

ORDINANCE NO. 2006-10-273

AN ORDINANCE AMENDING ORDINANCE NO. 122, THE SAME BEING THE ORDINANCE REGULATING THE SUBDIVISION OF LAND WITHIN THE CITY OF TONTITOWN, ARKANSAS, AND ITS AREA OF PLANNING JURISDICTION.

WHEREAS, the City Council of Tontitown, Arkansas deems it necessary from time to time, to adjust certain standards for development, which could be implemented in keeping with the City adopted Subdivision Ordinance for the purposes of promoting the health, safety, and general welfare of the citizens of Tontitown, Arkansas and

WHEREAS, the Tontitown City Council has prepared an ordinance amending Ordinance No. 60, which was amended by Ordinance No. 122, the same being The Ordinance Regulating the Subdivision of Land in the City of Tontitown, Arkansas.

WHEREAS, the Tontitown City Council seeks to bring uniformity to all departmental fees and permits.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS IN REGULAR SESSION ASSEMBLED AS FOLLOWS:

**SECTION 1.** Ordinance No. 60 of the City of Tontitown, which was amended by Ordinance No. 122, being an ordinance providing for regulation of the subdivision of land within the City of Tontitown and for other purposes is amended as hereinafter set forth.

**SECTION 2.** Article V, Section G - Fees, of said ordinance No. 60, which was amended by Ordinance No. 122, is hereby amended to read as follows:

Section G. Fees

1. Technical Plat - For each technical plat submitted, the Recorder/Treasurer shall collect a fee of \$400.00.
2. Preliminary Plat - For each preliminary plat submitted, the Recorder/Treasurer shall collect a fee of \$400.00 or \$25.00 per lot up to 50 lots whichever is greater; 50 lots to 100 lots \$1,875.00; Over 100 lots \$1,875.00 or \$25.00 per lot, whichever is greater, to a maximum of \$3,000.00.
3. Final Plat - For each final plat submitted, the Recorder/Treasurer shall collect a fee of \$300.
4. Informal Plat - For each informal plat submitted, the Recorder/Treasurer shall collect a fee of \$100.
5. Large Scale Development - For each large scale development submitted, the Recorder/Treasurer shall collect a fee of \$400.00.

6. Tech Review of LSD - For each tech review of LSD submitted, the Recorder/Treasurer shall collect a fee of \$500.00.
7. Conditional Use - For each conditional use submitted, the Recorder/Treasurer shall collect a fee of \$200.00.
8. Each Request Re-zoning - For each request Re-zoning submitted, the Recorder/Treasurer shall collect a fee of \$300.00.
9. Tech Re-Plat Review - For each tech re-plat review submitted, the Recorder/Treasurer shall collect a fee of \$400.00. (Re-plats are the same as Preliminary Plats.)
10. Variance Request - For each variance request submitted, the Recorder/Treasurer shall collect a fee of \$75.00.
11. Zoning Regulations (Copies) - For each copy of zoning regulations, the Recorder/Treasurer shall collect a fee of \$20.00.
12. Drainage Manual (Copies) - For each copy of the drainage manual, the Recorder/Treasurer shall collect a fee of \$50.00.
13. Subdivision Regulations (Copies) - For each copy of subdivision regulations, the Recorder/Treasurer shall collect a fee of \$15.00.
14. Storm Water Regulations (Copies) - For each copy of storm water regulations, the Recorder/Treasurer shall collect a fee of \$15.00.
15. Planned Unit Development - For each planned unit development submitted, the Recorder/Treasurer shall collect a fee of \$1,000.00.
16. Home Occupation Permit - For each home occupations permit submitted, the Recorder/Treasurer shall collect a fee of \$50.00.
17. Appeal of Planning Commission Decision - For each appeal of the Planning Commission submitted, the Recorder/Treasurer shall collect a fee of \$200.00.
18. Appeal of Official Decision - For each appeal of official decision submitted, the Recorder/Treasurer shall collect a fee of \$200.00.
19. Certificate of Zoning Compliance - For each certificate of zoning compliance submitted, the Recorder/Treasurer shall collect a fee of \$50.00.
20. Drainage Review - For each drainage review submitted, the Recorder/Treasurer shall collect a fee of \$150.00.
21. Traffic Impact Review - For each traffic impact review submitted, the

Recorder/Treasurer shall collect a fee of \$150.00.

22. Grading Permit - For each grading permit submitted, the Recorder/Treasurer shall collect a fee of \$50.00.
23. Lot Splits - For each plat submittal relating to a lot split, the Recorder/Treasurer shall collect a fee of \$150.00.
24. Revisions of Plats - Each revised plat submitted shall be regarded as a new plat and shall be subject to the appropriate fees as required within this section.
25. Engineering Fees - The Planning Commission with the approval of the City Council reserves the right to retain a disinterested engineer for advise and review purposes concerning any plans submitted. The developer shall be responsible for any and all related expenses.
26. Transfer of Fees - Fees are not transferable or refundable. The Building Official reserves the right to apply prepaid fees to certain lot splits, sketch plans or plat revisions provided that the revised portions of said lot splits, sketch plans or plats have not been reviewed prior to the submittal of the revision.

#### Section F. Permits

1. Building Permit: The City of Tontitown determines the valuation of a structure using the ICC Building Valuation Data Table. A copy of the table is available on the International Building Code's website at [www.iccsafe.org/cs/techservices/pdf/BVD200602.pdf](http://www.iccsafe.org/cs/techservices/pdf/BVD200602.pdf). The valuation table is updated every six months to provide an up-to-date "average" construction cost per square foot. The City of Tontitown will use the portion of the table which uses the column described as "IB" for its reference. Once the valuation is determined the following table is used to calculate permit fees:
  - (a) \$25 fee for any valuation of a structure that is \$3,000.00 or less.
  - (b) \$25 fee for the first \$3,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$15,000.00, for any valuation of a structure that is from \$3,000.01 to \$15,000.00
  - (c) \$85.00 fee for the first \$15,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00, for any valuation of a structure that is from \$15,000.01 to \$50,000.00.
  - (d) \$260.00 fee for the first \$50,000.00 plus \$4.00 for each addition thousand or fraction thereof, to and including \$100,000.00, for any valuation of a structure that is from \$50,000.01 to \$100,000.00.
  - (e) \$460.00 fee for the first \$100,000 plus \$3.00 for each addition thousand or fraction thereof, to and including \$500,000.00, for any valuation of a structure that is from \$100,000.01 to \$500,000.00.

(f) \$1660.00 fee for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof, for any valuation of a structure in excess of \$500,00.01.

2. \$300.00 fee for the moving of any building or structure, while additional highway permits may be required.
3. \$100.00 fee for the demolition of any building or structures.
4. Fees which a permit is required by the Code is started or proceeded with, prior to obtaining said permit or other approvals required by ordinance, the fees herein and elsewhere in the Code of Ordinances specified shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirements of this Code and all applicable in the execution of the work, nor from any other penalties prescribed herein.
5. Fees for plan checking shall be equal to one-half of the building permit fee as set forth in the code. When the valuation of the proposed construction is for a commercial use and exceeds one-thousand dollars (\$1,000.00), and a plan is required to be submitted by the Code, a plan checking fee shall be paid to the inspection department at the time of submitting plans and specifications for checking. Residential plan checking fees apply to single-family dwellings with a valuation of two hundred thousand dollars or more (\$200,00.00).
6. Fees for miscellaneous commercial permits, such as tenant improvement permits and remodeling permits, will be based on the permit and plan checking fee schedule discussed above. Additionally, shell commercial structures will receive a building final upon approval of completion of the shell building and associated systems.
7. Fees for additions to commercial and residential buildings will be regarded as new construction for fee purposes.
8. Fees for fast track commercial permits, if design-build fast track review is approved by the building official, shall be \$300.00 for each partial submittal will be charged in addition to the fees and requirements set forth in each separate code.
9. Fees for reinspection shall be \$25.00, which includes each reinspection for correction of violations and/or if installation is not ready for requested inspections.
10. Fees for partial certificate of occupancy shall be \$25.00 for 30 day duration.
11. Fees for a certificate of occupancy permit shall be \$50.00.
12. Fees for an extension for 180-day duration permit shall be \$50.00.
13. Fees for a certificate of occupancy for change of use involving on-site inspection, if no plans required by Building Official, shall be \$100.00.
14. Fees for an after hours/emergency inspection shall be \$30.00 per hour.
15. Fee for a fence permit shall be \$50.00 per permit required.

**SECTION 3.** All provisions of said ordinance No.122 not hereby amended shall remain in full force and effect.

**SECTION 4.** The City Council hereby determines that this Ordinance is necessary to provide for adequate fees relating to the submittal and review of subdivision plats and lot splits within the City of Tontitown, Arkansas and its area of planning jurisdiction, and that said fees be paid by the developer in order to relieve the citizens of undue financial burden; and that provision of this Ordinance is essential to protect the health, safety, and welfare of the public; that the immediate passage of this Ordinance is necessary to adequately accomplish these purposes. Therefore, and emergency is hereby declared to exist and this Ordinance being necessary for the public welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 3<sup>rd</sup> DAY OF October, 2006.

ATTEST: J. P. S. W. L. MAYOR  
RECORDER/TREASURER

## ROLL CALL

### SHALL THE ORDINANCE PASS:

	Yea	Nay
Ward 1, Position 1 - Alderman Bradley Marveggio	<u>✓</u>	<u>—</u>
Ward 1, Position 2 - Alderman Henry Piazza	<u>✓</u>	<u>—</u>
Ward 2, Position 1 - Alderman Arthur Penzo	<u>—</u>	<u>✓</u>
Ward 2, Position 2 - Alderman (Vacant)	<u>—</u>	<u>—</u>
Ward 3, Position 1 - Alderman (Vacant)	<u>—</u>	<u>—</u>
Ward 3, Position 2 - Alderman Ken Robertson	<u>✓</u>	<u>—</u>
Mayor - Steve Smith	<u>—</u>	<u>—</u>
<b>TOTALS:</b>	<u>3</u>	<u>1</u>

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## ROLL CALL

### SHALL THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY:

Ward 1, Position 1 - Alderman Bradley Marveggio	<u>✓</u>	<u>—</u>
Ward 1, Position 2 - Alderman Henry Piazza	<u>✓</u>	<u>—</u>
Ward 2, Position 1 - Alderman Arthur Penzo	<u>—</u>	<u>—</u>
Ward 2, Position 2 - Alderman (Vacant)	<u>—</u>	<u>—</u>
Ward 3, Position 1 - Alderman (Vacant)	<u>—</u>	<u>—</u>
Ward 3, Position 2 - Alderman Ken Robertson	<u>✓</u>	<u>—</u>
Mayor - Steve Smith	<u>—</u>	<u>—</u>
<b>TOTALS:</b>	<u>3</u>	<u>0</u>