

ORDINANCE NO. 2014-06-474

**AN ORDINANCE AMENDING THE CODE SECTIONS IN CONFLICT
WITH THE ARKANSAS FIRE PREVENTION CODE**

WHEREAS, the citizens of the City of Tontitown adopted the Arkansas Fire Protection Code; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Tontitown, Arkansas, to modify Code Sections § 30.53, 154.06, and 150.01.

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

SECTION 1: Section 30.53 of the Code of Ordinances for the City of Tontitown, Arkansas, is hereby amended and shall provide as follows:

§ 30.53 BUILDING OFFICIAL

- (A) A position is created of Building Official for the city.
- (B) The salary or hourly wage for the Building Official will be set by the Mayor and approved by the City Council.
- (C) The Building Official shall perform the duties and carry out the responsibilities as defined by the Arkansas Fire Prevention Code or as set forth by the City Council as long as the requests by the Council do not conflict with the Arkansas Fire Prevention Code.

SECTION 2: Section 154.06 of the Code of Ordinances for the City of Tontitown, Arkansas, is hereby amended and shall provide as follows:

§ 154.06 DEFINITIONS

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Words stated in the

present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. Where terms are not defined in this code and are defined in the Arkansas Fire Prevention Code, Volumes I, II and III, Tontitown Zoning Code, the Arkansas Plumbing Code, the Arkansas Mechanical Code, and the National Electrical Code, such terms shall have the meanings ascribed to them as in those codes. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 3: Section 150.01 of the Code of Ordinances for the City of Tontitown, Arkansas, is hereby amended and shall provide as follows:

§ 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 Arkansas Fire Prevention Code, 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 Prevention 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 Building Code herein shall be subject to the modifications contained within the current Arkansas Fire Prevention Code, it being the intention of this section that the Building Code herein adopted be wholly consistent with the current version of the Arkansas Fire Prevention 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.

(H) The 2011 Arkansas Energy Code, as adopted by the Arkansas Energy Office pursuant to authority delegated by the Arkansas Legislature, is hereby adopted and is incorporated herein by reference the same as if set out in full.

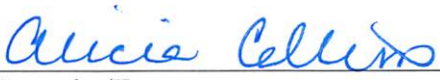
PASSED AND APPROVED THIS 3 DAY OF June 2014.

APPROVED:



Mayor

ATTEST:



Recorder/Treasurer, _____

SPONSOR:
