

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO PREVENT THE STORAGE OF INOPERABLE  
VEHICLES OR OTHER ITEMS IN ANY BACKYARD; TO DECLARE  
THE STORAGE OF SUCH ITEMS TO BE A NUISANCE; TO AUTHORIZE  
THE CITY TO TAKE NECESSARY AND APPROPRIATE ACTIONS TO  
ABATE SUCH A NUISANCE; TO DECLARE AN EMERGENCY; AND  
FOR OTHER PURPOSES.**

**WHEREAS**, in residential neighborhoods an aspect of the quiet enjoyment of property is the ability to avoid unsightly situations in neighboring yards; and,

**WHEREAS**, some people have placed motor vehicles or part thereof that is in a state of disrepair or incapable of being moved under its own power in back yards; and,

**WHEREAS**, it is important to recognize property rights and the ability of an owner to do certain things on their property such as to repair a motor vehicle, but to limit the scope of such rights, and also to require that to the extent possible such action is blocked from the view of the public and surrounding neighbors.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:**

**Section 1. Definitions.** For purposes of this ordinance, the following words shall have the following meanings:

*“Automobile”* means and includes any vehicle which is self-propelled, including, but not limited to, passenger cars, trucks, vans, and buses.

*“Motor Vehicle”* means a self-propelled, motorized vehicle capable of being operated on a roadway upon or in which a person or property is or may be transported or drawn upon a public or private road or public or private land.

**(A) “Motor vehicle”** includes without limitation:

- (1)** An all-terrain vehicle as defined under § 27-21-102; and which is a vehicle that:
  - (a)** Has three (3), four (4), or six (6) wheels;
  - (b)** Is fifty (50) inches or less in width;
  - (c)** Is equipped with non-highway tires;
  - (d)** Is designed primarily for off-road recreational use; and
  - (e)** Has an engine displacement of no more than 1,000 cubic centimeters.
  - (f)** “All-terrain vehicle” includes a recreational off-highway vehicle.

1 (i) “All-terrain vehicle” does not include a golf cart, riding lawnmower, or  
2 lawn or garden tractor, or a vehicle designed to be used for agricultural  
3 purposes, such as a tractor.

4 (2) “Motor vehicle” does not include:

5 (a) A motor vehicle designed to assist a person with a physical disability with  
6 walking;

7 (b) A motorized scooter or other vehicle designed to be used as a toy by a child;

8 (c) A bicycle equipped with a small motor designed to assist the bicycle operator  
9 and that is not operated at a speed greater than twenty (20) miles per hour  
10 (MPH);

11 (d) A riding lawnmower that is not operated on a public roadway;

12 (e) An electric personal assistive mobility device that is designed to not be capable  
13 of a speed of more than twenty (20) MPH; or,

14 (f) A device moved by human power or used exclusively upon stationary rails or  
15 tracks.

16 “Storage” or “Store” means to place all or part of an Automobile or Motor Vehicle that is  
17 unlicensed and inoperable in any part of the yard immediately surrounding a residential structure.

18 **Section 2.** No property owner shall permit anyone, including but not limited to the owner, or tenants  
19 of the owner, to store any unlicensed vehicle or inoperable vehicle, motor vehicle or part thereof that is in  
20 a state of disrepair or incapable of being moved in the backyard of property or on a street where the  
21 predominant residential zoning is residential, or which can be seen from properties that are zoned  
22 residential, unless there is a six (6)-foot opaque private fence in place that has been constructed in  
23 accordance with City Code provisions, and has received all necessary City Building Permits or Licenses.

24 **Section 3.** Any property owner in an area primarily zoned residential, upon which there is a six (6)-  
25 foot privacy fence, or where the backyard is visible to an adjoining area primarily zoned residential, shall  
26 be limited to not more than two (2) items covered by this ordinance, such as an unlicensed vehicle or  
27 inoperable vehicle, if the owner is actively attempting to repair such item, does so within a thirty (30)-day  
28 period, and obtains the appropriate license for such item within seven (7) business days of the completion  
29 of any repairs required to make the item operable, provided the property owner is not required to have two  
30 (2) items of the same type.

31 **Section 4. Penalty.** Any person convicted of, or who pleads *nolo contendere* to, a violation of this  
32 ordinance shall be subjected to the following penalties:

33 (A) For the first offense, a fine of not less than One Hundred Dollars (\$100.00) and any required  
34 court costs, but not more than Five Hundred Dollars (\$500.00) and any required Court costs,  
35 for each illegal vehicle in storage;

1 (B) For a second or subsequent offenses within a three (3)-year period, a fine of not less than  
2 Two Hundred Fifty Dollars (\$250.00) and any required Court costs, nor more than One  
3 Thousand Dollars (\$1,000.00), and any required court costs, for each illegal vehicle in  
4 storage; and,

5 (C) A daily fine of Five Hundred Dollars (\$500.00), and any required Court costs, for each illegal  
6 vehicle in storage that is not removed from the property within seventy-two (72) hours of the  
7 conviction, provided that if this seventy-two (72)-hour period ends on a holiday, or a Sunday,  
8 then the owner shall be given a grace period until the next immediate business day before the  
9 daily fine and court costs are imposed.

10 **Section 4. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or  
11 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or  
12 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and  
13 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the  
14 ordinance.

15 **Section 5. Repealer.** All laws, ordinances, resolutions, or parts of the same, that are inconsistent with  
16 the provisions of this ordinance, are hereby repealed to the extent of such inconsistency including, but not  
17 limited to, Little Rock, Ark., Ordinance No. 16,435 (June 1, 1993), Little Rock, Ark., Ordinance No. 19,761  
18 (June 12, 2007), and Little Rock, Ark., Resolution No. 14,902 (December 3, 2018).

19 **Section 6. Emergency Clause.** *The prevention of blight, and unnecessary eyesores in residential areas*  
20 *harms property values, and can lead to an increase in crime or neglect, which is contrary to the*  
21 *maintenance of the public health, safety, and welfare; an emergency is, therefore, declared to exist, and*  
22 *this ordinance shall be in full force and effect fifteen (15) calendar days after its passage.*

23 **PASSED: August 4, 2020**

24 **ATTEST:**

**APPROVED:**

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**Susan Langley, City Clerk**

\_\_\_\_\_ **Frank Scott, Jr., Mayor**

28 **APPROVED AS TO LEGAL FORM:**

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**Thomas M. Carpenter, City Attorney**

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