

ORDINANCE NO. 2016-08-591

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING CHAPTER 150: BUILDING REGULATIONS OF THE TONTITOWN MUNICIPAL CODE IN ITS ENTIRETY OF THE CITY OF TONTITOWN AND DECLARING AN EMERGENCY

WHEREAS, the City Council of Tontitown has adopted Chapter 150: BUILDING REGULATIONS of the Tontitown Municipal Code codifying various ordinances that have been amended from time to time by the City Council; and

WHEREAS, the Tontitown Committee of the Whole has reviewed revisions of Chapter 150: BUILDING REGULATIONS and recommends to the City Council that certain revisions be approved; and

WHEREAS, the City Council of the City of Tontitown now finds it to be in the best interest of the citizens of the City of Tontitown to move Sections 154.070 through 154.105 with the exception of Section 154.100 and Section 154.104 to Chapter 150: BUILDING REGULATIONS and to amend Chapter 150: BUILDING REGULATIONS of the Tontitown Municipal Code to better provide for land usage building regulations and provide greater clarity of the regulations in its entirety; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Chapter 150: BUILDING REGULATIONS, of the Tontitown Municipal Code should be revised and restated in its entirety as incorporated herein below.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

Section 1. Chapter 150: BUILDING REGULATIONS, of the Tontitown Municipal Code is hereby revised, in its entirety, and as attached hereto as Exhibit "A".

Section 2. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 3. Declaration of Emergency. It is hereby found and determined that Chapter 150: BUILDING REGULATIONS, of the Tontitown Municipal Code should be immediately amended in its entirety in order to provide for building regulations within the City of Tontitown. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its

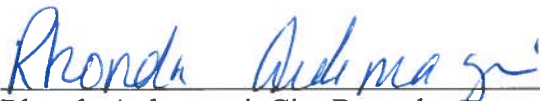
citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this 3 day of August, 2016.



Paul Colvin, Jr., Mayor

ATTEST:



Rhonda Ardemagni, City Recorder-Treasurer
(SEAL)

EXHIBIT "A"

CHAPTER 150: BUILDING REGULATIONS

Section

General Provisions

- [150.01](#) Adoption of national uniform codes
- [150.02](#) Site development standards and construction and appearance design standards for commercial structures
- [150.03](#) Licensed contractors required to construct any structure larger than a two-family dwelling or any commercial building
- [150.04](#) Unsafe structures
- [150.05](#) Procedures for construction of dwellings
- [150.06](#) Procedures for addressing property

Light, Ventilation and Occupancy Limitations

- [150.070](#) General
- [150.071](#) Light
- [150.072](#) Ventilation
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Plumbing Facilities and Fixture Requirements

- [150.085](#) Scope and responsibility
- [150.086](#) Required facilities
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- [150.088](#) Plumbing systems and fixtures
- [150.089](#) Water systems
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MINIMUM REQUIREMENTS FOR HABITABLE SPACES

Mechanical and Electrical Requirements

- [154.100](#) Scope and responsibility
- [150.101](#) Heating facilities
- [150.102](#) Mechanical equipment
- [150.103](#) Electrical facilities and equipment
- [150.104](#) Duct systems

Cross-reference:

Building Official, see § [30.53](#)

GENERAL PROVISIONS

§ 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, **most current version, with amendments**, 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 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, **most current version, with amendments**, .

(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, **most current version, with amendments**, 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 Arkansas Mechanical Code, **most current version, with amendments**, . 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 Arkansas State Plumbing Code, **most current version, with amendments**, as published by the International Code Council for the Arkansas State Health Department. 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 Arkansas Energy Code, most current version, with amendments, 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.

(Ord. 109, passed 4-2-96; Am. Ord. 161, passed 4-2-02; Am. Ord. 205-4-214, passed 4-5-05; Am. Ord. 2008-08-317, passed 8-5-08; Am. Ord. 2011-03-373, passed 3-1-11; Am. Ord. 2012-02-389, passed 2-7-12; Am. Ord. 2012-11-402, passed 1-7-12; Am. Ord. 2012-11-403, passed 11-7-12; Am. Ord. 2014-06-474, passed 6-3-14)

§ 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](#).

(Ord. 138, passed 1-4-00; Am. Ord. 166, passed 2-4-03; Am. Ord. 2011-03-373, passed 3-1-11; Am. Ord. 2012-02-389, passed 2-7-12)

§ 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 for a commercial purpose or to house more than two families can only be built by an Arkansas licensed contractor, unless it is the owner of the land that will be the general contractor for the construction of the building.

(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.

(Ord. 101, passed 8-30-94; Am. Ord. 2011-03-373, passed 3-1-11; Am. Ord. 2012-02-389, passed 2-7-12; Am. Ord. 2012-02-390, passed 2-7-12)

§ 150.04 UNSAFE STRUCTURES.

(A) *Unsafe structures.* All buildings or structures which are unsafe, unsanitary or not provided with adequate egress or which are substandard constitute a fire hazard or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, abandonment or severely in contemplation of this section are unsafe buildings. All such unsafe buildings are declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following provisions:

- (1) Whenever the Building Official shall find any building or structure or portion thereof to be unsafe, as defined in this section, he or she shall, in accordance with established procedure for legal notices, give the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within 30 days to purchase a building permit and to commence specified repairs or improvements or to demolish and remove the building or structure or portion thereof. The Building Official shall set the time allowed to complete such repairs or removal. If the person to whom such notice and order is addressed cannot be found after diligent search, then such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service;
- (2) Any owner, agent or person in control of such building or structure who shall fail, neglect or refuse within the stated time to comply with the notice from the Building Official to repair, rehabilitate or to demolish the building or structure or portion thereof shall be guilty of a misdemeanor and shall be subject to penalties set out in division (B) of this section;
- (3) In case the owner, agent or person in control cannot be found within the stated time, or, if such owner, agent or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate or to demolish and remove the building or structure or portion thereof, the Building Official shall refer the matter of removing the building to the City Council. If the City Council deems the structure unsafe and that it is in the best interest of the city to proceed with removal of the unsafe structure, it shall enact an ordinance ordering the property owner to raze and remove the unsafe structure, with work thereon to commence within ten days and be completed within 30 days. If the property owner fails to do so, the Mayor or his or her authorized representative shall cause the unsafe structure to be razed and removed. The cost thereof shall be charged against the premises and shall constitute a lien thereon;
- (4) The amount of the lien may be determined at a hearing before the City Council held after 30-days' written notice by certified mail to the owner of the property if the name and whereabouts of the owner is known. If the name of the owner cannot be determined, then the amount will be determined only after publication of notice of the hearing once a week for four consecutive weeks. The determination of the City Council is subject to appeal by the property owner to the Chancery Court. The amount so determined at the hearing, plus 10% penalty for collection, shall be certified by the City Council by ordinance to the Tax Collector of the county in which the property is located, to be placed on the tax books as delinquent taxes and collected accordingly. The amount, less 3% thereof, when so collected shall be paid to the city by the County Tax Collector. In the alternative, the lien provided for pursuant to this chapter and state law may be enforced in the Chancery Court at any time within 18 months after work has been done;

(5) In cases of emergency which, in the opinion of the Building Official, involve imminent danger to human life or health, he or she shall promptly cause such building, structure or portion thereof to be made safe or removed, whether the procedure prescribed in this section has been instituted or not. For this purpose, he or she may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he or she may deem necessary. He or she may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary and for this purpose may close a public or private way.

(B) *Violations and penalties.* Whenever it is found that any person is violating any of the provisions or requirements set out in this section, a written notice stating the offense and setting time limits for the correction thereof shall be served upon the offender in person or by certified mail by the Chief City Inspector. If the offending party is not the owner of record of the tract upon which the dwelling or dwellings are being constructed, a copy of the notice shall also be served on the owner of record. The offender shall within this time limit set in the notice served upon him or her forever cease all violations. Any person who shall continue to 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.

(Ord. 100, passed 8-30-94)

§ 150.05 PROCEDURES FOR CONSTRUCTION OF DWELLINGS.

(A) From and after the passage of this section, it shall be unlawful for any person, firm or corporation to build, erect or construct any dwelling or other building or structure within the corporate limits of the City of Tontitown, Arkansas, except as hereinafter provided.

(B) Any person, firm or corporation desiring to build, erect or construct such dwelling or other building or structure within the corporate limits of the City of Tontitown, Arkansas, shall make application for a building permit with the application to be filed with the City Recorder/Treasurer of the City of Tontitown, Arkansas, and with such application to contain such information as may be required by the City Council of the City of Tontitown, Arkansas.

(C) The City Council of the City of Tontitown, Arkansas, shall consider the application in relation to the building guide lines and standards adopted by the Council, and the Council shall have the sole discretion in either approving or denying the building permit applied for.

(D) The building guidelines and standards heretofore mentioned shall be considered as adopted by the City Council when dated and signed by the Mayor and Recorder/Treasurer at any regular or special meeting of the City Council, and a copy of the guidelines and standards shall be on file with the City Recorder/Treasurer of the City of Tontitown, Arkansas for inspection by any interested persons at reasonable times.

(E) All dwellings, buildings and other structures constructed in the City of Tontitown, Arkansas, shall be constructed at a distance no less than 25 feet from the owner's front property line or 40 feet from the center of any road in the front of the property, whichever is the greater distance.

1. Minimum requirements for dwellings

- a. In no case shall a primary dwelling consist of less than 1,000 heated square feet of floor area.

- b. Accessory dwelling shall in no case consist of less than 576 heated square feet of floor area.
- c. All dwellings, Primary or Accessory, shall be constructed on a permanent foundation.
- d. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system.

(F) The City Council of the City of Tontitown, Arkansas shall have sole discretion in permitting any variance from any guidelines or standards adopted by them pursuant to this section and shall have the discretion of waiving any violation of this section by proper action of the City Council at any regular or special meeting thereof.

(G) The City Council of Tontitown, Arkansas shall have the authority to delegate any of its authority or powers provided herein to any person in order to implement this section.

(H) This section shall apply to either new construction or improvements or additions to existing structures, the cost of which exceeds \$1,000; provided, however, that no permit shall be required for any improvements solely within the interior of any existing structure.

(I) The City Council shall designate or employ a Building Inspector to carry out the intent of this section.

(J) Any person receiving written notification from the City of Tontitown that he or she is in violation of the provisions of this section and any amendments thereto shall have a period of 30 days following the receipt of such notice in which to effect compliance or otherwise will upon conviction be subject to a fine in keeping with A.C. § 14-55-504 General Assembly of the State of Arkansas.

(K) It shall be unlawful for any person, firm or corporation to move any buildings or other structures onto lands within the corporate limits of Tontitown, Arkansas, unless a building permit as provided for in this section shall have first been obtained. Violation of this section shall subject the violators to the same penalties as provided in division (J) of this section.

(L) The Building Inspector shall review each application for a building permit to determine its conformity with the flood hazard resolution and any other ordinance or resolution of the city, and the City Council shall not approve a building permit in the flood hazard area unless it complies with the requirements of the flood hazard resolution and the requirements of the flood insurance program.

(M) The City Council, by a majority vote, shall establish the fee schedule for issuance of a permit. This schedule may be amended from time to time by the same vote.

(Ord. 46, passed 9-25-68; Am. Ord. 64, passed 3-2-76)

(Ord. 2012-10-397, passed 10-2-12)

§ 150.06 PROCEDURES FOR ADDRESSING PROPERTY.

Prior to issuance of a building permit, the structure shall be addressed as outlined in §§ 152.235 through 152.240.

(Ord. 2012-10-397, passed 10-2-12)

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

§ 150.070 GENERAL.

- (A) *Scope.* The provisions of this subchapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.
- (B) *Responsibility.* The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this subchapter.
- (C) *Alternative devices.* In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code* shall be permitted.

(Ord. 2006-01-243, §§ 154-101--154-103, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

§ 150.071 LIGHT.

- (A) *Habitable spaces.*
- (1) Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8% of the floor area of such room.
 - (2) Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (1,544mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.
 - (3) *Exception.* Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The exterior glazing area shall be based on the total floor area being served.
- (B) *Common halls and stairways.*
- (1) Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (15,444mm).
 - (2) In other than residential occupancies, means of egress (including exterior means-of-egress stairways) shall be illuminated, at all times the building space served by the means of egress is occupied, with a minimum of one foot-candle (11 lux) at floors, landings and treads.
- (C) *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions as well as the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(Ord. 2006-01-243, §§ 154-104--154-106, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

§ 150.072 VENTILATION.

(A) *Habitable spaces.*

(1) Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45% of the minimum glazed area required in § 150.071(A).

(2) *Exception.* Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The ventilation openings to the outdoors shall be based on a total of floor area being ventilated.

(B) *Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by division (A)(1) above, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(C) *Cooking facilities.*

(1) Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

(2) *Exception.* Exceptions must be specifically approved in writing by the Code Official.

(D) *Process ventilation.* Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(E) *Clothes dryer exhaust.* Clothes dryer exhaust systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions and the *Arkansas Mechanical Code*.

(Ord. 2006-01-243, §§ 154-107--154-111, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

§ 150.073 OCCUPANCY LIMITATIONS.

(A) *Privacy.* Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(B) *Minimum room widths.* A habitable room, other than a kitchen, shall not be less than seven feet (2,134mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (1,544mm) between counter fronts and appliances or counter fronts and walls.

(C) *Minimum ceiling heights.*

(1) Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134mm).

(2) *Exceptions.*

(a) In one- and two-family dwellings, beams or girders spaced not less than four feet (1,219mm) on center and projecting not more than six inches (152mm) below the required ceiling height.

(b) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet, eight inches (2,033mm) with no less than six feet, four inches (1,932mm) of clear height under beams, girders, ducts and similar obstructions.

(c) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524mm) or more shall be included.

(D) *Bedroom requirements.* Every bedroom shall comply with the following requirements:

(1) *Area for sleeping purposes.* Every bedroom occupied by one person shall contain at least 70 square feet (6.5m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6m²) of floor area for each occupant thereof.

(2) *Access from bedrooms.*

(a) Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

(b) *Exception.* Units that contain fewer than two bedrooms.

(3) *Water closet accessibility.* Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

(4) *Prohibited occupancy.* Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

(5) *Other requirements.* Bedrooms shall comply with the applicable provisions of this code, including but not limited to the light, ventilation, room area, ceiling height and room width requirements of this subchapter; the plumbing facilities and water-heating facilities requirements of §§ 150.086 and 150.089(D), respectively; the heating facilities and electrical receptacle requirements of §§ 150.101 et seq. and 150.103(B)(2), respectively; and the smoke detector and emergency escape requirements of §§ 154.118 and 154.116(D), respectively.

(E) *Overcrowding.*

(1) Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 150.073 below.

TABLE 150.073: MINIMUM AREA REQUIREMENTS	
	Minimum Area in Square Feet

Living Room	120		
Dining Room	100		
Kitchen	50		
Bedrooms	70 Per Occupant		
Bath	50		

For SI: One square foot = 0.0093m².

Additional notes: See § 150.073(E)(2) for limitations on determining the minimum occupancy area for sleeping purposes. See § 150.073(E)(3) for combined living room/dining room spaces.

(2) *Sleeping area.* The minimum occupancy area required by Table 150.073 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with § 150.073(D).

(3) *Combined spaces.* Combined living room and dining room spaces shall comply with the requirements of Table 150.073 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(F) *Efficiency unit.* Nothing in this subchapter shall prohibit an efficiency living unit from meeting the following requirements:

(1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7m²). These required areas shall be exclusive of the areas required by divisions (F)(2) and (3) below.

(2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762mm) in front. Light and ventilation conforming to this code shall be provided.

(3) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub and shower.

(4) The maximum number of occupants shall be three.

(G) *Food preparation.* All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. 2006-01-243, §§ 154-112--154-118, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

§ 150.085 SCOPE AND RESPONSIBILITY.

(A) *Scope.* The provisions of this subchapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

(B) *Responsibility.* The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which

does not comply with the requirements of this subchapter.

(Ord. 2006-01-243, §§ 154-119--154-120, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

§ 150.086 REQUIRED FACILITIES.

(A) *Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(B) *Rooming houses.* At least one water closet, lavatory and bathtub or shower shall be supplied for every four rooming units.

(C) *Hotels.* Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for every ten occupants.

(D) *Employees' facilities.*

(1) A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

(2) Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(Ord. 2006-01-243, §§ 154-121--154-124.1, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

§ 150.087 TOILET ROOMS.

(A) Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(B) *Location.* Toilet rooms and bathrooms serving hotel units, rooming units, dormitory units or housekeeping units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(C) *Location of employees' toilet facilities.*

(1) Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152m). Employee facilities shall either be separate facilities or combined employee and public facilities.

(2) *Exception.* Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152m) from the employees' regular working area to the facilities.

(D) *Floor surface.* In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(Ord. 2006-01-243, §§ 154-125--154-128, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

§ 150.088 PLUMBING SYSTEMS AND FIXTURES.

(A) *General.* All plumbing fixtures shall be properly installed and maintained in working

order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(B) *Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.

(C) *Plumbing system hazards.* Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross-connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

(Ord. 2006-01-243, §§ 154-129--154-131, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

§ 150.089 WATER SYSTEMS.

(A) *General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot (or tempered) and cold running water in accordance with the *Arkansas Plumbing Code*.

(B) *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose-connection vacuum breaker.

(C) *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(D) *Water-heating facilities.* Water-heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(Ord. 2006-01-243, §§ 154-132--154-135, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

§ 150.090 DRAINAGE SYSTEMS.

(A) *Sanitary drainage systems.*

(1) All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(2) *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(B) *Storm drainage.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

(Ord. 2006-01-243, §§ 154-136--154-138, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

MECHANICAL AND ELECTRICAL REQUIREMENTS

§ 150.100 SCOPE AND RESPONSIBILITY.

(A) *Scope.* The provisions of this subchapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

(B) *Responsibility.* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this subchapter.

(Ord. 2006-01-243, §§ 154-139--154-140, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

§ 150.101 HEATING FACILITIES.

(A) *Facilities required.* Heating facilities shall be provided in structures as required by this section.

(B) *Residential occupancies.*

(1) Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the *Arkansas Plumbing Code*.

(2) Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(3) *Exception.* In areas where the average monthly temperature is above 30°F (-1°), a minimum temperature of 65°F (18°C) shall be maintained.

(C) *Heat supply.*

(1) Every owner and operator of any building who rents, leases or lets one or more dwelling unit(s), rooming unit(s), dormitor(ies) or guestroom(s) on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

(2) *Exceptions.*

(a) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the *Arkansas Plumbing Code*.

(b) In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

(D) *Work spaces.*

(1) Indoor work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

(2) *Exceptions.*

(a) Processing, storage and operation areas that require cooling or special temperature conditions.

(b) Areas in which persons are primarily engaged in vigorous physical activities.

(E) *Room temperature measurement.* The required room temperatures shall be measured three feet (1,544mm) above the floor near the center of the room and two feet (610mm) inward from the center of each exterior wall.

(Ord. 2006-01-243, §§ 154-141--154-145, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-

11)

§ 150.102 MECHANICAL EQUIPMENT.

(A) *Mechanical appliances.* All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(B) *Removal of combustion products.*

(1) All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

(2) *Exception.* Fuel-burning equipment and appliances which are labeled for unvented operation.

(C) *Clearances.* All required clearances to combustible materials shall be maintained.

(D) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.

(E) *Combustion air.* A supply of air for complete combustion of the fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(F) *Energy conservation devices.* Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(Ord. 2006-01-243, §§ 154-146--154-151, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

§ 153.103 ELECTRICAL FACILITIES AND EQUIPMENT.

(A) *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.

(1) *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *National Electric Code*. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.

(2) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

(B) *Electrical equipment.*

(1) *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(2) *Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground-fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground-fault circuit interrupter protection.

(3) *Lighting fixtures.* Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting

fixture.

(Ord. 2006-01-243, §§ 154-152--154-157, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

§ 150.104 DUCT SYSTEMS.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. 2006-01-243, § 154-160, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

