

**ORDINANCE NO. 2011-03-373**

**AN ORDINANCE AMENDING CODE SECTION 150 et. seq.**

WHEREAS, the City of Tontitown has determined that there are redundancies in the code section and this Ordinance will correct those redundancies; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Tontitown, Arkansas, to Amend Code Section § 150.00 et. seq.

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

**SECTION 1:** Section 150.00 et. seq. of the Code of Ordinances for the City of Tontitown, Arkansas, is hereby amended and shall provide as follows:

**Section § 150.01 ADOPTION OF NATIONAL UNIFORM CODES.**

(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 Code, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Building Code of the city 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 section is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The City Council of the city hereby declares that it would have passed this section, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases to be declared unconstitutional.

(C) That nothing in this chapter 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 section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section.

(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.

(E) There is hereby adopted by reference as fully as though set out word-for-word verbatim that certain published technical code known as the National Electrical Code, 2008 Edition, as adopted and published by the National Fire Protection Association. Three copies of which are now and have been prior to the adoption of the ordinance from which this section is derived on file in the office of the city recorder/treasurer, the availability of such code for inspection by the public having been published in a newspaper of general circulation within the city.

(F) There is hereby adopted by reference as fully as though set out word-for-word verbatim that certain published technical code known as the 2003 Arkansas Mechanical Code. Three copies of which are now and have been prior to the adoption of the ordinance from which this section is derived on file in the office of the city recorder/treasurer, the availability of such code for inspection by the public having been published in a newspaper of general circulation within the city.

(G) The 2006 Edition of the Arkansas State Plumbing Code as published by the International Code Council for the Arkansas State Health Department to include appendices B, C, D, E, F, G, H, I, J, and K, with amendments to section 106.6.1 in subsection (b) of this section. Three copies of which are now and have been prior to the adoption of the ordinance from which this section is derived on file in the office of the city recorder/treasurer, the availability of such code for inspection by the public having been published in a newspaper of general circulation within the city.

**Section § 150.02 SITE DEVELOPMENT STANDARDS AND CONSTRUCTION AND APPEARANCE DESIGN STANDARDS FOR COMMERCIAL STRUCTURES.**

(A) *Purposes.*

(1) To protect and enhance Tontitown's appearance, identity, natural and economic vitality.



(2) To address environmental concerns, which include, but are not limited to, soil erosion, vegetation preservation and drainage.

(3) To protect and preserve the scenic resources distributed throughout the city.

(4) To preserve the quality of life and integrate the different zones and uses in a compatible manner.

(5) To address the issues of traffic, safety and crime prevention.

(6) To preserve property values of surrounding property.

(7) To provide good civic design and arrangement.

(B) *Site development standards.* See Chapter 152

(C) *Design elements guidelines for commercial structures.* See Chapter 152

(D) *Design review.* See Chapter 152

(E) *Variances.* See Chapter 153

**Section § 150.03 LICENSED CONTRACTORS REQUIRED TO CONSTRUCT ANY STRUCTURE LARGER THAN A TWO-FAMILY DWELLING OR ANY COMMERCIAL BUILDING.**

(A) *Licensing.* All buildings or structures constructed within the City of Tontitown for a commercial purpose or to house more than two families can only be built by an Arkansas licensed contractor, no matter who owns the land where the construction is to take place.

(B) *Violations and penalties.* Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than \$25 nor more than \$250. Each day any such violation may continue shall be deemed a separate offense.

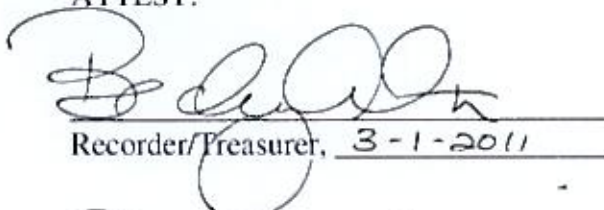
PASSED AND APPROVED THIS 1<sup>st</sup> DAY OF March, 2011  
2011.

APPROVED:



\_\_\_\_\_  
Mayor, Tommy Granata

ATTEST:



\_\_\_\_\_  
Recorder/Treasurer, 3-1-2011

sponsor: Planning Commission  
4844-4287-4376.1

Roll Call

Shall the Ordinance Pass:

	Yea	Nay
Alderman David Bolinger	<u>✓</u>	___ Ward 1, Position 1
Alderman Henry Piazza	<u>✓</u>	___ Ward 1, Position 2
Alderman Arthur Penzo	<u>✓</u>	___ Ward 2, Position 1
Alderman Bobby Pianalto	<u>✓</u>	___ Ward 2, Position 2
Alderman Julie Bowling	<u>✓</u>	___ Ward 3, Position 1
Alderman Mike Zulpo	<u>✓</u>	___ Ward 3, Position 2
Mayor Tommy Granata	___	___
 TOTALS	<u>6</u>	<u>0</u>

Roll Call

Shall the Ordinance Become Effective Immediately:

	Yea	Nay
Alderman David Bolinger	___	___ Ward 1, Position 1
Alderman Henry Piazza	___	___ Ward 1, Position 2
Alderman Arthur Penzo	___	___ Ward 2, Position 1
Alderman Bobby Pianalto	___	___ Ward 2, Position 2
Alderman Julie Bowling	___	___ Ward 3, Position 1
Alderman Mike Zulpo	___	___ Ward 3, Position 2
Mayor Tommy Granata	___	___