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 Washington County, AR  
 Bette Stamos Circuit Clerk

File **2012-00003545**

ORDINANCE NO. 2012-02-389

**AN ORDINANCE AMENDING CHAPTER 150 et. seq. OF THE CODE OF ORDINANCES FOR THE CITY OF TONTITOWN; AND DECLARING AN EMERGENCY.**

**WHEREAS**, Chapter 150 et. seq. of the Code of Ordinances of the City of Tontitown, Arkansas, contains the design standards for the City of Tontitown; and

**WHEREAS**, it is in the best interest of the City of Tontitown, Arkansas, to amend Section 150 by repealing the current Section 150 et. seq. and adopting a new provision in its place;

**WHEREAS**, pursuant to A. C. A. 14-55-207, public notice was given of the City's intent to adopt said technical code by reference, and advised that three (3) copies of said document was on file and available for public review and examination in the Office of the City Clerk; and

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

(1) Section 150 of the Code of Ordinances for the City of Tontitown, Arkansas, is hereby repealed and replaced with the following:

**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 by 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.**

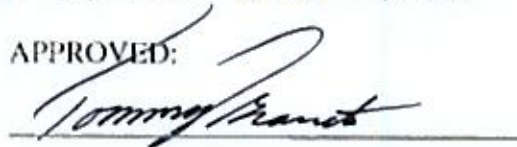
(A) *Licensing.* Contractors are required to be licensed as required under state law.

(B) *Violations and penalties.* Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor. Each day any such violation may continue shall be deemed a separate offense.

(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 regulations 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 code section; 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 7 day of Feb, 2012.

APPROVED:



Mayor

ATTEST:

Sammi Kisher

City Recorder/Treasurer

SPONSER:

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