

CITY OF AUSTIN

**PROPERTY MAINTENANCE
& NUISANCE ORDINANCE**

Contents

ARTICLE 1: DEFINITIONS.....	3
SECTION PM-100.0 GENERAL.....	3
SECTION PM-101 .0 APPLIED MEANING OF WORDS AND TERMS.....	3
ARTICLE 2: ADMINISTRATION AND ENFORCEMENT	8
SECTION PM-200.0 GENERAL.....	8
SECTION PM-201.0 VALIDITY	9
SECTION PM-202.0 APPLICATION OF CODES AND REGULATIONS.....	9
SECTION PM 203.0 DUTIES AND POWERS OF CODE OFFICIAL	9
SECTION PM 205.0 VACANT STRUCTURES.....	11
SECTION PM-206.0 NOTICES AND ORDERS.....	111
SECTION PM-207.0 PLACARDING & POSTING NOTICES.....	12
SECTION PM-208.0 VIOLATIONS.....	13
SECTION PM-209.0 COLLECTION OF CITY’S COSTS	13
ARTICLE 3: GENERAL REQUIREMENTS	144
SECTION PM-300.0 GENERAL.....	144
SECTION PM-301.0 EXTERIOR PROPERTY AREAS.....	144
SECTION PM-302.0 OTHER NUISANCES	146

ARTICLE 1: DEFINITIONS

SECTION PM-100.0 GENERAL

PM-100.1 Scope: Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this article.

PM-100.2 Interchangeability: Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

PM-100.3 Terms Defined In Other Codes: Where terms are not defined in this article and are defined in the building, plumbing or mechanical codes, they shall have the same meanings ascribed to them as in those codes.

PM-100.4 Terms Not Defined: Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context implies.

PM-100.5 Parts: Whenever the words "dwelling unit," "dwelling, "rental housing unit" "premises," "building," "rooming house," "rooming unit," "story," or "structure" are used in this code, they shall be construed as though they were followed by the words, "or any part thereof including the common areas."

SECTION PM-101 .0 APPLIED MEANING OF WORDS AND TERMS

Accessory Structure: A structure on a property that serves a specific purpose, complementing the home or main building.

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.

Building Code: The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

Blight: A deteriorating influence or condition affecting use, development, and value, as of real estate, to cause decay or ruin.

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

Code Compliance: Shall mean compliance with all current and future provisions of all regulations or City codes including but not limited to those regarding housing conditions, construction, repair, permitting, and other standards.

Condemn: To adjudge unfit for use or occupancy.

Dwelling / 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. Whether or not such unit is occupied or vacant

One-Family Dwelling: A building containing one dwelling unit with not more than five lodgers or boarders.

Two-Family Dwelling: A building containing two dwelling units with not more than five lodgers or boarders per family.

Exterior Property: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

Family: An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

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

Habitable Space: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Illegal Dumping: discarding waste in an improper or illegal manner, where it doesn't belong and/or where environmental damage is likely because of the improper disposal.

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

Inoperable/Abandoned vehicle: Any motor vehicle or part thereof that in in a state of disrepair, inoperable, or is incapable of being moved under its own power, or is not licensed in accordance to State Law and is so stored in public view in a street, right of way or on a premises.

Let for Occupancy or Let: To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be 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.

Life Safety Violations: Shall mean a code or law violation that is deemed by the City inspector to constitute an unsafe condition presenting an immediate danger to human health, safety or welfare.

Littering: As described by Arkansas State Law

Occupant: Any person living or sleeping in a building; or having possession of a space within a building.

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.

Person: An individual, corporation, partnership or any other group acting as a unit.

Pest: An annoying or troublesome person, animal, or thing; nuisance.

Premises: A lot, plot or parcel of land including the buildings or structures there on.

Public Nuisance: Includes the following:

- Any physical condition or use of any premises regarded as a public nuisance at common law; or
- Any physical condition or use of any premises which injures or endangers the comfort, repose, health or safety of others; or
- Any physical condition or use of any premises which offends decency; or
- Any physical condition or use of any premises which unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- Any physical condition or use of any premises which essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others; or
- Any physical condition or use of any premise or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
- Any physical condition or use of any premises which has unsanitary sewerage or plumbing facilities; or
- Any physical condition or use of any premises designated as unsafe for human habitation or use; or
- Any physical condition or use of any premise which is manifestly capable of being a fire hazard, or are manifestly unsafe or unsecure as to endanger life, limb or property; or
- Any physical condition or use of any premises from which the plumbing, heating and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
- Any physical condition or use of any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds, or;
- Any physical condition or use of any premise where the structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises or kept in such an unsanitary condition that it is a menace to the health of the people residing in the vicinity thereof, or presents a more than ordinary dangerous fire hazard in the vicinity where it is located.

Removal: means and includes, but is not limited to, removing all material and debris whenever it becomes necessary

Rubbish: Combustible and noncombustible waste materials, except garbage, and the term, shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree debris, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Stagnant Water: Foul standing pools of water that is not running or flowing. Any pool of water that serves as breeding environment for mosquitoes and other insects. Standing water in a stream or other similar water way shall not be deemed stagnant.

Storm Water: Run off resulting from precipitation

Structure: That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

Yard: An open space on the same lot with a building.

ARTICLE 2: ADMINISTRATION AND ENFORCEMENT

SECTION PM-200.0 GENERAL

PM-200.1 Title: These regulations shall be known as the Property Maintenance Code and Rental Inspection Program of the City of Austin herein after referred to as this code.

PM-200.2 Scope and Purpose: This code is to protect the public health, safety and welfare of the residents of the City of Austin in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for the maintenance of premises, structures, buildings, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire, line-of-sight traffic hazards, and other hazards; and by establishing minimum requirements and standards to eliminate blight in order to preserve property values or to facilitate the basic rights of adjacent property owners and citizens to enjoy their surroundings; fixing the responsibility of owners, operators, and occupants; regulating the occupancy and use of existing structures and premises and providing for administration, enforcement and penalties.

PM-200.3 Intent: This code shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the continued use and maintenance of structures and premises.

PM-200.4 Referenced Standards: The standards referenced in this code and listed herein shall be 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 referenced standards, the provisions of this code shall apply.

PM-200.5 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 buildings which are dangerous, unsafe, and unsanitary.

PM-200.6 Workmanship: All 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 conform to all other existing codes in effect for the City of Austin.

SECTION PM-201.0 VALIDITY

PM-201.1 Validity: If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

PM-201.2 Saving Clause: This code shall not affect violations of any other code or regulations existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those codes or regulations in effect at the time the violation was committed.

SECTION PM-202.0 APPLICATION OF CODES AND REGULATIONS

PM-202.1 Application of Other Codes: Any repairs or alterations to a structure, or changes of use therein, shall be done in accordance with the procedures and provisions of the zoning regulations, Fire, building, plumbing and mechanical codes.

PM-202.2 Other Regulations: The provisions in this code shall not be construed to prevent the enforcement of other codes or regulations which prescribe standards other than those provided herein. In the event of conflict, the most restrictive provision shall apply.

SECTION PM 203.0 DUTIES AND POWERS OF CODE OFFICIAL

PM-203.1 General: The code official shall enforce all the provisions of this code.

PM-203.2 Notices and Orders: The code official shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the requirements of this code for the safety, health, and general welfare of the public.

PM-204.3 Inspections: In order to safeguard the safety, health and welfare of the public, the code official is authorized to enter any premises at any reasonable time for the purpose of making inspections and performing duties under this code.

PM-204.4 Access by Owner or Operator: Every occupant of a premises shall give the owner or operator thereof, or agent or employee, access to any part of such premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

PM-204.5 Credentials: The code official and authorized representatives shall carry proper credentials of their respective office for the purpose of inspecting any and all premises in the performance of duties under this code.

PM-204.6 Coordination of Enforcement: Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

PM-204.7 Rule-Making Authority: The code official shall have powers to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this code or violating an accepted engineering practice involving public safety.

PM-204.8 Organization: The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy and shall exercise all the powers of the code official during the temporary absence or disability of the code official.

PM-204.9 Relief from Personal Liability: Any code official, officer or employee who acts in good faith in the discharge of duties of enforcement of this code is relieved of all personal liability for any damage accruing to persons or property as a result of such acts or alleged failure to act. Further, the code official shall not be held liable for any costs in any action, suit or proceeding that is instituted by the code official in the enforcement of this code. In any of these actions, the official, officer or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

PM-204.10 Official Records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations to maintain the integrity and security of such records.

SECTION PM-205.0 VACANT STRUCTURES

PM-205.1 Closing of Vacant Structures: If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the code official shall be permitted to post a placard on the premises and order the structure closed up so as not to be an attractive nuisance to criminal activity. 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 through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged and collected per section PM-209 of this code.

SECTION PM-206.0 NOTICES AND ORDERS

PM-206.1 Notice to Owner or Person(s) Responsible: Whenever the code official determines that there exists a violation of this code, notice shall be given to the owner or persons responsible therefore in the manner prescribed below.

PM-206.2 Form: Such notice prescribed in Section PM-206.1 shall:

- Be in writing;
- Include a description of the real estate sufficient for identification;
- Include a statement of the reason or reasons why the notice is being issued;
- Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit, structure, or premises into compliance with the provisions of this code.

PM-206.3 Service:

1. Such service shall be deemed to be properly served upon such owner, if the owner is known, and the whereabouts of such owner be known or if their last known address be known, when a copy thereof:
 - a) is delivered to the owner personally;
 - b) or, by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof;
 - c) or, by certified or registered mail addressed to the owner with return receipt requested and regular mail when applicable.
2. In case the owner is unknown or the owner's whereabouts or address are unknown or such owner is a nonresident of this state, then a notice shall be posted in a conspicuous place upon the premises for not less than seven days after which it shall be deemed service has been properly served.

PM-206.4 Verification of Ownership: For the purpose of enforcing this code as it applies to exterior premise maintenance violations (including overgrown grass and weeds, litter, inoperable or abandoned vehicles, open storage, and public health or life safety violations); efforts to verify ownership when ownership is not obvious will be restricted to verification of ownership by researching Lonoke County Assessor's Office or relevant tax records pertaining to the real estate upon which the violations exist. In the event an accessible owner-of-record with whom to communicate is not evident from such inquiry, the owner shall be considered unknown. In the event that the owner-of-record's mailing address is an unimproved or vacant property, the owner's whereabouts or address shall be considered unknown.

PM-206.5 Penalties: Penalties for noncompliance with orders and notices shall be as set forth in Section PM-208.2.

SECTION PM-207.0 PLACARDING & POSTING NOTICES

PM-207.1 Placarding and Posting Premises and Structures: Under the provisions of this code, the code official may have cause to placard or post notice on any premises or structure.

PM-207.2 Removal of Placards and Notices: The code official shall remove placards and notices whenever the defect or defects upon which the placarding and posting actions were based have been eliminated. Any person who defaces or removes a placard or notice without the approval of the code official shall be subject to the penalties provided by this code as set forth in Section PM-208.2.

SECTION PM-208.0 VIOLATIONS

PM-208.1 Unlawful Acts: It shall be unlawful for any person, firm or corporation to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

PM-208.2 Penalty: Unless otherwise noted by a separate provision of this code or any adopted portions thereof whereby lesser or greater penalties may apply, any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense, which is subject to a fine not less than one-hundred dollars (\$100.00) for each day that the nuisance continues unabated.

PM-208.3 Prosecution: In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-209.2.

SECTION PM-209.0 COLLECTION OF CITY'S COSTS

PM-209.1 General: Unless otherwise noted by a separate provision of this code or any adopted portions thereof, costs and expenses incurred by the City in abating conditions and violations set out in orders and notices whereby compliance was not obtained within the prescribed time of said orders and notices will be collected.

PM-209.2 Form: The Code Official will prepare and deposit a file summary with the City Attorney's Office. Such summary shall:

- Be in writing;
- Include a statement of the violation(s) abated;
- Include a summary of costs-to-date plus ten percent, (10%), administrative fees.

PM-209.3 Abatement and Collection: Notwithstanding other enforcement provisions of this code, in the event, after notice of a violation provided in writing, any owner shall refuse or neglect to perform the required maintenance on the subject property, the Code Officer is authorized to enter upon the property and correct, remove or otherwise maintain the property as required under this section. Expenses incurred shall result in liens for those costs expended by the City as allowed under Arkansas law.

ARTICLE 3: GENERAL REQUIREMENTS

SECTION PM-300.0 GENERAL EXTERIOR PROPERTY AREAS

PM-300.1 Scope: The provisions of this article shall govern the minimum conditions and standards for maintenance of structures and exterior property.

PM-300.2 Responsibility: The owner of the premises shall maintain the structures and exterior property in compliance with these requirements.

PM-300.3 Structures and Land: All structures and premises thereof or land whether vacant or occupied 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 PM-301.0 EXTERIOR PROPERTY AREAS

PM-301.1 Sanitation: All exterior property and premises including adjacent right of ways to public or private streets shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage, refuse, junk and other abandoned materials, metals, lumber, appliances or other things not suitable for outdoor storage. Additionally the open storage of solid or liquid household, yard (including grass clippings), commercial, industrial, construction or demolition waste or any other objectionable, unsightly, unsanitary, or unsafe matter shall be prohibited. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, industrial waste, or other substances shall not be permitted. Stagnant water is prohibited and must be ameliorated by the owner. Stagnant water regulations shall not pertain to lakes, streams, swamps, or drainage areas designed to remove water away from subdivisions or as described in section PM 301.2.

Exception: Building material may only be stored openly on the premises in conjunction with a building permit, unless said current project does not require a permit. Material must be stored 12 inches off the ground, covered, and not deteriorated and usable for the purpose intended.

PM-301.2 Grading and Drainage: All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Water retention areas or reservoirs approved by the City of AUSTIN.

PM-301.3 Storm Water: 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 nuisance. French drains or drainage designed to remove ground surface water shall not discharge within 15 feet of a side or rear property line unless said property line adjoins a drainage ditch, curbing, or storm drain designed to remove water from the neighborhood. It shall be a violation to purposely divert storm water onto a neighboring property or to stop, impede, or interfere with the free flow of water in a natural drainage area, ditch, or waterway.

PM-301.3 Sidewalks and right of way: Trees, shrubs, bushes or any other plant or object impeding the flow of a public right of way or pedestrian traffic on any side walk, or in any other manner causing an unauthorized obstruction of the public enjoyment of a right of way or side walk shall be prohibited.

PM-301.4 Grass Weeds and Vegetation: All premises and exterior property shall be maintained free from noxious weeds, plant growth or vegetation in excess of 12 inches. 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. In addition, all sidewalk areas, ditches, alleys, and right of ways shall be maintained. Any dead tree, vegetation or condition found to pose a danger or hazardous condition to the property or other surrounding properties shall be deemed a violation of this section.

PM-301.5 Pest Harborage: All exterior property shall be kept free from pest infestation and any condition which provides harborage for rats, mice, snakes or other vermin. Where pests are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

PM-301.6 Accessory Structures: All accessory structures, including detached garages, storage buildings, fences, walls and decks, shall be maintained structurally sound, in good repair and shall not create blight conditions.

PM-301.7 Inoperable / Abandoned Vehicles: As provided in other regulations inoperable / abandoned vehicles shall not be openly stored on the premises or on city streets.

SECTION PM-302.0 OTHER NUISANCES

PM-302.1 Illegal Dumping/Littering: it is unlawful to drop, dump, deposit, discard, or otherwise dispose of litter, trash, garbage, refuse, junk, tires, appliances, refuse, rubbish, or the like on any private property of another person or along a city street, alley or right of way as described by Arkansas State Law.

PM-302.2 Defacement of property: No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

PM-302.3 Garbage disposal and containers: 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 container with tight fitting lids.

PM- 302.4 Vacant Unsecured Structures: All vacant structures located within the city Limits of Austin shall be secured as not to promote criminal activity or become an attractive place for youngsters to play. Locks shall be placed on all doors and windows unless the structure is dilapidated and locks are impractical, the owner of the property shall cause the structure to be boarded to secure the premises.

ORDINANCE NO. 04-2017

ORDINANCE FOR ADOPTION OF THE PROPERTY MAINTENANCE CODE AND NUISANCE ORDINANCE

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR PROTECTING PROPERTY VALUE AND SAFETY OF PROPERTY OWNERS; DECLARING CERTAIN THINGS A NUISANCE, PROVIDING FOR THE ABATEMENT OF NUISANCES, PROVIDING FOR NOTICE TO ABATE, PRESCRIBING PENALTIES FOR THE VIOLATION HEREOF, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES: KNOWN AS THE PROPERTY MAINTENANCE AND NUISANCE ORDINANCE.

Now therefore be it ordained by the *City Council of the City of AUSTIN, Arkansas* as follows:

SECTION 1. ADOPTION OF PROPERTY MAINTENANCE AND NUISANCE ORDINANCE

That a certain document, three (3) copies of which are on file in the office of the *City Clerk of the City AUSTIN*, being marked and designated as "Property Maintenance and Nuisance Ordinance and is hereby adopted as the Property Maintenance and Nuisance Ordinance of the *City of AUSTIN*, in the State of *Arkansas*; for the control of nuisance properties and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance and Nuisance Ordinance are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this ordinance.

SECTION 2. INCONSISTENT ORDINANCES REPEALED.

That Ordinance Number 08-2012 of the City of AUSTIN entitled Property Maintenance and Nuisance Ordinance and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SAVING CLAUSE AND SEVERABILITY.

That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. EMERGENCY CLAUSE:

Whereas, this Ordinance being necessary for the immediate protection of the public health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

Adopted this _____ day of _____, 2017.

_____, MAYOR

ATTEST:

_____, CITY CLERK