

1 (4) that the owner of the building, structure, manufactured home, or mobile home, and
2 any resident thereof, has the right to appeal the decision of the building official to the
3 Little Rock Construction Board of Adjustment and Appeals by submitting such a
4 request in writing to the Building Code Manager within fifteen (15) days for
5 Abatements under Sections 20-28 and 2-29 and within five (5) days for Emergency
6 Abatements under Section 20-32, and

7 **Section 2.** Little Rock, Ark., Rev. Code Chapter 20, Article II, Section 20-32 is amended as
8 follows:

9 **Sec. 20-32. – Emergency Abatement.**

- 10 (a) Any building wall or ~~party~~ partial wall or any portion thereof, chimney, or other
11 structure, manufactured home, or mobile home in the city that from fire, excavation,
12 improper erection or construction, or from any other cause, which at any time becomes
13 unsafe or dangerous to life and limb, shall be razed and removed, or made secure by the
14 building official, if within twenty-four (24) hours from the time of service of notice the
15 owner of record fails to commence rehabilitation or removal of the same and if within
16 seventy-two (72) hours, the owner of record shall fail to complete the rehabilitation or
17 removal. Any owner of a building, wall, partial wall or any portion thereof, chimney
18 other structure, manufactured home, or mobile home that has been deemed unsafe or
19 dangerous to life and limb shall have the right to an administrative appeal of the building
20 official's determination.
- 21 (b) Service of written notice shall be sent by the building official by regular and certified
22 mail, return receipt requested to the owner of the building, structure, manufactured home
23 or mobile home. Additional notice shall be provided by delivery to the owner personally,
24 or by leaving the notice at the usual place of abode of the owner with a responsible adult.
25 The notice shall state that the owner of the building, partial wall or any portion thereof,
26 chimney, or other structure manufactured home, or mobile home has the right to an
27 administrative appeal of the emergency abatement by submitting a request for a hearing
28 to the city manager, if such request is submitted within five (5) working days from the
29 date of receipt of the notice.
- 30 (c) Once the emergency abatement notice is served, the building, partial wall or any portion
31 thereof, chimney, or other structure, manufactured home, or mobile home shall be
32 considered unsafe or dangerous to human life unless and until such a time as the
33 declaration is overruled by the city manager or appointed designee after an administrative
34 appeal hearing.

1 (d) Hearings requested by the owner shall be held no more than five (5) working days from the
2 date of receipt of the request. The city manager, or appointed designee, shall act as the
3 appeal hearing officer and shall make his or her ruling on the basis of a preponderance of
4 the evidence presented at the hearing. The hearing shall be an informal proceeding, and
5 each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-
6 examine opposing witnesses on any matter relevant to the issues even though that matter
7 was not covered in the direct examination, to impeach any witness regardless of which
8 party first called the witness to testify, and to rebut the evidence against the party. Each
9 party may be represented by counsel that party so chooses. Either party may call the
10 owner/custodian of the building, wall, partial wall, chimney, other structure, manufactured
11 home, or mobile home as a witness. The decision of the hearing officer can be appealed to
12 the City Little Rock Construction Board of Adjustment and Appeals.

13 (e) Whenever the building official declares a building, structure, manufactured home, or
14 mobile home to be dangerous or unfit for human habitation notice of such emergency
15 abatement declaration shall be given to any persons residing in said building structure,
16 manufactured home, or mobile home by placarding the building, structure, manufactured
17 home, or mobile home. The placard notice shall contain the following:

18 (1) that by order of the city, the building, structure, manufactured home, or mobile home,
19 has been declared dangerous or unfit for human habitation by the Department of
20 Housing and Neighborhood Programs and what section of the Little Rock Revised
21 Code of Ordinances upon which the determination was made;

22 (2) that further use and occupancy are prohibited effective immediately;

23 (3) that any resident who is ordered to vacate the building, structure, manufactured
24 home, or mobile home, shall have the right to appeal the emergency abatement
25 declaration to the City Little Rock Construction Board of Adjustment and Appeals;

26 (4) any non-owner resident can request an expedited hearing before the Little Rock
27 Construction Board of Adjustment and Appeals if written request for such a hearing
28 is submitted to Building Codes Manager for the Little Rock Construction Board of
29 Adjustment and Appeals or any such other official who can accept applications for
30 hearings before the Little Rock Construction Board of Adjustment and Appeals
31 within five (5) working days of the posting of the emergency abatement notice and
32 placard; and

33 (5) provide the name, mailing and physical address, phone number and email address of
34 the Building Codes Manager for Little Rock Construction Board of Adjustment and

1 Appeals or any such other official who can accept applications for hearings before
2 the Little Rock Construction Board of Adjustment and Appeals.

3 (f) Any non-owner resident of a building, structure, manufactured home, or mobile home
4 which is the subject of an Emergency Abatement order shall have the right to appeal the
5 determination that any building, structure, manufactured home in which they reside is so
6 dangerous or unfit for human habitation that they must vacate immediately to the Little
7 Rock Construction Board of Adjustment and Appeals.

8 (g) Review hearings before the Little Rock Construction Board of Adjustment and Appeals of
9 Emergency Abatement actions can request an expedited hearing before the Little Rock
10 Construction Board of Adjustment and Appeals within five (5) working days from the
11 posting of the emergency abatement notice by submitting such a request in writing to the
12 Building Code Manager. Such hearings shall then be held no more than five (5) working
13 days from the last date on which an expedited hearing may be requested.

14 **Section 3. Severability.** In the event any section, subsection, subdivision, paragraph, subparagraph,
15 item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or
16 unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this
17 ordinance, as if such invalid or unconstitutional provision was not originally a part of this ordinance.

18 **Section 4. Repealer.** All ordinances, resolutions, bylaws, and other matters inconsistent with this
19 ordinance are hereby repealed to the extent of such inconsistency.

20 **Section 5. Emergency Clause.** *There is hereby found and declared to be an immediate need for the*
21 *establishment of an appellate procedure for emergency abatement action which benefits the public health,*
22 *safety, and welfare of the City and the inhabitants thereof. It is therefore declared that an emergency*
23 *exists and this Ordinance, being necessary for the immediate preservation of the public health, safety,*
24 *and welfare, shall be in force and take effect immediately upon and after its passage.*

25 **PASSED: April 1, 2025**

26 **ATTEST:**

APPROVED:

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29 **Allison Segars, City Clerk**

Frank Scott, Jr., Mayor

30 **APPROVED AS TO LEGAL FORM:**

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33 **Thomas M. Carpenter, City Attorney**

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