

# Jonesboro Property Maintenance Code

## Explanation of Violation Procedures

There are 7 steps (not counting two opportunities to appeal to circuit court) that would have to take place in order for a person to be fined under the proposed property maintenance code. This document seeks to explain those steps in detail.

1. A violation would have to exist at a property.

The responsible party (owner or occupant) would have to allow one of the listed violations to exist on the property.

2. A complaint to the Property Maintenance Inspector would have to be made.

This code is complaint based in nature. Someone would have to notice the violation in step 1 and then report it to the PMI.

3. The PMI would have to respond to the location of the possible violation and document that a violation exist.

If the violation is on the interior, permission would have to be granted by the owner or occupant to enter the property to view the violation. See explanation of Right of Entry on separate page.

4. The PMI would issue a notice of violation/ order to repair to the responsible party.

The notice/order must be in writing, include at least the following: a description of the violation, what is necessary to correct the violation, the length of time allowed to correct the violation, and steps the property owner may take to appeal the notice/order.

The length of time allowed to correct a violation will be between 60 and 180 days. The time allowed will be determined by the extent of the repairs needed, the severity of the dilapidation, the estimated cost of the repair, and weather a permit is required. The time may be extended by the PMI if extenuating circumstances exist and progress toward repairing can be documented.

5. If appealed, the appeals board would have to uphold the notice of violation/order to repair.

The appeals board will be made up of Jonesboro citizens that are not employees of the city. The can overrule the notice/order, or change it. The responsible party can appeal the notice/order within 30 days of the initial notice/order. The appeals board must hear the appeal within 30 days. If the appeals board upholds the notice/order, the time to repair listed in step 4 will start on the date of the appeals board's ruling.

The responsible party has the right to appeal the board's decision to circuit court. The time listed in step 4 would not start until the appeal was ruled on by circuit court.

6. The responsible party would have to fail to correct the violation within the time given in step 4.

If the responsible party fails to correct the violation within the time given and has not requested or been granted an extension and there is no tangible progress toward correcting the violation, the PMI may cite the responsible party for a violation that will go to district court.

7. The responsible party is found guilty or pleads guilty (or nolo contendere) the district court judge can fine the person for the violation.

See explanation of fines on separate page. The second, third and subsequent violations of the same violation can trigger the increased fines. That means if a person has rotten soffit and is found guilty of not repairing it, and then is cited for not repairing a plumbing violation. The plumbing violation would be a first offense. Only a second violation for not repairing the soffit would trigger the higher fines.

The per-day fine exists on other city ordinances and judges have reserved that provision for willful and continual violation of an ordinance. Without that provision, a person could exhaust the 60 to 180 days mentioned in step 4 and if found guilty in court, pay the one time fine and not correct the violation. It would then take another complaint to start the process again, meaning that if it is cheaper to pay the fine rather than correct the violation, there is no incentive for a negligent property owner to correct the violation.

The responsible party has the right to appeal the district court's ruling and the fine would not be imposed until the case was heard by circuit court.