

Amendments to Property Maintenance Code

The following sections of the International Property Maintenance Code as filed with the City Clerk are hereby amended or supplemented as indicated in the following subsections.

- a. The name "Fort Smith, Arkansas" shall be inserted in Section 101.1.
- b. In Section 101.3, the reference to the International Existing Building Code shall be deleted and the term "Arkansas Fire Prevention Code- Volumes I, II and III" shall be inserted in lieu thereof.
- c. In Section 102.3, the reference to the International Existing building code shall be deleted and the term "Arkansas Fire Prevention Code- Volumes I, II, and III" shall be inserted in lieu thereof.
- d. In Section 102.3, the reference to the International Zoning Code shall be deleted and the term "Fort Smith Zoning Code" shall be inserted in lieu thereof.
- e. Section 103.4 is deleted in its entirety and is replaced with the following provision:

The governmental immunity from liability and suit for the City and its employees as determined by Arkansas law shall be applicable to all activities of the City and its employees pursuant to this Code.

- f. Section 103.5 is deleted.
- g. Section 109.3 shall be amended to read as follows:

Closing streets. When necessary for public safety, the Fort Smith Police Department shall close, or order the authority having jurisdiction over same to close, sidewalks, streets, public ways and places adjacent to unsafe structures and prohibit the same from being utilized.

h. Sections 110.2, 110.3 and 110.4 are hereby deleted. There shall be added a section 110.2 which provides:

The procedures for demolition of offending structures shall be those set forth in Fort Smith Code of Ordinances Sections 16-86 through 16-97.

- i. Section 111.1 is hereby amended to read:

When a dwelling or unit or a structure shall be found to be in violation of any section of this code, any person directly affected by the decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 15 days after the day the decision, notice or order was served.

j. Section 111.3 is hereby amended to read:

The board shall meet upon notice from code official. The meeting shall occur within 15 days of the filing of an appeal or at or in advance of the next regular, scheduled meeting if same is to be held within 30 days.

k. Section 111.5 is hereby deleted.

l. Section 111.7 is hereby amended to read:

Any interested person, shall have the right to apply to the appropriate court to correct errors of law in such decisions.

m. In Section 201.3, delete the terms “International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, International Existing Building Code, and the ICC Electrical Code” and substitute, in lieu thereof, the terms “Arkansas Fire Prevention Code- Volumes I, II, and III”, Fort Smith Zoning Code, Arkansas Plumbing Code, Arkansas Mechanical Code, and the National Electrical Code.

n. In the definitional section, Section 202, delete the provided definition for inoperable motor vehicle and insert, in lieu thereof, the following definition of inoperable or unsightly motor vehicle.

A vehicle which cannot lawfully be driven upon the public streets for reasons including but not limited to being unregistered, wrecked, dismantled, partially dismantled, abandoned, in a state of disrepair, or incapable of being moved under its own power is inoperable. One or more of the following items may cause a vehicle to be deemed to be inoperable:

1. Weed and/or grass undergrowth indicates that the vehicle has not been moved;
2. One (1) or more wheels are flat or missing for more than 72 hours;
3. Portions of the vehicle which are needed for its operation or control are missing;
4. Evidence exists that provisions of this code pertaining to zoning or to junk and salvage yards are being violated;
5. Registrations are not current;
6. The engine and/or transmission are missing;
7. Doors, fenders, frames or axles are missing;

8. Windshields and windows are broken or missing;
9. The vehicle cannot be moved under its own power.

o. Section 302.3 shall be amended to read as follows:

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.

p. The first sentence of Section 302.4 shall be amended to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches.

q. Section 302.8 is amended to delete the phrase "inoperable or unlicensed motor vehicle" and substitute, in lieu thereof, the phrase "inoperable or unsightly motor vehicle."

Except as provided herein and in other regulations, no inoperable or unsightly motor vehicle shall be parked, kept or stored on any premises and no vehicle shall be at any time 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.

Exceptions:

- (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.
- (2) Any motor vehicle parked or stored within a building or enclosed garage on private property.
- (3) Any motor vehicle held in conjunction with a business enterprise lawfully licensed by the City for the storage, servicing and repair of motor vehicles and properly operated in an appropriate business zone pursuant to the zoning ordinances of the City.
- (4) Any motor vehicle within a carport which motor vehicle is being actively repaired on a least a weekly basis. The vehicle and its parts when not being repaired must be neatly covered with an opaque cover. Repairs to the inoperable motor vehicle shall be completed within ninety (90) days.
- (5) Any motor vehicle defined as inoperable solely because it is not currently registered may be stored in a covered carport or completely enclosed behind a six (6) foot opaque screening fence. No more than one operable non-registered vehicle will be allowed per address.

r. In Section 304.14, the dates of “March 1 to October 1.” Shall be inserted in the first sentence. Additionally, there shall be added a second exception which reads as follows:

Screens shall not be required where the building is equipped with a functioning and approved central heating, ventilating and air conditioning system.

s. The following language shall be added to Section 304.18:

All locks shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit, or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

t. Section 304.18.1 is deleted.

u. Section 307.2.1, 307.2.2, and 307.3.1 are deleted.

v. In Section 401.3, the reference to the International Building Code shall be deleted and the term “Arkansas Fire Prevention Code- Volume II” shall be inserted in lieu thereof.

w. In Section 505.2, the reference to the International Plumbing Code shall be deleted and the term “Arkansas Plumbing Code” shall be inserted in lieu thereof.

x. In Section 602.2, the reference to the International Plumbing Code shall be deleted and the term “Arkansas Plumbing Code” shall be inserted in lieu thereof.

y. In the first sentence of Section 602.3, the term “during the period from [date] to [date]” is deleted.

z. In Section 602.3, the reference to the International Plumbing Code shall be deleted and the term “Arkansas Plumbing Code” shall be inserted in lieu thereof.

aa. In the first sentence of Section 602.4, the phrase “during the period from [date] to [date]” is deleted.

bb. In Section 604.2, the reference to the ICC Electrical Code shall be deleted and the term “National Electrical Code and Fort Smith Electrical Code” shall be inserted in lieu thereof.

cc. In Section 702.1 and 702.2, the reference to the International Fire Code shall be deleted and the term “Arkansas Fire Prevention Code-Volume I” shall be inserted in lieu thereof.

dd. In Section 702.3, the reference to the International Building Code shall be deleted and the term “Arkansas Fire Prevention Code- Volume II” shall be inserted in lieu thereof.

ee. In Sections 704.1 and 704.2, the references to International Fire Code shall be deleted and the term “Arkansas Fire Prevention Code-Volume I” shall be inserted in lieu thereof.

ff. In Chapter 8, the list of referenced standard codes is deleted and the following lists of codes is substituted in lieu thereof:

National Electrical Code and Fort Smith Electrical Code

Arkansas Fire Prevention Code Volumes I, II and III

Arkansas Mechanical Code

Arkansas Plumbing Code

Fort Smith Zoning Code