

**ORDINANCE NO. 95-7**

**AN ORDINANCE RE-ENACTING ORDINANCE NO. 89-1 TO ESTABLISH A BUILDING AND HOUSING CODE FOR THE CITY OF CAMMACK VILLAGE, ARKANSAS, TO PROVIDE A METHOD OF APPEALS, TO ESTABLISH PENALTIES FOR VIOLATIONS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

*WHEREAS*, the City Council of the City of Cammack Village previously enacted Ordinance No. 89-1 adopting certain standards concerning the construction and maintenance of dwellings, buildings, structures, and premises in the City;

*WHEREAS*, the adoption of these standards was accomplished to facilitate proper inspection and enforcement activities by the City relating to construction and maintenance of dwellings, buildings, structures, and premises within the corporate limits of the City thereby promoting the public safety, health and general welfare; and

*WHEREAS*, the City Council desires to re-enact and replace Ordinance No. 89-1 with this Ordinance 95-7 so that it can be published and circulated to residents of the City of Cammack Village in the *Cammack Periodical*;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMMACK VILLAGE, ARKANSAS THAT THE FOLLOWING ORDINANCE PROVISIONS ARE HEREBY ENACTED:**

**CAMMACK VILLAGE HOUSING CODE**

**ARTICLE 1 - GENERAL**

**SECTION 1. TITLE.**

The provisions embraced within the following articles and sections shall constitute and be known and may be cited as "Cammack Village Housing Code" hereafter referred to as "this Code." Any other ordinance in whole or in part in conflict with any provision herein is hereby repealed.

**SECTION 2. INTENT AND PURPOSE.**

This Code is hereby declared to be remedial, and shall be construed to secure the beneficial interest and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to construction, alteration, repair, removal, demolition, use and occupancy of dwellings or building, structures or premises used as such.

**SECTION 3. SCOPE.**

(a) Every building used in whole or part as a dwelling unit shall conform to the requirements of this Code irrespective of when such building may have been constructed, altered or repaired. However, as to dwellings and structures existing at the time of enactment of this Code, the requirements of subsections (b) below shall apply only in the event of remodeling or rehabilitation of such dwelling or structure and shall have application only to the remodeled or rehabilitated portion thereof.

(b) To facilitate uniformity of housing and structural standards in this metropolitan area, the City of Cammack Village does hereby adopt by reference as if set forth herein word for word those editions of Volume II of the Arkansas Fire Prevention Code (Standard Building Code), the National Electric Code, and the Arkansas State Plumbing Code as have been adopted by the City of Little Rock in its Ordinance Sections 8-28, 8-172 and 8-475, respectively. Further editions, supplements and amendments of these Codes as may be adopted by the City of Little Rock shall apply in the City of Cammack Village without necessity of any amendment to this subsection

Volume I of the Arkansas Fire Prevention Code is hereby adopted by reference as if set forth herein word for word, and future editions, supplements and amendments thereto shall apply in the City without necessity of any amendment to this subsection.

To the extent that the provisions of any of the above Codes are in conflict with a provision of this Ordinance or Ordinance 83-1 of the City of Cammack Village, then the provisions of these Ordinances of the City of Cammack Village shall apply. Notwithstanding any language in the above referenced codes to the contrary, the City Council of the City of Cammack Village shall be vested with interpretative and enforcement authority regarding the above codes, as well as this Ordinance.

Any construction, alteration, removal, rehabilitation, demolition, use and occupancy, and maintenance of any dwelling unit or structure shall be in accordance with the above referenced codes and this Ordinance.

(c) This Code establishes minimum standards for occupancy and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except as are contrary to the provisions of this Code.

(d) The provisions of this Code shall apply to any dwelling or structure irrespective of when said building was constructed, altered, or repaired, except as provided in subsection (a) above.

#### **SECTION 4. MAINTENANCE.**

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Code in a building when erected, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for maintenance of building, structures, and premises to the extent set out in this Code.

#### **SECTION 5. ENFORCEMENT OFFICER.**

There are hereby established by the City of Cammack Village provisions for the enforcement of this Code by the Building Official or his authorized and appointed designate. Wherever the term "Building Official" is used in this Ordinance, same shall also be construed to refer to his designate. The Building Official shall serve at the will of the City Council by appointment of the Council and at such compensation as the Council may set. The qualifications of the Building Official shall be established by the City Council, in lieu of any other qualification requirement.

#### **SECTION 6. RECORDS.**

The Building Official shall keep, or shall cause to be kept, a record of the business of the department. The records of the department shall be open to the public for inspection.

#### **SECTION 7. UNSAFE BUILDINGS, DWELLINGS AND STRUCTURES.**

All dwellings, buildings, structures, or premises whether occupied or not, which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, abandonment, or utilization or premises for an unsafe activity are severely in contemplation of this section unsafe buildings. All such unsafe buildings and premises are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure.

(a) Whenever the Building Official determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person responsible therefore, and such alleged violation shall constitute a nuisance. Such notice shall:

- (1) Be put in writing;

- (2) Include a statement of the reasons why it is being issued and address of the property;
  - (3) Require that all necessary permits be secured and work commenced within thirty (30) days and continued to satisfactory completion within such time as the Building Official determines; however, the Building Official may, in his discretion, reduce said thirty (30) day period if in his opinion the violation presents and immediate danger to life or property;
  - (4) Said notice shall further state that, if such repairs, reconstruction, alterations, removal or demolition are not voluntarily completed within the stated time as set forth in the notice, the Building Official may institute legal proceedings, charging the person or persons, firm, corporation, or agent with a violation of this Code;
  - (5) Said notice shall advise the recipient of his/her right of appeal to the City Council;
- (b) Service of notice shall be as follows:
- (1) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person above the age of 14 years; or
  - (2) If notice cannot be reasonably accomplished under subsection (b)(1) or (b)(2), by posting and keeping posted for twenty-four (24) hours a copy of the notice in a conspicuous place on the premises to be repaired.

**SECTION 8. REQUIREMENTS NOT COVERED BY CODE.**

Any requirements, not specifically covered by this Code, found necessary for the safety, health and general welfare of the occupants of any dwelling, shall be determined by the Building Official subject to appeal to the City Council.

**SECTION 9. LIABILITY.**

Any officer or employee charged with the enforcement of this Code, in the discharge of his duties, shall not thereby render himself liable personally; and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of this Code shall be defended by the City until

the final termination of the proceedings.

#### **SECTION 10. REPORTS.**

The Building Official shall annually submit a report to the Mayor and the City Council covering the work of the department during the preceding year.

#### **SECTION 11. INSPECTIONS.**

(a) The Building Official shall make or cause to be made inspections to determine the condition of dwellings and premises in the interest of safeguarding the health and safety of the occupants of dwellings and of the general public.

(b) The City of Cammack Village shall not provide, nor permit another to provide (either public or private) utility services such as water, gas, electricity, sewer, etc. to any condemned dwelling unit becoming vacant until such dwelling unit has been inspected and brought into compliance with this Code. The requirement shall not preclude the use of such utility services as may be deemed necessary during temporary construction, repair or alteration. The Building Official shall be responsible for making the determination as to when such "temporary services" may be necessary.

(c) No building, plumbing, electrical, gas or other permit, as may be required, for an addition, alteration or repair of any existing condemned dwelling unit shall be issued until such time as an inspection of the property has been made to determine the feasibility of rehabilitation of such dwelling unit.

#### **SECTION 12. HARDSHIPS.**

Where the literal application of the requirements of this Code would appear to cause undue hardship on an owner or tenant or when it is claimed that the true intent and meaning of this Code or any of the regulations therein have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the Building Official to the City Council.

#### **SECTION 13. DEFINITIONS.**

For the purpose of this Code, certain abbreviations, terms, phrases, and their derivatives, shall be construed as set forth in this section. Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter include the masculine. The singular number includes the plural, and the plural includes the singular. The following definitions shall apply to the interpretation and enforcement of this chapter:

- (a) "Alter" or "alteration". Any change or modification in construction or occupancy.
- (b) "Applicable governing body". Any city, county, state, agency or other political government subdivision or entity authorized to administer and enforce the provisions of this code, as adopted or amended.
- (c) "Building". Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "or part of".
- (d) "Building Official". The officer or other person, charged with the administration and enforcement of this chapter or his duly authorized representative.
- (e) "Dilapidated dwellings or structures". A dwelling or structure including, among others, garages, sheds and similar accessory structures which by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are unsafe, unsanitary, or which constitute a fire hazard, or are otherwise dangerous to human life and are no longer adequate for the purpose for which they were originally intended. It is the intent of the definition to include any and all structures as may legally come within the scope of the definition of structures as set forth in this section.
- (f) "Dwelling". Any building which is wholly or partly used for or intended to be used for living or sleeping by human occupants whether or not such building is occupied or vacant.
- (g) "Extermination". The control and extermination of insects, rodents, or other pests by eliminating their harboring places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods as approved by the Building Official.
- (h) "Garbage". The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (i) "Habitable Rooms". A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, including bathroom, water closet compartments, laundry, pantries, foyers, or communicating corridors, closets, and interior storage.
- (j) "Vent Pipe". As applied to heating, means a pipe for removing products of

combustion from gas appliances.

- (k) "Infestation". The presence within or around a dwelling, of any termites, beetles, insects, rodents or other pests.
- (l) "Occupant". Any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.
- (m) "Owner". The holder of the title in fee simple and any person, group of persons, company, association, or corporation in whose name tax bills on the property are submitted. This shall include any person having charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee, or other person, firm or corporation, in control of a building, or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant hereto, to the same extent as if he were the owner. It is his responsibility to notify the actual owner of reported infractions of those regulations pertaining to the property which apply to the owner.
- (n) "Person". A natural person, his heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns or the agent of any of the aforesaid.
- (o) "Repair". The replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas, piping, wiring or heating installation, or that would be in violation of law or ordinance. The term "repair" shall not apply to any change of construction.
- (p) "Rubbish". Combustible and noncombustible waste materials, except, garbage, and shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery and dust.
- (q) "Structure". Any building having a roof supported by walls or columns and used to house persons, animals or personal property. The term "structure" shall be construed as if followed by the words "or part thereof."

- (r) "Substandard dwelling or structure". A dwelling unit or space used or intended to be used as a habitable living space in any building structure which does not meet the basic requirements of this code for such use.
- (s) "Walls".
  - (1) "Bearing Wall". A wall which supports any vertical load in addition to its own weight.
  - (2) "Exterior Wall". A wall, bearing or nonbearing, which is used as an enclosing wall for a building, but which is not necessarily suitable for use as a party wall or fire wall.
  - (3) "Foundation Wall". A wall below the first floor extending below the adjacent ground level and serving as support for a wall, pier, column or other structural part of a building.
- (t) "Writing". Includes printing, typewriting and handwriting.
- (u) "Written Notice". Shall be considered to have been served if delivered at, or sent by certified or regular mail to the last business or residential address known to the party giving the notice.
- (v) "Yard". Means an open, unoccupied space on the same lot with a building extending along the entire length of a street, or rear, or interior lot line.

## **ARTICLE II - APPEALS**

### **SECTION 14. PROCEDURE.**

(a) Any person receiving written notice from the Building Official of deficiencies in his property under this code may, within fifteen (15) days following the date of the notice, enter an appeal in writing to the Cammack Village City Council. Such appeal shall state the location of the property, the date of the notice of the violations, and the number of such notice. The appellant must state the variance or modification requested, the reasons therefore, and the hardship or conditions upon which the appeal is made.

(b) No appeal filed later than fifteen (15) days after the date of such notice shall be acted upon by the City Council, unless the Building Official shall consent thereto.

(c) In case of a building or structure which, in the opinion of the Building Official, is unsafe or dangerous, the Building Official may, in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the Building

Official.

### **ARTICLE III - MINIMUM STANDARDS**

#### **SECTION 15. ELECTRICAL SYSTEMS.**

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling unit or dwelling designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to continue in violation of this chapter which does not comply with the following requirements:

(a) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used and installed and connected to the source of electric power in accordance with the adopted electrical code of the City of Cammack Village as provided in subsection 3(b).

(b) The minimum capacity of the service and the main disconnect switch shall be sufficient to adequately carry the total load required in accordance with the electrical code of the City of Cammack Village as provided in subsection 3(b).

#### **SECTION 16. EXTERIOR AND INTERIOR OF STRUCTURES.**

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to continue in violation of this chapter which does not comply with the requirements set forth below, but in owner-occupied dwellings the owner of said dwelling may qualify for consideration of waiver from certain requirements of this section of the code.

(a) Foundation and Underpinning.

(1) The building foundation walls, underpinning, piers, or other structural elements shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.

(2) Underpinning and foundation walls, when present, must be constructed to allow adequate cross ventilation with proper vents and access door.

(b) Exterior walls. The exterior wall shall be substantially weathertight, watertight, and shall be made impervious to the adverse effect of weather and be maintained in sound condition and good repair.

(c) Roofs. Roofs shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the wall or interior portion of the building.

(d) Means of egress. Every dwelling unit shall have a safe, unobstructed means of egress with minimum ceiling height as required by the building code leading to a safe and open space at ground level.

(e) Stairs, porches, and appurtenances. Every inside and outside stair, porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

(f) Windows and doors. Every window, exterior door and basement or cellar door and hatchway shall be weathertight, and rodent proof, and shall be kept in sound working condition and good repair, and shall be provided with proper hardware and locking device.

(g) Windows. Window sash shall be properly fitted and weathertight within the frame. Panes or an approved substitute shall be maintained without cracks or holes.

(h) Door frames. Every door shall fit reasonably well within its frame.

(i) Protective treatment.

(1) All exterior wood surface, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

(2) Garages, storage buildings, and other accessory structures shall be maintained and kept in good repair and sound structural condition, and shall have protective treatment as provided in subsection (b) of this section.

(j) Interior floor, walls, and ceiling. Every interior floor, wall and ceiling shall be rodent proof and shall be kept in sound condition and good repair, and be properly covered or finished to allow adequate sanitary conditions, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(k) Structural Support. Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render it incapable of carrying loads which normal use may be caused to be placed thereon.

## **SECTION 17. SANITATION REQUIREMENTS.**

No person shall occupy as owner-occupant or let or sublet to another for occupancy

any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, eating therein, nor shall any vacant dwelling building be permitted to continue in violation of this chapter which does not comply with the following requirements.

(a) Cleanliness. Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he controls and occupies or which is provided for particular use.

(b) Garbage disposal. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which provides food for rodents and all rubbish in a clean and sanitary manner by placing it in garbage disposal facilities or rubbish storage containers.

(c) Care of premises.

(1) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any ice box, refrigerator, abandoned motor vehicle, stove, glass, building material, building rubbish, trash, garbage, or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such items as listed above, including but not limited to, weeds, dead trees, trash, rubbish, garbage, animal feces, etc. upon notice from the building official.

(2) For the purpose of this section, an abandoned motor vehicle is defined as one that is in a state of disrepair and incapable of being moved under its own power and/or does not have a current safety inspection and license plate.

(3) It shall be unlawful for the owner of any dwelling to fail to remove or have removed any dead or dying trees, or branches, or limbs of living, dying or dead trees, or dead vegetation which in the judgment of the Building Official pose a danger to any person or property.

(4) It shall be unlawful for any owner or occupant of any dwelling to permit grass and/or weeds in the area surrounding such dwelling to exceed a height of ten (10) inches. Upon failure of any owner or occupant to properly maintain such area, in addition to other penalties provided in this Ordinance, the City of Cammack Village shall have the right to take necessary action to remedy such condition, the cost of which shall be charged to the owner and occupant, and the said cost shall become a lien against the property until satisfied.

(d) Extermination. Every owner and/or occupant of a dwelling unit or other structure shall be responsible for the extermination of any insects, rodents, or other pests

within the building or on the premises. No owner and/or occupant shall maintain any insects or undomesticated animals which, in the discretion of the Building Official, constitute a nuisance.

(e) Use and operation of supplied plumbing fixtures. Every owner of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(f) Precaution to prevent accumulation of water. Every yard shall be properly graded and the necessary precautions taken to prevent the accumulation of water under all structures located on the premises.

#### **ARTICLE IV - DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE FOR CONDEMNATION**

##### **SECTION 18. UNFIT DWELLINGS.**

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

(a) Dangerous structures. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and declared to be a nuisance and shall be so designated and placarded by the Building Official:

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(b) Form of notice. Whenever the Building Official has declared a dwelling as unfit for human habitation and constituting a nuisance, he shall give notice to the owner and tenant, if applicable, of such declaration of the dwelling as unfit for human habitation. Such notice shall:

(1) Be in writing;

(2) Include the street address of the real estate and a statement of the reason for issuance of the notice;

(3) State time occupants must vacate dwelling units;

(4) Said notice shall further state that, if such repairs, reconstruction, alteration, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the Building Official may institute legal proceedings charging the person or persons, firm, corporation, or agent with a violation of this code.

(5) Advise the recipient of the right to appeal to the City Council.

(c) In case the owner, agent or person in control cannot be found within the stated time limit, or if such owner, agent, or persons in control shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, secure, or demolish and remove said building or structure or portion thereof, the Building Official, after having ascertained the cost, shall cause such building or structure or portion thereof, to be demolished or secured and required to remain vacant.

(d) Costs incurred under section 18(c) shall be charged to the owner of the premises involved, shall be collected in the manner provided by law and shall constitute a lien upon the property.

(e) Failure to comply with the orders of the Building Official shall constitute a misdemeanor.

(f) Service of notice to vacate shall be as follows:

(1) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person above the age of 14 years; or

(2) If notice cannot be reasonably accomplished under subsection (b)(1) or (b)(2), by posting and keeping posted for twenty-four (24) hours a copy of the notice in a conspicuous place on the premises to be repaired.

## **SECTION 19. VACATING OF DECLARED BUILDING.**

Any dwelling or dwelling unit which has been condemned as unfit for human habitation and so designated and placarded by the Building Official, shall be vacated within thirty (30) days after notice of such condemnation has been given by the building official to the owner and/or occupant of the building. This thirty (30) day time limit for vacation of premises may be shortened if, in the discretion of the building official, the premises are especially dangerous to the occupants and/or the public.

**SECTION 20. OCCUPANCY OF BUILDING.**

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall be again be used for human habitation until approval is secured from and placard is removed by the building official. The building official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

**SECTION 21. REMOVAL OF PLACARD NOTICE.**

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such.

**SECTION 22. VIOLATIONS AND PENALTIES.**

Any person, firm, corporation or agent, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, fail to maintain, alter, demolish or move any structure, or has erected, constructed, failed to maintain, altered, repaired, moved or demolish a building or structure in violation of any provision of this Code shall be guilty of a misdemeanor upon failure to comply with the orders of the Building Official within the time limits stated in this Code following due notice. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, or continued. A prosecution shall be commenced by personal service upon the violator of a citation, which shall state the nature of the violation. Upon conviction of any such violation such person shall be punished by fine of not more than five hundred dollars (\$500.00) for the first day of the offense and not more than two hundred fifty dollars (\$250.00) for each additional day of offenses of continuing nature. The first day of an offense shall be deemed to be the thirtieth day following receipt by the violator of the original notice of violation of the Code, not to include the date of receipt of the notice; however, if the Building Official in his discretion reduces the thirty day period set forth in Section 7 (a)(3), then the first day of an offense shall be the first day following expiration of the reduced period of time, not to include the date of receipt of the notice. Assessment of a fine shall also constitute a personal judgment against the violator and a lien on any real or personal property upon recording of the judgment of conviction with the circuit clerk of any county in Arkansas.

**SECTION 23. VALIDITY AND SEPARABILITY.**

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

**SECTION 24. REPEALER.**

All laws and parts of laws in conflict with this Ordinance are hereby repealed. Ordinance No. 89-1 is specifically repealed and replaced by this Ordinance.

**SECTION 25. EMERGENCY.**

Consistent regulation of the building and alteration of structures within the City of Cammack Village is essential to the public welfare of the City's residents. Any delay in the immediate enactment of this Ordinance will cause uncertainty as to the standards to be applied in building and altering structures. The City Council of the City of Cammack Village accordingly finds and declares that an emergency does exist, and this Ordinance shall be in full force and effect from and after its passage and approval by the Council of the of Cammack Village, Arkansas.

ADOPTED:

DATE: April 11, 1995

APPROVED:

Bob Eubanks  
BOB EUBANKS, MAYOR

ATTEST:

DATE: April 11, 1995

Lou Ann Gray  
LOU ANN GRAY, CITY RECORDER