



## Legislation Text

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**File #:** ORD-78:1962, **Version:** 1

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AN ORDINANCE CREATING THE DEPARTMENT OF CODE ENFORCEMENT FOR THE CITY OF JONESBORO, ARKANSAS; ESTABLISHING THE DUTIES, PRESCRIBING QUALIFICATIONS, AND RESPONSIBILITIES OF THE DIRECTOR OF CODE ENFORCEMENT (**NOTE: THIS ORDINANCE WAS AMENDED BY ORD-89:1320 ON MARCH 6, 1989**)

BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

Section 1: Creating Office; The Director of the Department of Code Enforcement shall be appointed by the Mayor with the concurrence of the City Council. The appointment shall continue during the good behavior and satisfactory service of said official. The Mayor shall have the authority to suspend said official with cause, however, any suspension shall not result in a final termination until his hearing has been held before the appointing authorities and the City Council has afforded the official a hearing on the specific charges. The hearing shall be held within fifteen (15) days of any suspension by the appointing authority. The City Council shall determine if any suspension of the official shall be considered as final termination.

Section 2: Qualifications: The Director of the Department of Code Enforcement shall be a minimum of a high school graduate and possess a basic working knowledge of all phases of Code Enforcement. The Director shall have sufficient management, budgeting, and supervisory experience to effectively fulfill the responsibilities of the department as prescribed by the Codes and Ordinances of the City of Jonesboro, Arkansas and, where applicable, the laws of the State of Arkansas.

Section 3: Salary and Re-numeration; The said Director of the Department of Code Enforcement shall receive such salary and re-numeration for service to the City and for carrying out the responsibilities hereinafter prescribed as shall from time to tome be fixes by the City Council of the City of Jonesboro, Arkansas.

Section 4: Duties and Authorities: The duties and authorities of the Director of the Department of Code Enforcement shall be as follows:

- (a) It shall be the duty of the Director of the Department of Code Enforcement, who may also be known as the City Inspector, or persons so delegated by the Director, to make all inspections necessary to insure compliance with current Codes and Ordinances of the City of Jonesboro, Arkansas, to include the Zoning Ordinance, the Standard Building Code and related ordinances, the Standard Housing Code and related ordinances, the Arkansas State Plumbing Gas Code and related ordinances, City ordinances pertaining to abandoned vehicles on private property, the accumulation of garbage, trash, weeds, grass, or other unsightly items on private property, and all ordinances or Codes designating the City Inspector, Building Inspector, or Building Official as the enforcement authority. The Director of the Department, or persons so delegated, shall issue permits and collect fees applicable to the Code Enforcement Department.
- (b) The Director of the Department of Code Enforcement shall act as Ex-Officio Building Inspector, Plumbing-Gas Inspector, Zoning Officer, Housing Inspector, Electrical Inspector, and shall have all powers to perform or to delegate all duties connected with those positions.
- (c) The Director of the Department of Code Enforcement shall have the power to delegate all duties set out above to his agent or employee who shall have the same power and authority as the Director of the

Department of Code Enforcement.

No water, electricity, or gas shall be turned on for service in the premises in which construction, work or installation does not comply with the Codes and Ordinances of the City of Jonesboro, Arkansas, and such service shall not be turned on by the water, electric, or gas utility except upon receipt of authorization by the Director of Code Enforcement or his agent, provided that temporary service may be granted for construction work in unfinished buildings.

Any applicant for a certificate of completion and inspection shall present proof to the Director of the Department of Code Enforcement that the property and nearly completed buildings have been listed for assessment with the County Tax Assessor of Craighead County and such applicants shall present a copy of such listing for assessment duly signed and certified to be the County Tax Assessor with his application for final permit of certificate of completion and inspection. The Director of the Department of Code Enforcement or his agent shall not issue a certificate of completion and final inspection until a copy of such listing is on file in his office. The Director of the Code Enforcement or his agent shall maintain a file record preserving said listings.

(d) The Director of the Department of Code Enforcement, or person so delegated, shall have the authority to remove or raze or tear down any building, house or structure when same has become in the opinion of the Council, dilapidated, unsightly, unsafe, unsanitary, or obnoxious to the public welfare.

The Director of the Department of Code Enforcement shall give reasonable notice to the property owner of said condition of the building, house or structure, and said owner shall have sixty (60) days in which to cause said building, house or structure to conform with the Standard Building and Housing Codes and City Ordinances then in force in the City of Jonesboro, Arkansas.

If the property owner shall fail to remove or tear down said building, house or structure or to fail to conform with the Standard building Code, Standard Housing Code, and City Ordinances of the City of Jonesboro, within sixty days from date of notification, the Director of the Department of Code Enforcement, or his agent, shall present the condemnation of the building, house or structure to the City Council for determination of whether it be in the best interest of the public welfare of the City that the building, house or structure shall be torn down and removed.

If the City Council determines the condition is injurious to the public welfare, the Council shall authorize the Director of the Department of Code Enforcement to enter upon the premises and tear down or remove the building, house or structure.

Upon the failure of the property owner to conform to the above stated provisions, all costs of removing said building, house or structure, if not paid, shall become a lien against said property for said cost in favor of the City of Jonesboro, Arkansas. The lien provided herein may be enforced at any time within eighteen (18) months after costs have been incurred by the City.

Section 5: Enforcement Powers: The Director of the Department of Code Enforcement or his duly authorized agent or employee shall have the authority to enforce all code provisions now or hereafter contained in the Code of Ordinances for the City of Jonesboro, Arkansas. The Director or his duly authorized agent or employee shall be a duly commissioned police officer for the City of Jonesboro, Arkansas, and shall be authorized to issue citation of any ordinance or ordinances contained within the Code of Ordinances for the City of Jonesboro, Arkansas.

**Section 6: Line of Authority:** The Director of the Department of Code Enforcement shall be responsible to the report directly to the Mayor.

**Section 7: Report to Council:** The Director of the Department of Code Enforcement shall make a report to the Mayor and City Council as often as deemed necessary by said Mayor and Council, and shall meet with the City Council at all regular meetings for the purpose of reporting to and advertising with the City Council to plan matters coming before such City Council.

**Section 8: Metropolitan Area Planning Commission Support:** The Director of the Department of Code Enforcement shall insure a close co-ordination with the Metropolitan Area Planning Commission. The Director or person so delegated by the Director shall advise the Chairmen of the Metropolitan Area Planning Commission. The Director or person so delegated by the Director shall advise the Chairman of the Metropolitan Area Planning Commission on any item submitted to, said Commission as a result of a Department of Code Enforcement requirement.

**Section 9: Liability of Department of Code Enforcement Employees:** The Director of the Department of Code Enforcement or any employee within said department charged with the enforcement of Codes and Ordinances within said department's authority, acting in good faith and without malice for the City in the discharge of their duties, shall not hereby render themselves liable personally and they are hereby relieved from all personal liability for any damage that may accrue to person or property as a result of any act required or by reason any act or omission in the discharge of their duties. Any suit brought against the Director of the Department of Code Enforcement or employee of the department, because of such act or omission performed by said Director or employee in the enforcement of any provision of Codes and Ordinances enforced by the Department of Code Enforcement, shall be defended by the legal department of the City until final termination of the proceedings.

**Section 10:** The Director of the Department of Code Enforcement, or person so delegated, shall issue permits, collect all fees pertaining to said permits, and maintain a comprehensive administrative file on all transactions pertaining to the Department of Code Enforcement.

**Section 11: Right of Entry:** The Director of Code Enforcement and persons so delegated by the Director, in the discharge of official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

**Section 12: Validity:** If any action, paragraph, clause, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the ordinance as a whole or any part of provision thereof, other than the parts decided to be invalid or unconstitutional.

**Section 13: Repeal:** This article shall specifically repeal Article 4, Section 5-32 through 5-39 and Section 5-13 through 5-18.1 and those provisions contained in Ordinance Number 1536 creating the position of Public Works Director/City Engineer which are in conflict with the provisions of this Ordinance. This article shall not repeal any other ordinances except those mentioned above with the provisions of this ordinance and shall be cumulative with and to such other laws and ordinances.

**Section 14: Emergency Clause:** It being found and determined by the City Council of the City of Jonesboro, Arkansas, that the affairs and business of the City of Jonesboro having reached such an extent and involve so many problems of a technical nature and the need for full time enforcement of the many ordinances contained within the Code of Ordinances of the City of Jonesboro, Arkansas, that it is absolutely essential that the City have the technical knowledge and experience as well as advice and constant enforcement of the Code of

Ordinances of the City of Jonesboro, Arkansas, for the preservation of the welfare of the City of Jonesboro, Arkansas, that therefore, an emergency is hereby declared to exist and this ordinance being necessary for the public peace, health, safety and welfare shall take effect from and after its passage and approval.

PASSED and ADOPTED this 4<sup>th</sup> day of December, 1978.