

ORDINANCE NO. 2023-12

AN ORDINANCE ADOPTING THE 2021 PROPERTY MAINTENANCE CODE FOR THE CITY OF POTTSVILLE, ARKANSAS; and AMENDING PRIOR ORDINANCES IN CONFLICT THEREWITH

WHEREAS, A.C.A. § 14-55-207 permits Arkansas municipalities to adopt by reference technical codes, regulations, or standards by reference, without setting forth the provisions of the code or parts thereof.

WHEREAS, the City Council for the City of Pottsville has determined that it is in the best interest of the City to adopt the 2021 Property Maintenance Code and any amendments thereto.

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

SECTION 1: The City Council for the City of Pottsville hereby adopts the 2021 Property Maintenance Code and any amendments thereto.

SECTION 2: This ordinance shall amend any and all prior ordinances, or parts thereof, that reference any prior version of the Property Maintenance Code. Prior ordinances that reference a property maintenance code shall hereby be amended to reflect the 2021 Property Maintenance Code and any amendments thereto, wherein said code is referenced.

SECTION 3: The provisions and regulations of the 2021 Property Maintenance Code, and amendments thereto, are hereby made part of this ordinance by reference and three (3) copies of the code, and amendments thereto, shall be kept either electronically or by hard copy in the office of the Clerk for the City of Pottsville for inspection and view by the public.

SECTION 4: Additionally, any and all references to the "Board of Appeals" in the 2021 Property Maintenance Code shall mean "Board of Adjustment".

SECTION 5. MEANS OF APPEAL.

(A) Administrative Appeal.

Administrative determinations may be appealed to the Pottsville 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. Citation hearing in Pope County District Court, City of Pottsville, Criminal Divisions; and
2. Condemnations heard by the governing body or a court of law.

(B) Timely Submission of Appeal

Unless otherwise provided in the 2021 Property Maintenance Code or this Ordinance, any person affected by a "Notice of Violation" or other administrative determination under the Code may appeal the determination by submitting a written application to the Code Enforcement Officer 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.

(C) Contents of Appeal.

A request for an administrative appeal must be made upon forms provided by the Pottsville Code Enforcement Office or in any written form that contains the following information:

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

(D) Notice of Hearing.

The Board of Adjustment shall consider the appeal at the next available date after the appeal is submitted by appellant. The applicant 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.

(E) 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.

(F) 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.

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(G) Orders.

Upon the conclusion of an appeal, the Board of Adjustment shall issue a written decision. Such written decision shall include notification to the persons 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 timeframe reasonable under the circumstances.

SECTION 6: Any and all prior resolutions, ordinances, or parts of the same, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7: If any provision of this ordinance or the application thereof to any person or circumstances is declared to be invalid, such invalidity shall not affect the other provisions or applications of the ordinance which may be given effect without the invalid provision(s) or application(s), and to this end the provisions of this ordinance are declared severable.

PASS AND APPROVED this 23rd day of October 2023.



RANDY TANKERSLEY, MAYOR

ATTEST:

I, Holly Fowler, City Clerk of Pottsville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2023-12 passed by the Pottsville City Council on the 23rd day of Pottsville 2023.



HOLLY FOWLER

