. Procedure for Abandoned/Inoperative Vehicles.

Before any abandoned or inoperative motor vehicle is taken into custody and possession from private property, the City shall give the private property owner or occupant and the owner of the motor vehicle, if ascertainable, thirty (30) days notice by registered or certified mail that such action will be taken unless the motor vehicle is restored to a functional use, disposed of in a manner not prohibited by A.C.A. §8-6-401 et seq., or placed in an enclosed building. The thirty (30) day notice may be waived by the owner or occupants of the property jointly or severally.

SECTION 107. NOTICES AND ORDERS

Sec. 107-1. Notice to person responsible.

Whenever the code official determine that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107-2 and 107-3 to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with Section 108-3.

Sec. 107-1-1 Notice by Type

1. Property Maintenance – exterior: If the owner or responsible person of any real property within the City shall neglect or refuse to remove, abate, or eliminate any condition as may be provided under this code, after having been given seven (7) days' notice in writing to do so by the appropriate city official, the City with approval of the Mayor, is hereby authorized to do whatever is necessary to correct the condition, including but not limited to entering upon the property and having such weeds, rank grass or other vegetation cut and removed, or eliminating any unsanitary and unsightly condition, and charging the cost thereof to the owner of such premises, which shall constitute a lien thereon. The abovementioned seven (7) days' notice shall be calculated by counting the first day of the seven day period as the day after the written notice is given to the owner, by counting every calendar day, including weekends and holidays, and by establishing the deadline to take the above required actions as 11:59pm on the seventh day. Ord 2084
2. Property Maintenance – Non-operating Vehicles - before any abandoned or inoperative motor vehicle is taken into custody and possession from private property, the City shall give the private property owner or registered or certified mail that such action will be taken unless the motor vehicle is restored to functional use, disposed of in a manner not prohibited by ACA §8-6-401 et. Seq., or placed in an enclosed building. The thirty (30) day notice may be waived by the owner or occupants of the property jointly or severally. Ord 2084

Sec. 107-2. Form.

Such notice prescribed in Section 107-1. shall be in accordance with all the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing seven days to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Include a statement of the right to file a lien in accordance with Section 106-3.

Sec. 107-3. Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Sec. 107-4. Unauthorized tampering.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

Sec. 107-5. Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 106-4.

Sec. 107-6. Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108. UNSAFE STRUCTURES AND EQUIPMENT

Sec. 108-1. General.

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

Sec. 108-1.1. 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 equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Sec. 108-1.2. Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers 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.

Sec. 108-1.3. Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official 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.

Sec. 108-1.4. 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 by law.

Sec. 108-1.5. Dangerous structure or premises.

For the purpose of this code, any structure or premises that has any or all of the conditions or defect described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Sec. 108.2. Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

Sec. 108-2.1. Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102-7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

Sec. 108-3. Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107-3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107-2.

Sec. 108-4. Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

Sec. 108-4.1 Placard removal.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this Code.

Sec. 108-5. Prohibited occupancy.

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by the code.

Sec. 108-6. Abatement methods.

The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

Sec. 108-7. Record.

The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 109. EMERGENCY MEASURES

Sec. 109-1. Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Sec. 109-1.1. Abatement.

Whenever a real and imminent health or safety hazard stemming from a condition or thing described in Sections 302 and 308 exist such that the notice provisions provided for in Sections 106 and 107 cannot be complied with without jeopardizing the health and safety of the community, the City shall give notice as is practical under the circumstances, to the affected property owner. If the property owner or occupant does not act immediately to correct the condition or thing complained of, the City shall, pursuant to A.C.A. §14-54-103, do whatever is necessary to abate the hazard stemming from the condition or thing.

Sec. 109-1.2. Alternate procedure.

Upon the written application of two (2) or more of the individuals described in subsection 109-1.3., the City Attorney is authorized to immediately seek a temporary restraining order or preliminary injunction regarding the condition or thing complained of.

Sec. 109-1.3. Determination.

The initial determination of what condition or thing constitutes a real and imminent health or safety hazard must be made by at least two (2) of the following individuals: the Mayor, the Fire Marshal or their designee, Chief of Police or their designee, the Building Official or their designee and the City Code Enforcement Officer. If three (3) of the above individuals agree that a real and imminent health or safety hazard does not exist, no action shall be taken under this section. If the named individuals are equally divided in their opinions, action may be taken under this section. It is not necessary that all of the named individuals participate in the determination.

Sec. 109-2. Temporary safeguards.

Notwithstanding other provisions of this Code, whenever, in the opinion of the code official 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 and the code official deems necessary to meet such emergency.

Sec. 109-3. 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, street public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Sec. 109-4. Emergency repairs.

For the purposes of this Section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Sec. 109-5. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Sec. 109-6. Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the city council, be afforded a hearing as described in this Code.

SECTION 110. DEMOLITION

Sec. 110-1. General.

The code official shall order the owner of any premises upon which is located any structure, which in the code official judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

Sec. 110-2. Notices and orders.

All notices and orders shall comply with Section 107.

Sec. 110-3. Failure to comply.

If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be

charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Sec. 110-4. Salvage materials.

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111. MEANS OF APPEAL

Sec. 111-1. Administrative appeal.

Administrative determinations may be appealed to the City Board of Adjustment. The following actions are not subject to administrative appeal and shall be appealed in the manner provided by law for those particular actions:

1. Citations heard in Pope County District Court, City of Russellville, Criminal Division; and,
2. Condemnations heard by the governing body or a court of law.

Sec. 111-2. Timely Submission of Appeal.

Unless otherwise provided in this Code, any person affected by a “Notice of Violation” or other administrative determination under this Code may appeal the determination by submitting a written application to the Planning and Zoning Department or the Code Enforcement Division within ten (10) days, excluding weekends and holidays, after the date the notice was personally served or posted, or from the date the notice was mailed. If no appeal is requested, it will be assumed that all elements of the notice are clearly understood and abatement action will proceed as directed.

Sec. 111-3. Contents of Appeal.

A request for an administrative appeal must be made upon forms approved by the Planning and Zoning Department, Code Enforcement Division or in any written form that contains the following information:

1. The date the appeal is submitted;
2. The name and address of the appellant;
3. The address of affected property;
4. A description of the administrative decision being appealed; and
5. The desire that the administrative decision be overturned or reviewed.

Sec. 111-4. Notice of Hearing.

The Board of Adjustment shall consider the appeal at the next available date. The appellant shall be provided notice, by the City, of the hearing by first class mail sent to the address shown on the request for administrative appeal no less than seven (7) days prior to the hearing.

Sec. 111-5. Actions pending appeal.

No code enforcement officer may take action based upon an administrative decision while that decision is being appealed except for citations issued for non-administrative violations of the Code.

Sec. 111-6. Conduct of Hearing.

Hearings shall be conducted in an open forum according to such procedural rules adopted by the Board of Adjustment. No administrative decision of a code enforcement officer may be overturned unless a determination is made that:

1. The true intent of this Code or the rules legally adopted there under have been incorrectly interpreted;
2. The provisions of this Code do not fully apply; or
3. The requirements of this Code are adequately satisfied by other means.

Sec. 111-7 Orders.

Upon the conclusion of an appeal, the Board of Adjustment shall issue a written decision. Such written decision shall include notification to the person involved. The findings of the Board of Adjustment will be final and conclusive and, if a violation is found to exist, it shall be ordered to be corrected within a time reasonable under the circumstances.

SECTION 112. STOP WORK ORDER

Sec. 112.1. Authority.

Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

Sec. 112.2. Issuance.

A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

Sec. 112.3. Emergencies.

Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Sec. 112.4. Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 dollars or more than \$1,000 dollars.

CHAPTER 2. DEFINITIONS

SECTION 201. GENERAL

Sec. 201-1. Scope.

Unless otherwise expressly stated, the following terms shall have the meanings shown in this chapter.

Sec. 201-2. Interchangeability.

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.

Sec. 201-3. Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NEPA 70, such terms shall have the meanings ascribed to them as in those codes.

Sec. 201-4. Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 201-5. Parts.

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."

SECTION 202. GENERAL DEFINITIONS

Sec. 202-1. Definitions.

ABANDONED. Property to which no person claims or exercises the rights of ownership.

ANCHORED. Secured in a manner that provides positive connection.

APPLIANCES. Is but is not limited to, refrigerators, deep freezers, stoves, ovens, air conditioners, washers, dryers, trash compactors, dishwashers, televisions, radios, hot water heaters and plumbing fixtures.

APPROVED. Approved by the code official.

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

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

BUILDING MATERIAL. Is, but is not limited to, items such as boards, bricks, cement, nails, pipe, sheet metal, siding, tar paper, shingles, and windows which have never been incorporated into a structure or which have been removed from a structure and may be readily incorporated into another structure. This article applies only to building material which lies in public view and with respect to which its owner has no definite immediate plans for its use.

BUILDING RUBBISH. Any post-construction solid waste which, because of its quantity, quality or condition, cannot be readily and immediately put to a beneficial use.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

CANOPY. More or less continuous cover of branches and foliage formed collectively by adjacent tree crowns.

CROWN. The upper part of a tree including the branches and foliage from the lowest branch on the trunk to the top of tree.

CITY. The City of Russellville, Arkansas.

COSTS. The actual cost the city incurs in abating or causing to be abated a nuisance, including without limitation, the cost of mowing, weeding, removing objectionable rubbish, junk, unsightly, or unsanitary matter, etc.

DEVELOPED. Any man made change to undeveloped real property including but not limited to the construction, reconstruction, renovation, repair, expansion, or alternation of buildings or other structures; the placement of manufactured homes; mining; dredging; drilling operations; storage of equipment or materials; the subdivision of land; or improvements. Grass and weeds on developed property shall be mowed.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. 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.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

FOREST. A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet (0.23 acres) or greater. This definition includes: (1) Areas that have at least 100 live trees per acre with at least 50 percent of those trees having a 2 inch or greater diameter at 4.5 feet above the ground and larger; and (2) Areas that have been cut but not cleared. Forest does not include orchards.

GARBAGE. All decayable waste, including, but not limited to, all solid or semisolid kitchen refuse subject to decay or putrefaction, tin, cans, bottles, paper and cardboard boxes, and all market waste of animal or vegetable matter which was intended to be used as food.

GRASS. Any type of grass or weed, but not including ornamental, landscaping, agriculture, or crop vegetation. Vegetation for hay is also excluded as a weed when grown on property zoned agricultural or on property zoned residential that is fifteen (15) acres or larger.

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 structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

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 which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

IMPROVEMENTS. Physical additions, installations and changes required to render land suitable for the use intended, including: grading, paving, curbing, filling, excavation, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities.

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

INOPERABLE MOTOR VEHICLE. A vehicle which, by mechanical or physical defect, can no longer be used for its intended purpose and which is not serving a functional purpose. Inoperative, which applied to motor vehicles, refers to any motor vehicle which is inoperable, dismantled, damaged or is unable to start or move under its own power. A vehicle shall be presumed to be inoperative when any one (1) of the following conditions are present:

1. It has not been moved for more than three days.
2. One or more tires are flat.
3. One or more wheels are missing.
4. The hood or trunk is raised or missing and has appeared to remain so for more than three days.
5. Weeds or grass have grown up around the vehicle.
6. The engine is missing.
7. The vehicle has no current vehicle tags or registration.
8. The door or doors, fender or fenders are removed or missing.
9. The front or rear windshield is broken, removed or missing, or the side windows are broken or removed or missing.

JUNK. All worn out, useless, worthless, discarded, or scrap material, including, but not limited to, odds and ends, old metal, scrap lumber, building debris or old building materials, used tires, vehicle parts, and other items no longer used in the manner in which they were intended, including, but not limited to, upholstered furniture, working and non-working appliances, and machinery and parts thereof.

LABELED. Equipment, materials or products to which have 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 whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

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.

MOTOR VEHICLE. Every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

NATURE AREA. An area of property designated by the owner and approved by the City, state or federal government as an area to be generally left in its natural state for the purposes of providing a natural scenic area or for the harboring of birds or local wildlife. Such an area must have clearly delineated perimeter boundaries with a buffered mowing area of twenty-five (25) feet adjacent to the nature area and such mowed buffer must be maintained with the height of grass or weeds not to exceed ten (10) inches.

NEGLECT. The lack of proper maintenance for a building or structure.

NUISANCE. means garbage, rubbish, trash, litter, grass and weeds above the height regulated by this Ordinance or anything which is injurious to the health or morals, or indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property.

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.

OPEN SPACE. A parcel of land in a predominantly open and undeveloped condition that is suitable for any of the following: 1) Nature areas; 2) Wildlife and native plant habitat; 3) Important wetlands or watershed lands; 4) Stream corridors; 5) Passive, low-impact activities; 6) Little or no land disturbance; and/or 7) Trails for non-motorized activities.

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, agent, operator, 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.

PERIMETER. Every outer edge of property. The width of the perimeter to be maintained shall be twenty-five (25) feet unless blocked by a natural or man-made obstruction to which the maintenance of the property shall be to the obstruction.

PERSON. A firm, association, organization, partnership, trust, company, legal or business entity or corporation, as well as an individual.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PROPERTY. Any lot, tract, parcel of land or portion thereof, within the corporate limits of the City of Russellville, Arkansas.

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 public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

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.

RUBBISH. all animal and inorganic matter subject to discard that is generated from within a household, residence, or business, such as, but not limited to, coffee grounds, tin cans, paper bags, boxes, glass, food articles, stoves, refrigerators, iceboxes, pieces of metal scrap, feathers, furniture, dead animals, rocks, shingles, building materials, yard cleaning materials, junk, trash, refuse, and other worn-out, wrecked or dismantled machinery, tractors, automobiles, motor vehicles and other similar wastes, combustible and noncombustible waste materials, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, metals, mineral matter, glass, crockery and dust and other similar materials.

SHRUB. A perennial, multi-stemmed woody plant that is usually less than 13-15 feet in height. They may be single stemmed and taller than 15 feet under certain environmental conditions.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

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.

TREE. A perennial, woody plant with a single stem (trunk), normally greater than 15 feet in height; however, under certain environmental conditions, some tree species may develop multi-stemmed or short growth form.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

UNDERBRUSH. Brush under a stand of timber.

UNDERSTORY. Either foliage layer or shrubs beneath the forest canopy; or young trees that are growing beneath the tall mature trees in a timber stand.

UNDEVELOPED. Any lot, tract or parcel of land that has not been graded or in any other manner prepared for the construction of a building, improvement or otherwise developed. Grass and weeds on undeveloped shall either be mowed or bushhogged.

UNSIGHTLY AND UNSANITARY ARTICLES. Any matter, condition, or object which is or should be objectionable, unsightly, or unsanitary to a person of ordinary sensitivities and shall be considered both rubbish and junk and both terms' definitions shall also apply.

VANDALISM. Any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, written upon, carved upon, defaced, mutilated, destroyed, or otherwise injured any property, 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, is otherwise deemed to be a public nuisance.

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

WEEDS. Vegetation that because of its height is objectionable, unsightly or unsanitary, but excluding ornamental, landscaping, agricultural, or crop vegetation. Vegetation for hay is also excluded as a weed when grown on property zoned agricultural or on property zoned residential that is fifteen (15) acres or larger.

WETLANDS. Areas that are inundated or saturated by surface or ground water (hydrology) at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs, and similar areas.

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

YARD. An open space on the same lot with a structure.

YARD WASTE. Any refuse other than garbage or putrescible matter. It shall include discarded flower decorations, cuttings of grass and weeds, fallen leaves, fallen branches, fallen trees, cut vines, shrubbery, grass clippings, brush, leaves, tree trimmings.

ZONED. Property in the City that has been assigned a zoning designation by the City under the current City Zoning Code.

CHAPTER 3. GENERAL REQUIREMENTS

SECTION 301. GENERAL

Sec. 301-1. Scope.

The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

Sec. 301-2. Responsibility.

1. 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.
2. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which 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 which they occupy and control.

Sec. 301-3. Vacant structure 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 302. EXTERIOR PROPERTY AREAS

Sec. 302-1. 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 which such occupant occupies or controls in a clean and sanitary condition.

Sec. 302-1.1. Purpose.

The neglect of removing litter, rubbish, trash and garbage and cutting of grass, weeds and other unmaintained plants is unsightly and unsanitary and diminishes the property values of surroundings property owners; therefore, this Code is to provide a uniform standard to all outdoor yards and lots in the City to ensure the public health, safety and welfare of the inhabitants and visitors of the City. Ord. 2084

Sec. 302-1.2. Authority.

Ark. Code Ann. §14-54-901 *et. seq.* and Ark. Code Ann. §14-54-103(1) allows a city to regulate real property with respect to litter, rubbish and garbage and the cutting of grass, weeds and other unmaintained plants. ORD 2084

Sec. 302-2. 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.

Exception:

1. Approved retention areas and reservoirs.

Sec. 302-3. Sidewalks and driveways.

All private sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Sec. 302-4. Weeds. ORD. 2084

Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Sec. 302-4.1. General.

The following subsections of this Section shall regulate and control the maximum grass height on all yards, lots or real property in the City.

Sec. 302-4.2. Residential and Agriculture zoned real property-developed and undeveloped.

Grass or weeds on property located inside the City shall not exceed ten (10) inches in height on any tract of property zoned residential or agricultural which is developed or undeveloped;

Exception:

This restriction shall not apply to any property zoned residential or agricultural that is twenty (20) acres or larger that is developed or undeveloped; provided any residential or agriculture zoned property which is twenty (20) acres or larger that is developed or undeveloped the owner or responsible party shall maintain the grass and weeds in the perimeter of the residential or agricultural zoned property not to exceed ten (10) inches in height.

Sec. 302-4.3. Commercial and Industrial zoned real property-developed and undeveloped.

Grass or weeds on property located inside the City shall not exceed ten (10) inches in height on any tract of property zoned commercial or industrial which is developed.

Exception:

This restriction shall not apply to any property zoned commercial or industrial that is five (5) acres or larger which is undeveloped; provided, any commercial or industrial zoned property which is five (5) acres or larger that is undeveloped the owner or responsible party shall maintain the grass and weeds in the perimeter of the commercial or industrial zoned property not to exceed ten (10) inches in height.

Sec. 302-4.4. Exemption for Certain Designated Areas.

No grass or weed restrictions in this Code shall apply to any area inside the city limits of the City specifically designated or recognized by the City, the State of Arkansas or the United States as wetlands, open spaces, or natural areas.

Sec. 302-4.5. Exemption for Rough Terrain.

No grass or weed restriction in this Code shall apply to any area of real property that is covered by a forest, canopy, understory, underbrush and shrubs but this exclusion is only applicable to the actual area covered by the forest, canopy, understory, underbrush and shrubs on a property which makes maintenance of the grass or weeds impossible or extremely difficult to maintain with the use of motorized grass and weed cutting implements.

Sec. 302-4.6. Authority to Cut Weeds.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Sec. 302-5. 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 process which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

Sec. 302-6. Exhaust vents.

Pipes, duct, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particular wastes directly upon abutting or adjacent public or private property or that of another tenant.

Sec. 302-7. Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Sec. 302-8. Motor vehicles.

Except as provided for in other regulations, no inoperative motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception:

1. A 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.

Sec. 302-9. Intent of Defacement of Property Section. Ord 1865

It is the purpose and intent of the City Council, through the adoption of this Section, to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement; especially, but not limited to, graffiti on privately and publicly owned walls, which is inimical and destructive to the rights of private property owners as well as the total community. It is further the intent of the City Council, through the adoption of this Section, to serve notice upon all of those who disregard the property rights of others, that the enforcement agencies of the City, both the Police Department and the Code Enforcement Division of the Planning and Zoning Department, will strictly enforce the law and pursue prosecution against those persons engaging in the defacement of public and private properties.

Sec. 302-9.1. Defacement of Property.

No person shall willfully or wantonly damage, mutilate, vandalize or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti ("defacement of property") and such acts shall be unlawful for any person to commit on any public or privately owned structure located on public or privately owned real property within the City.

Sec. 302-9.2. Defacement of Property Declared a Nuisance.

The existence of defacement of property within the city limits of the City of Russellville is hereby declared to be a public and private nuisance, and may be abated according to the provisions and procedures contained in this Section of this Code or according to the provisions on nuisance abatement under State law.

Sec. 302-9.3. Right of City to require removal by property owner.

It shall be the responsibility of the property owner to restore said surface to an approved state of maintenance and repair. It shall be unlawful for any person who is the property owner, who has primary responsibility for control of the property or who has primary responsibility for the repair or maintenance of property ("responsible party") to permit the defacement of property to remain so defaced on the property for a period of ten (10) days after notice by the City that the property is defaced.

Exception:

1. Said responsible party shall demonstrate by a preponderance of evidence that they do not have the financial or physical ability to remove the defacement; or,
2. It can be shown that the "responsible party" has an active program for the removal of the defacement and has scheduled the removal of the defacement as a part of that program, provided, that in the event a removal program exists it shall be unlawful to permit such property defaced to remain so defaced for a period of thirty (30) days.

Sec. 302-9.4. Right of city to use public funds to remove.

The City specifically reserves the right to do the following in order to remedy the effects of defacement of property.

Sec. 302-9.4.1. Use of public funds.

Whenever defacement of property is located on public or privately owned property is viewable from a public place within the City, the Mayor, or his designee, may direct the use of public funds for the removal of same, or for the painting or repairing of same, provided that the Mayor shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the defacement of property is located. If the Mayor, or his designee, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community and the responsible party deposits monies to pay for the costs of repainting or repairing, a more extensive area may be repainted.

Sec. 302-9.4.2. Right of entry on private property.

If after proper notice a responsible party fails to remove the defacement of property within the time specified in this article, the City shall have the right to enter upon any property for the limited purpose of removing the defacement of property that is within the public view.

SECTION 303. SWIMMING POOLS, SPAS AND HOT TUBS

Sec. 303-1. Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Sec. 303-2. Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing, self-latching, or be locked. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this Section.

SECTION 304. EXTERIOR STRUCTURE

Sec. 304-1. 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.

Sec. 304-1.1. Unsafe Conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exception:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

Sec. 304-2. Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Sec. 304-3. 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 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

Sec. 304-4. Structural members.

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

Sec. 304-5. 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.

Sec. 304-6. Exterior walls.

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

Sec. 304-7. 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.

Sec. 304-8. 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.

Sec. 304-9. Overhang extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, 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. When required, 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.

Sec. 304-10. 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.

Sec. 304-11. 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 rot by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 304-12. Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Sec. 304-13. Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Sec. 304-13.1. Glazing.

All glazing materials shall be maintained free from cracks and holes.

Sec. 304-13.2. Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Sec. 304-14. Insect screens.

During the period from March 1, to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 22 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Sec. 304-15. Doors.

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, room units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702-3.

Sec. 304-16. Basement hatchways.

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

Sec. 304-17. 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.

Sec. 304-18. Building security.

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

Sec. 304-18.1. Doors.

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this Section, a sliding bolt shall not be considered an acceptable deadbolt lock.

Sec. 304-18.2. Windows.

Operable windows located in whole or in part within six feet (1,828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.

Sec. 304-18.3. Basement Hatchways.

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

Sec. 304-19. Gates.

All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305. INTERIOR STRUCTURE

Sec. 305-1. 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 a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Sec. 305-1.1. Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

Sec. 305-2. Structural members.

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

Sec. 305-3. Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood or other defective surface conditions shall be corrected.

Sec. 305-4. Stairs and walking surfaces.

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

Sec. 305-5. Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Sec. 305-6. 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.

SECTION 306. COMPONENT SERVICEABILITY

Sec. 306-1. General.

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

Sec. 306-1.1 Unsafe conditions.

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. Deterioration;
 - 2.2. Ultimate deformation;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. Deterioration;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. Ultimate deformation;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
 - 4.1. Deterioration;
 - 4.2. Ultimate deformation;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling; 4.6. Exposed reinforcement; or
 - 4.7. Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. Deterioration;
 - 5.2. Elastic deformation;
 - 5.3. Ultimate deformation;
 - 5.4. Metal fatigue; or
 - 5.5. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. Ultimate deformation;
 - 6.2. Deterioration;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. Detached, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

SECTION 307. HANDRAILS AND GUARDRAILS

Sec. 307-1. General.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 308. RUBBISH AND GARBAGE

Sec. 308-1. Accumulation of rubbish or garbage.

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. It shall be unlawful for the owner or occupant of real property to permit the accumulation or development of garbage, rubbish, or other unsightly things or conditions on real property within the City. A person must have a burn permit from the Russellville Fire Department prior to removing yard waste by burning. Ord 2084

Sec. 308-2. 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. All owners or occupants of real property within the City are hereby required to remove garbage, rubbish, litter, yard waste, inoperative motor vehicles 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. Ord 2084

Sec. 308-2.1. Rubbish storage facilities.

The owner or occupant of every occupied premises shall supply approved covered containers for rubbish, and the owner or occupant of the premises shall be responsible for the removal of rubbish.

Sec. 308-2.2. Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

Sec. 308-3. 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 approved garbage containers and in conformance with the City's Solid Waste Ordinance. Ord 2052

Sec. 308-3.1. Garbage facilities.

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

Sec. 308-3.2. Containers.

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 309. PEST ELIMINATION

Sec. 309-1. Infestation.

All structures shall be kept free from insect and rodent infestation. All structure 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 reinfestation.

Sec. 309-2. Owner.

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

Sec. 309-3. Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

Sec. 309-4. Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure 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 is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

Sec. 309-5. Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

CHAPTER 4. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401. GENERAL

Sec. 401-1. Scope.

The provisions of this Chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

Sec. 401-2. Responsibility.

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this Chapter.

Sec. 401-3. Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

SECTION 402. LIGHT

Sec. 402-1. Habitable spaces.

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

Sec. 402-2. Common halls and stairways.

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairway shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one foot-candle (11 lux) at floors, landings and treads.

Sec. 402-3. Other spaces.

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403. VENTILATION

Sec. 403-1. Habitable spaces.

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402-1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

Sec. 403-2. Bathrooms and toilet rooms.

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403-1., 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.

Sec. 403-3. Cooking facilities.

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

Sec. 403-4. Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

Sec. 403-5. 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.

Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION 404. OCCUPANCY LIMITATIONS

Sec. 404-1. Privacy.

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

Sec. 404-2. Minimum room widths.

A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counter fronts and appliances or counter fronts and walls.

Sec. 404-3. Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (2,033 mm) with no less than six feet four inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524 mm) or more shall be included.

Sec. 404-4. Bedroom and living room requirements.

Every bedroom and living room shall comply with the requirements of Sections 404-4.1 through 404-4.5.

Sec. 404-4.1. Room areas.

Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain a minimum of 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet (4.6 m²) of floor area for each occupant thereof.

Sec. 404-4.2. Access from bedrooms.

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

Sec. 404-4.3. Water closet accessibility.

Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

Sec. 404-4.4. Prohibited occupancy.

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

Sec. 404-4.5. Other requirements.

Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this Chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

Sec. 404-5. Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404-5.

TABLE 404-5. MINIMUM AREA REQUIREMENTS

Space	Minimum Area in Square Feet		
	1—2 occupants	3—5 occupants	6 or more occupants
Living room ^{a, b} .	120	120	150
Dining room ^{a, b} .	No requirements	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0093 m².

^a. See Section 404.5.2 for combined living room/dining room spaces.

^b. See Section 404-5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

Sec. 404-5.1. Sleeping area.

The minimum occupancy area required by Table 404-5. shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404-4.

Sec. 404-5.2. Combined spaces.

Combined living room and dining room spaces shall comply with the requirements of Table 404-5. if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

Sec. 404-6. Efficiency unit.

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by subsections 2. and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub and shower.
4. The maximum number of occupants shall be three (3).

Sec. 404-7. Food preparation.

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501. GENERAL

Sec. 501-1. Scope.

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

Sec. 501-2. Responsibility.

The owner of the structure shall provide and maintain 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 Chapter.

SECTION 502. REQUIRED FACILITIES

Sec. 502-1. Dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

Sec. 502-2. Rooming houses.

At least one (1) water closet, lavatory and bathtub or shower shall be supplied for each four (4) rooming units.

Sec. 502-3. Hotels.

Where private water closets, lavatories and baths are not provided, one (1) water closet, one (1) lavatory and one (1) bathtub or shower having access from a public hallway shall be provided for each ten (10) occupants.

Sec. 502-4. Employees' facilities.

A minimum of one (1) water closet, one lavatory and one drinking facility shall be available to employees.

Sec. 502-4.1. Drinking facilities.

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503. TOILET ROOMS

Sec. 503-1. Privacy.

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

Sec. 503-2. Location.

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one (1) flight of stairs and shall have access from a common hall or passageway.

Sec. 503-3. Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one (1) story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

Sec. 503-4. Floor surface.

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504. PLUMBING SYSTEMS AND FIXTURES

Sec. 504-1. General.

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

Sec. 504-2. Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

Sec. 504-3. Plumbing system hazards.

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, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505. WATER SYSTEM

Sec. 505-1. General.

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 to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

Sec. 505-2. Contamination.

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. Shampoo basin faucets, janitor sink faucets and other 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.

Sec. 505-3. Supply.

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.

Sec. 505-4. 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 110°F (43°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 is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506. SANITARY DRAINAGE SYSTEM

Sec. 506-1. General.

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

Sec. 506-2. Maintenance.

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

Sec. 506-3. Grease interceptors.

Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507. STORM DRAINAGE

Sec. 507-1. General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6. MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601. GENERAL

Sec. 601-1. Scope.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

Sec. 601-2. Responsibility.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this article.

SECTION 602. HEATING FACILITIES

Sec. 602-1. Facilities required.

Heating facilities shall be provided in structures as required by this Section.

Sec. 602-2. Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°), a minimum temperature of 65°F (18°C) shall be maintained.

Sec. 602-3. Heat supply.

Every owner and operator of any building who rents, leases or lets one (1) or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from **October 1 to April 30** to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Sec. 602-4. Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat during the period from **October 1 to April 30** to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Sec. 602-5. Room temperature measurement.

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

SECTION 603. MECHANICAL EQUIPMENT

Sec. 603-1. 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.

Sec. 603-2. Removal of combustion products.

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

Sec. 603-3. Clearances.

All required clearances to combustible materials shall be maintained.

Sec. 603-4. Safety controls.

All safety controls for fuel-burning equipment shall be maintained in effective operation.

Sec. 603-5. Combustion air.

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.

Sec. 603-6. Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604. ELECTRICAL FACILITIES

Sec. 604-1. Facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this Section and Section 605.

Sec. 604-2. Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. 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.

Sec. 604-3. Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Sec. 604-3.1. Abatement of electrical hazards associated with water exposure.

The provisions of this Section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

Sec. 604-3.1.1. Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605. ELECTRICAL EQUIPMENT

Sec. 605-1. Installation.

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

Sec. 605-2. Receptacles.

Every habitable space in a dwelling shall contain at least two (2) separate and remote receptacle outlets. Every laundry area shall contain at least one (1) grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one (1) receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

Sec. 605-3. Luminaires.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one (1) electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

Sec. 605-4. Wiring

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606. ELEVATORS, ESCALATORS AND DUMBWAITERS

Sec. 606-1. General.

Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A 17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A 17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

Sec. 606-2. Elevators.

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607. DUCT SYSTEMS

Sec. 607-1. General.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7. FIRE SAFETY REQUIREMENTS

SECTION 701. GENERAL

Sec. 701-1. Scope.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

Sec. 701-2. Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this Chapter.

SECTION 702. MEANS OF EGRESS

Sec. 702-1. General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

Sec. 702-2. Aisles.

The required width of aisles in accordance with the International Fire Code shall be unobstructed.

Sec. 702-3. Locked doors.

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

Sec. 702-4. Emergency escape openings.

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703. FIRE-RESISTANCE RATINGS

Sec. 703-1. Fire-resistance-rated assemblies.

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

Sec. 703-2. Opening protectives.

Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704. FIRE PROTECTION SYSTEMS

Sec. 704-1. General.

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

Sec. 704-1.1. Automatic sprinkler systems.

Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

Sec. 704-2. Smoke alarms.

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code

Sec. 704-3. Power source.

In group R occupancies and in dwellings not regulated as group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

Sec. 704-4. Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling unit in group R-2, R-3, R-4 and in dwellings not regulated as group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

CHAPTER 8. REFERENCED STANDARDS

This Article lists the standards that are referenced in various sections of this Chapter. The standards are listed hereby by title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102-7.

Title	Referenced in Code Section Number
National Electrical Code©	201-3; 604-2
International Building Code©	304-1.1; 305-1.1; 307-1.1
Arkansas Fire Prevention Code—Volume I, II and III	101-3; 102-3; 201-3; 401-3; 604-3.1; 702-1; 702-2; 703-3; 704-1; 704-2
Arkansas Mechanical Code	201-3; 403-5
Arkansas Plumbing Code	201-3; 505-1; 602-2; 602-3 Exception 1.
Russellville Zoning Code	102-3; 203-1
International Existing Building Code	304-1.1; 305-1.1
NFPA	704-1.1
ASME	606-1
ASTM	303-2 Exception

APPENDIX A. BOARDING STANDARDS

The provisions contained in this Appendix are not mandatory unless specifically referenced in the adopting ordinance.

A101 GENERAL

All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102 MATERIALS

A102-1. Boarding sheet material.

Boarding sheet material shall be minimum ½-inch (12.7 mm) thick wood structural panels complying with the International Building Code.

A102-2. Boarding framing material.

Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

A102-3. Boarding fasteners.

Boarding fasteners shall be minimum ⅜-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

A103 INSTALLATION

A103-1. Boarding installation.

The boarding installation shall be in accordance with Figures A103.1.(1) and A103.1.(2) and Sections A103.2. through A103.5.

A103-2. Boarding sheet material.

The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103-3. Windows.

The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103-4. Door walls.

The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103-5. Doors.

Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

A104 REFERENCED STANDARDS

IBC—12	International Building Code	A102-1.; A102-2.; A102-3.
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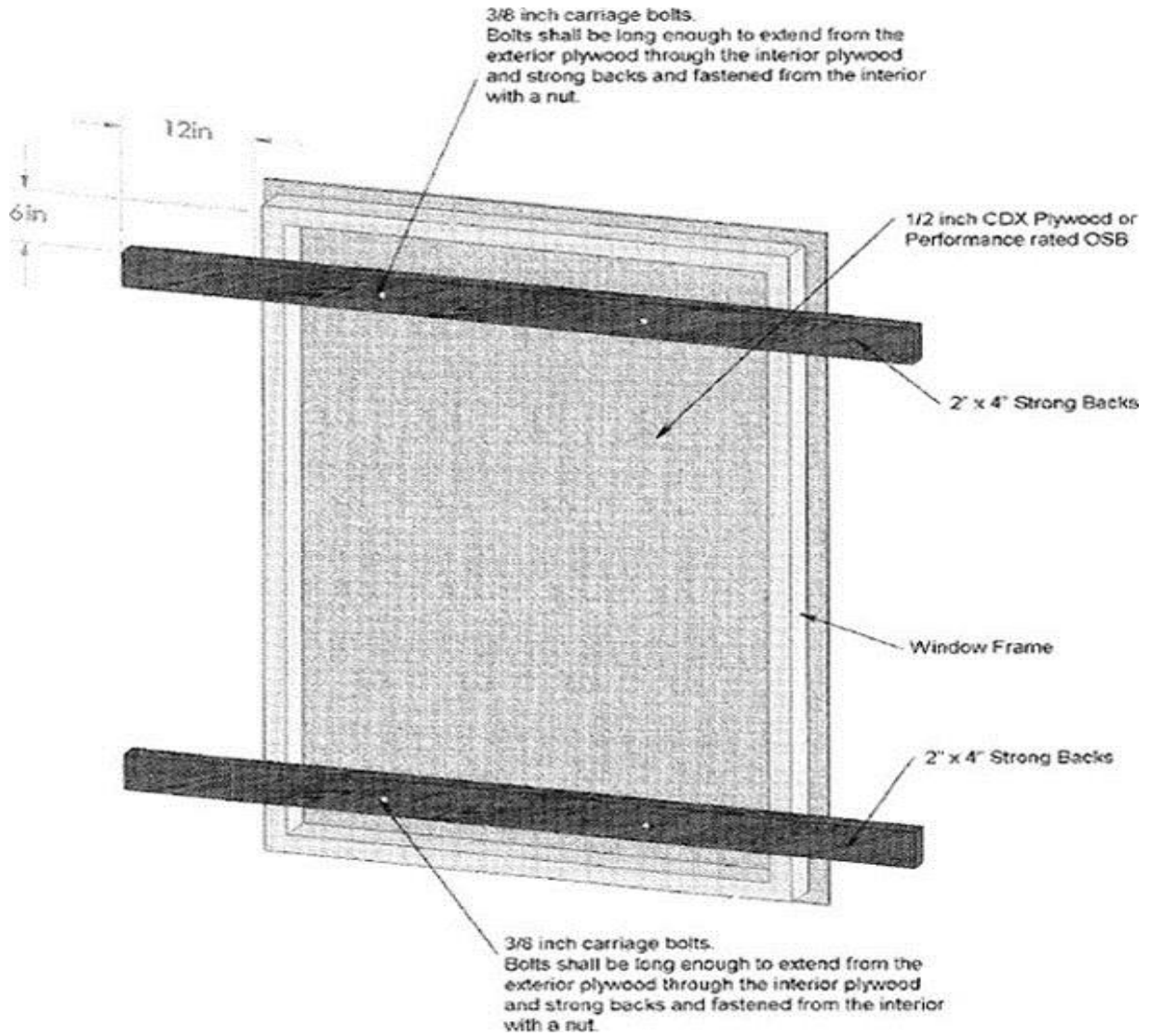


FIGURE A103.1.(1) BOARDING OF DOOR OR WINDOW

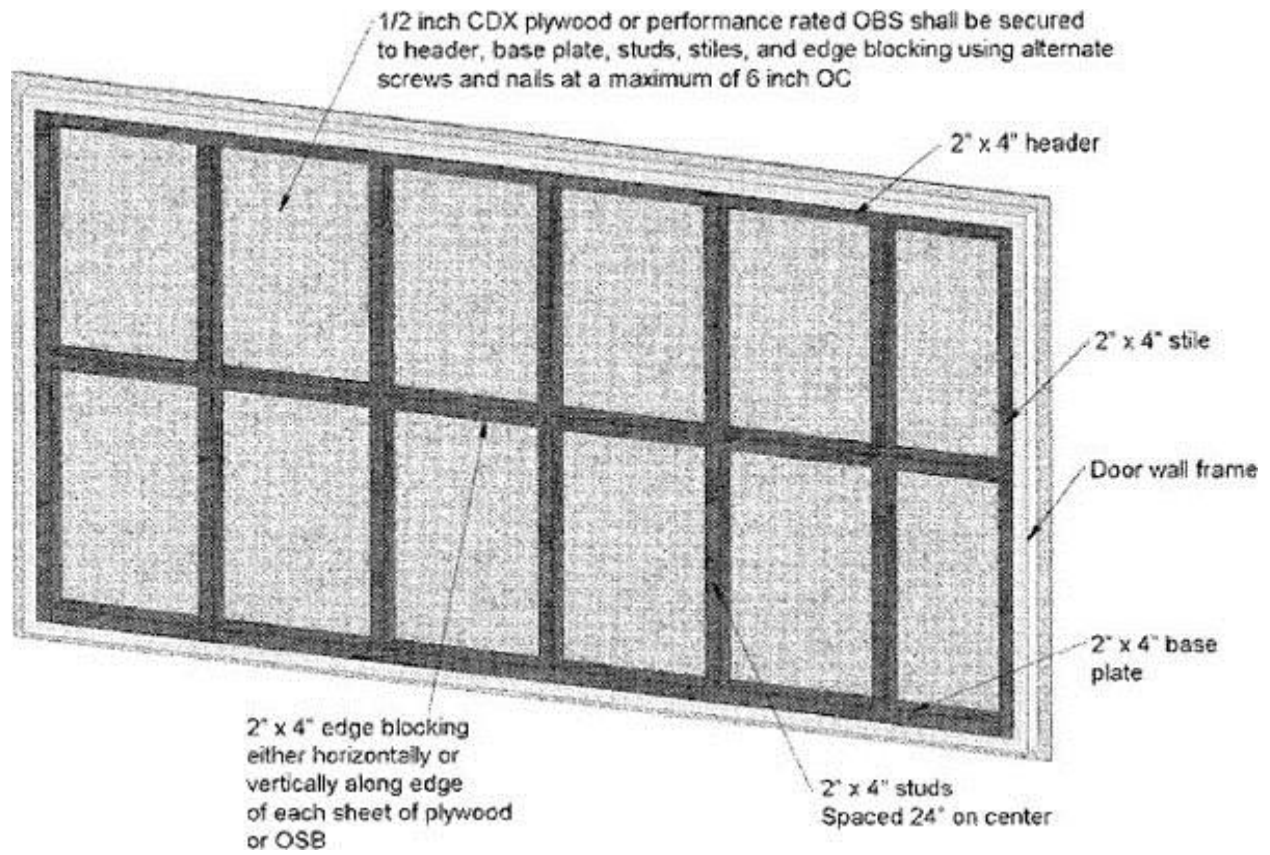


FIGURE A103.1.(2) BOARDING OF DOOR WALL