

ORDINANCE NO. 2008-08-317

AN ORDINANCE AMENDING CHAPTER 150.01 OF THE CODE OF ORDINANCES FOR THE CITY OF TONTITOWN; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, Chapter 150.01 of the Code of Ordinances of the City of Tontitown, Arkansas, contains the City's adoption of the International Building Code (2003 edition); and

WHEREAS, it is in the best interest of the City of Tontitown, Arkansas, to amend Section 150.01 by repealing the current Section 150.01 and adopting a new provision in its place;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:

(1) Section 150.01 of the Code of Ordinances for the City of Tontitown, Arkansas, is hereby repealed and replaced with the following:

Section 150.01. ADOPTION OF BUILDING CODE

(A) A certain document, three copies of which are on file in the office of the City Recorder/Treasurer, being marked and designated as the International Building Code, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Tontitown for regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the city, are hereby referred to, adopted and made a part hereof, subject to the changes contained within the Arkansas Fire Code, as if fully set out in this section, with the additions, insertions, deletions and changes, if any.

(B) That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Tontitown, Arkansas, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(C) That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby amended, as cited, in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

(D) That the IBC adopted herein shall be subject to the modifications contained within the 2007 Arkansas Fire Code (based upon the 2006 IBC) which became effective in the State of Arkansas August 1, 2008, it being the intention of this Section that the IBC herein adopted be wholly consistent with the 2007 Arkansas Fire Code.

(2) EMERGENCY CLAUSE. The City Council hereby declares an emergency to exist in that it is necessary for public safety to have the most current and up-to-date version of the International Building Code in place within the City; that the safety and well-being of the citizens is best served by the immediate implementation of the most current IBC; and that unless this Ordinance is effective immediately upon its passage and approval, the citizens will not be adequately protected. Thus, the City Council finds that an emergency exists and, in order to preserve public peace, health and safety, this Ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this 5th day of August, 2008.

APPROVED:



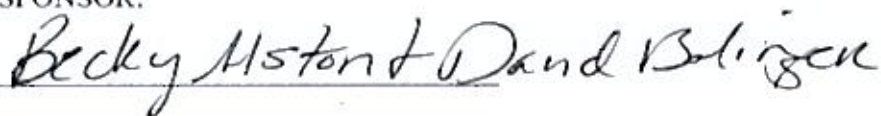
Mayor

ATTEST:



City Recorder/Treasurer

SPONSOR:



Sponsor