

ORDINANCE NO. 2016-08-595

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**AN ORDINANCE AMENDING SECTION 155.01 FEES OF CHAPTER 155: FEES OF THE TONTITOWN MUNICIPAL CODE IN ITS ENTIRETY OF THE CITY OF TONTITOWN AND DECLARING AN EMERGENCY**

**WHEREAS**, on or about November 4, 1975, the City Council of Tontitown adopted Ordinance No. 60 to provide for establishment of land usage fees within the city and said Ordinance No. 60, as it has been amended multiple times and was thereafter codified within Chapter 155: FEES in the Tontitown Municipal Code; and

**WHEREAS**, the Tontitown Committee of the Whole has reviewed revisions of Section 155.01 FEES of Chapter 155: FEES 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 amend Section 155.01 FEES of Chapter 155: FEES of the Tontitown Municipal Code to better organize and clarify this section ; and

**WHEREAS**, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 155.01 FEES of Chapter 155: FEES, 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.** Section 155.01 FEES of Chapter 155: FEES, 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 Section 155.01 FEES of Chapter 155: FEES, of the Tontitown Municipal Code should be immediately amended in its entirety in order to provide regulations for land usage fees 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 3rd day of August, 2016.

  
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Paul Colvin, Jr., Mayor

ATTEST:

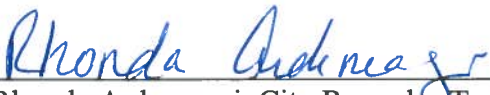
  
\_\_\_\_\_  
Rhonda Ardemagni, City Recorder-Treasurer  
(SEAL)

EXHIBIT "A"

**CHAPTER 155: FEES**

Section

155.01 Fees

155.02 Surcharge to applicants for nonresidential permits

**Cross-reference:**

*Subdivisions. see Ch. 152*

**§ 155.01 FEES.**

*After hours /emergency inspection.* \$30.00 per hour, with a one-hour minimum.

*Appeal of official decision.* \$300.00.

*Appeal of Planning Commission decision* \$400.00.

*Certificate of Occupancy* \$75.00.

*Certificate of occupancy- Change of use involving on-site inspection.* \$100.00. Certificate of occupancy for change of use involving on-site inspection, if no plans are required by the Building Official.

*Certificate of Occupancy-Partial.* \$25.00 for 30-day duration.

*Conditional use.* \$230.00.

Copies:

- a. *Drainage manual copies* \$100.00.
- b. *Zoning regulations (copies).* \$40.00.
- c. *Subdivision regulations (copies)* \$30.00.
- d. *Storm water regulations (copies)* \$30.00.

*Demolition permit.* Demolition of any building or structure. \$50.00.

*Fence permit.* \$25.00.

*Final plat.* \$500.00.

*Garage sale, yard sale, and rummage sale permits.* \$10.

*Grading permit.* \$100.00

*Home occupation permit.* \$50.00.

*Informal plat.* \$200.00.

*Large scale development.* \$500.00. Plus:

- a. Large scale development *Tech review.* \$575.00
- b. *Drainage review* \$300.00.

*Lot splits.* \$200.00.

*Moving permit.* \$300.00 (Moving of building or structure. Additional highway permits may be required)

Outdoor Food Vendor. \$300.00

*Planned unit development* \$1,150.00.

*Preliminary plat.* \$460.00 or \$25.00 per lot up to 50 lots, whichever is greater; for preliminary plats submitted that contain 50 lots to 100 lots, a fee of \$2,156.25 will be charged; for preliminary plats submitted that contain an excess of 100 lots, a fee of \$2,156.25 will be charged or \$28.75 per lot, whichever is greater, with a maximum fee of \$3,450.00; for preliminary plats.

*Road cut permit.* \$200.00.

*Re-Zoning Request.* \$400.00.

*Re-Plat Tech review.* \$460.00. (Re-plats are the same as preliminary plats.)

*Sign permit.* \$115.00.

*Solicitor/peddler permit.* \$40.00

*Permit for principal peddler/solicitor.* No peddling or solicitation shall be conducted within the city without a principal permit being issued and fees shall be paid before any peddling or soliciting is conducted within the city. The permit shall expire on December 31 in the year the permit is issued. In addition to the principal's permit, the principal must also comply with the city's business license requirements under Chapter 110. To obtain a permit, a representative of the principal shall provide a written, signed application stating:

The name, address, telephone number, type of organization, and contact person for the principal applicant;

The nature of the products or services involved;

The proposed method of operation in the city;

A list of persons who will peddle or solicit in the city on behalf of the principal in the city.

*Permit for agents of principal peddler/solicitor.* In addition to the principal permit, each peddler or solicitor acting for the principal shall also obtain a permit from the City before peddling or soliciting within the city. The cost to obtain a peddler/solicitor permit is \$5 for each agent assisting the principal peddler/solicitor. In applying for the permit, each applicant shall provide the same information as required by the principal peddler/solicitor

found above.

*Soliciting without a permit.* The penalty for violation of soliciting/peddling without a permit shall be punishable pursuant to § [116.99](#).

*Exemptions.* Exemptions for this division are provided by § [116.03](#)

*Technical plat.* \$460.00.

*Variance request.* \$125.00.

*Revisions of plats.* Each revised plat submitted shall be regarded as a new plat and shall be subject to the appropriate fees as required within this section.

*Engineering fees.* The Planning Commission, with the approval of the City Council, reserves the right to retain a disinterested engineer for advice and review purposes concerning any plans submitted. The developer shall be responsible for any and all related expenses.

*Transfer of fees.* Fees are not transferable or refundable. The Building Official reserves the right to apply prepaid fees to certain lot splits, sketch plans or plat revisions; provided that the revised portions of the lot splits, sketch plans or plats have not been reviewed prior to the submittal of the revision.

(BB) *Building Permits.*

(1) *Building permit.*

The city determines the valuation of a structure using the ICC Building Valuation Data Table. A copy of the table is available on the International Building Code's website at [www.iccsafe.org/cs/techservices](http://www.iccsafe.org/cs/techservices). The valuation table is updated every six months to provide an up-to-date "average" construction cost per square foot. For construction of new single family residential dwellings, the permit fee will be calculated based on heated square feet. Once the valuation is determined, the following table is used to calculate permit fees:

- (a) \$28.75 fee for any valuation of a structure that is \$3,000.00 or less.
- (b) \$28.75 fee for the first \$3,000.00 plus \$5.75 for each additional thousand or fraction thereof, to and including \$50,000.00, for any valuation of a structure that is from \$3,000.01 to \$50,000.00.
- (c) \$299.00 fee for the first \$50,000.00 plus \$4.60 for each additional thousand or fraction thereof, to and including \$100,000.00, for any valuation of a structure that is from \$50,000.01 to \$100,000.00.
- (d) \$529.00 fee for the first \$100,000 plus \$3.45 for each additional thousand or fraction thereof, to and including \$500,000.00, for any valuation of a structure that is from \$100,000.01 to \$500,000.00.
- (e) \$1,909.00 fee for the first \$500,000.00 plus \$2.30 for each additional thousand or fraction thereof, for any valuation of a structure in excess of \$500,000.01.
- (f) *Water and sewer tap and access fees.* Prior to the issuance of a building permit, all tap and access fees for the project site must be paid in full.
- (g) *Residential single family building permit.* The purchase of a building permit for a residential single family home shall include the cost of all necessary permits to complete

the construction as presented on the approved plans. Individual contractors must obtain permits for plumbing, electrical, mechanical and fence work. However, these permits will be issued at no charge if associated with a current building permit.

(2) If work for which a permit is required by [Chapter 152](#), Subdivisions, is started or proceeded with, prior to obtaining said permit or other approvals required by ordinance, the fees specified herein and elsewhere in the Code of Ordinances shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirements of [Chapter 152](#) and all applicable in the execution of the work, nor from any other penalties prescribed therein.

(3) *Plan checking fees.* When the valuation of the proposed construction is for a commercial use and exceeds \$1,000.00, and a plan is required to be submitted by the Code of Ordinances, a plan checking fee shall be paid to the Inspection Department at the time of submitting plans and specifications for checking. Residential plan checking fees apply to single-family dwellings with a valuation of \$500,000.00 or more. Said plan checking fee shall be equal to one-half of the building permit as set forth in the code.

(4) *Miscellaneous commercial permits.* Shell commercial structures will receive a final building permit upon approval of completion of the shell building and associated systems. Tenant improvement permits and interior remodeling permits will be issued based on the permit and plan checking fee schedule.

(5) *Miscellaneous residential and agricultural zoned accessory building permits.* Permit fees for sheds, pole barns, unattached garages and other like structures will be calculated using the following guidelines: For a structure without any utilities (plumbing, electrical or HVAC) consisting of pole type, wood or steel frame construction without a concrete floor, the permit fee shall be calculated at 25% of the square foot cost using the most current ICC building valuation data for utility group and VB construction type, not including the suggested 20% deduction for shell only buildings. Permit fees for structures with a concrete floor and wood or steel frame construction with no utilities shall be calculated at 35% of the ICC valuation using the same group and construction type. Permit fees for buildings with a concrete floor and wood or steel frame that include any utilities, (plumbing, electrical, HVAC) will be calculated at 45% of the ICC valuation.

(6) *Additions to commercial or residential buildings.* Fees for additions to commercial and residential buildings will be regarded as new construction for fee purposes.  
*Electrical permit.* \$75.00 on Residential and \$50.00 on Commercial plus 1% (0.10) of Job Cost up to \$10,000.00 plus 1/2% (.005) of Job Cost up to \$10,001.00 to \$20,000.00 plus 1/4% (.0025) of Job Cost up to \$20,001.00 and above.

*Extension of permit.* \$50.00 extension for 180-day duration

*Mechanical permit.* \$75.00 on Residential and \$50.00 on Commercial plus 1% (0.10) of Job Cost up to \$10,000.00 plus 1/2% (.005) of Job Cost up to \$10,001.00 to \$20,000.00 plus 1/4% (.0025) of Job Cost up to \$20,001.00 and above.

*Plumbing permit.* \$75.00 on Residential and \$50.00 on Commercial plus 1% (0.10) of Job Cost

up to \$10,000.00 plus 1/2% (.005) of Job Cost up to \$10,001.00 to \$20,000.00 plus 1/4% (.0025) of Job Cost up to \$20,001.00 and above

*Re-inspection.* With the purchase of any permit, one inspection and if necessary, one follow-up inspection for correction of violations will be free of charge. A fee for each additional re-inspection of the same issue shall be \$25.00 per trip.

(Ord. 60, passed 11-4-75; Am. Ord. 122, passed 3-3-98; Am. Ord. 2006-10-273, passed 10-3-06; Am. Ord. 2007-06-293, passed 6-5-07; Am. Ord. 2008-02-306, passed 2-5-08; Am. Ord. 2008-06-314, passed 6-3-08; Am. Ord. 2008-08-319, passed 8-5-08; Am. Ord. 2010-07-358, passed 7-6-10; Am. Ord. 2010-10-359, passed 10-5-10; Am. Ord. 2011-07-377, passed 7-5-11; Am. Ord. 2011-08-379, passed 8-2-11; Am. Ord. 2013-08-436, passed 8-6-13; Am. Ord. 2013-10-446, passed 10-1-13; Am. Ord. 2014-05-466, passed 5-6-14; Am. Ord. 2014-11-483, passed 11-4-14; Am. Ord. 2015-07-530, passed 7-21-15; Am. Ord. 2015-07-531, passed 7-21-15)

