## **ORDINANCE NO.** 1 2 3 AN ORDINANCE TO PREVENT THE STORAGE OF INOPERABLE 4 VEHICLES, BOATS OR OTHER ITEMS IN ANY BACKYARD THAT DOES NOT HAVE AN APPROPRIATE AND COMPLIANT PRIVACY 5 6 FENCE IN PLACE TO BLOCK THE VIEW OF SUCH ITEMS; TO DECLARE THE STORAGE OF SUCH ITEMS WITHOUT A PRIVACY 7 FENCE TO BE A NUISANCE; TO AUTHORIZE THE CITY TO TAKE 8 9 NECESSARY AND APPROPRIATE ACTIONS TO ABATE SUCH A 10 NUISANCE; TO DECLARE AN EMERGENCY; AND FOR OTHER **PURPOSES.** 11 12 13 WHEREAS, in residential neighborhoods an aspect of the quiet enjoyment of property is the ability to 14 avoid unsightly situations in neighboring yards; and, 15 WHEREAS, some people have placed automobiles, motor vehicles and boats, in back yards that are 16 not licensed and not operable, and have done so without having in place an appropriate and compliant 17 privacy fence which would block the view of such items from the public and from the neighbors; and, 18 WHEREAS, it is important to recognize property rights and the ability of an owner to do certain things 19 on their property such as to repair a motor vehicle, or to make a boat seaworthy again, but to limit the scope 20 of such rights, and also to require that to the extent possible such action is blocked from the view of the 21 public and surrounding neighbors, 22 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY 23 **OF LITTLE ROCK, ARKANSAS:** 24 Section 1. *Definitions*. For purposes of this ordinance, the following words shall have the following 25 meanings: 26 "Automobile" means and includes any vehicle which is self-propelled, including, but not 27 limited to, passenger cars, trucks, vans, and buses. 28 "Boat" means a water craft other than a canoe or kayak designed to transport people or goods 29 on a navigable stream at-law, or in fact, a lake, stream, creek, river, ocean, or other body of water. 30 "Inoperable" means a vehicle that is incapable of being self-propelled, or a boat that is not 31 seaworthy or capable of being used as a water craft that will not sink, or that cannot be steered. 32 "Motor Vehicle" means a self-propelled, motorized vehicle capable of being operated on a 33 roadway upon or in which a person or property is or may be transported or drawn upon a public or 34 private road or public or private land.

1	(A) "Motor vehicle" includes without limitation:	
2	(1) An all-terrain vehicle as defined under § 27-21-102; and which is a vehicle that:	
3	(a) Has three (3), four (4), or six (6) wheels;	
4	(b) Is fifty (50) inches or less in width;	
5	(c) Is equipped with non-highway tires;	
6	(d) Is designed primarily for off-road recreational use; and	
7	(e) Has an engine displacement of no more than 1,000 cubic centimeters.	
8	(f) "All-terrain vehicle" includes a recreational off-highway vehicle.	
9	(i) "All-terrain vehicle" does not include a golf cart, riding lawnmower, or	
10	lawn or garden tractor, or a vehicle designed to be used for agricultural	
11	purposes, such as a tractor.	
12	(2) " <i>Motor vehicle</i> " does not include:	
13	(a) A motor vehicle designed to assist a person with a physical disability with	
14	walking;	
15	(b) A motorized scooter or other vehicle designed to be used as a toy by a child;	
16	(c) A bicycle equipped with a small motor designed to assist the bicycle operator	
17	and that is not operated at a speed greater than twenty (20) miles per hour	
18	(MPH);	
19	(d) A riding lawnmower that is not operated on a public roadway;	
20	(e) An electric personal assistive mobility device that is designed to not be capable	
21	of a speed of more than twenty (20) MPH; or,	
22	(f) A device moved by human power or used exclusively upon stationary rails or	
23	tracks.	
24	"Opaque Privacy Fence" means a structure of post, boards, or other materials appropriate for	
25	a residential neighborhood that is used to border, secure or delineate a yard or other land area that	
26	will visually screen the area fenced from view by neighboring residential structures, and otherwise	
27	complies with the provisions of Section 36-515 of this Code; provided, an opaque privacy fence	
28	shall not include plastic or metal slats woven into a chain-link fence.	
29	"Storage" or "Store" means to place all or part of an Automobile, Boat or Motor Vehicle tha	
30	is unlicensed and inoperable in any part of the yard immediately surrounding a residential	
31	structure.	
32	"Unlicensed Boat" means a boat that does not have an up-to-date and valid Arkansas license	
33	and registration issued by the Arkansas Department of Finance & Administration.	
34	"Unlicensed Vehicle" means a vehicle that does not have an up-to-date and valid Arkansas	
35	license and registration issued by the Arkansas Department of Finance & Administration.	

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

8 Section 3. Any property owner in an area primarily zoned residential, upon which there is a six (6)-9 foot privacy fence, or where the backyard is visible to an adjoining area primarily zoned residential, shall 10 be limited to not more than two (2) items covered by this ordinance, such as an unlicensed boat, unlicensed 11 vehicle, inoperable boat, or inoperable vehicle, if the owner is actively attempting to repair such item, does 12 so within a thirty (30)-day period, and obtains the appropriate license for such item within seven (7) business 13 days of the completion of any repairs required to make the item operable, provided the property owner is 14 not required to have two (2) items of the same type.

15 Section 4. *Penalty*. Any person convicted of, or who pleads *nolo contendere* to, a violation of this 16 ordinance shall be subjected to the following penalties:

- 17 (A) For the first offense, a fine of not less than One Hundred Dollars (\$100.00) and any required
  18 court costs, but not more than Five Hundred Dollars (\$500.00) and any required Court costs,
  19 for each illegal vehicle in storage;
- (B) For a second or subsequent offenses within a three (3)-year period, a fine of not less than
  Two Hundred Fifty Dollars (\$250.00) and any required Court costs, nor more than One
  Thousand Dollars (\$1,000.00), and any required court costs, for each illegal vehicle in
  storage; and,
- (C) A daily fine of Five Hundred Dollars (\$500.00), and any required Court costs, for each illegal
  vehicle in storage that is not removed from the property within seventy-two (72) hours of the
  conviction, provided that if this seventy-two (72)-hour period ends on a holiday, or a Sunday,
  then the owner shall be given a grace period until the next immediate business day before the
  daily fine and court costs are imposed.

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

34 Section 5. *Repealer*. All laws, ordinances, resolutions, or parts of the same, that are inconsistent with 35 the provisions of this ordinance, are hereby repealed to the extent of such inconsistency including, but not

1	limited to, Little Rock, Ark., Ordinance No. 16,435 (June 1, 1993), Little Rock, Ark., Ordinance No. 19,761		
2	(June 12, 2007), and Little Rock, Ark., Resolution No. 14,902 (December 3, 2018).		
3	Section 6. Emergency Clause. The prevention of blight, and unnecessary eyesores in residential areas		
4	harms property values, and can lead to an increase in crime or neglect, which is contrary to the		
5	maintenance of the public health, safety, and welfare; an emergency is, therefore, declared to exist, and		
6	this ordinance shall be in full force and effect fifteen (15) calendar days after its passage.		
7	PASSED: August 4, 2020		
8	ATTEST:	APPROVED:	
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10	Swaan Longlaw City Clark	Event Seett In Merror	
11	Susan Langley, City Clerk	Frank Scott, Jr., Mayor	
12	APPROVED AS TO LEGAL FORM:		
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14	Thomas M. Carpenter, City Attorney		
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