

ORDINANCE NO. 2018-05-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING CHAPTER 155: FEES OF TITLE XV: LAND USAGE OF THE TONTITOWN MUNICIPAL CODE IN ORDER TO AMEND FEES FOR DEVELOPMENT AND SUBDIVISION REGULATIONS FOR 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 of Title XV: LAND USAGE in the Tontitown Municipal Code; and

WHEREAS, the Tontitown Planning Commission has reviewed the revisions of Chapter 155: FEES and recommends to the City Council that the 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 Chapter 155: FEES of Title XV: LAND USAGE, to better provide for the clarification of terms and uses for development and subdivision regulations; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Chapter 155: FEES of Title XV: LAND USAGE 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 155: FEES of Title XV: LAND USAGE of the Tontitown Municipal Code is hereby revised, in its entirety and 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 155: FEES of Title XV: LAND USAGE of the Tontitown Municipal Code should be immediately amended 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 _____ day of _____, 2018.

APPROVED:

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Recorder-Treasurer

EXHIBIT "A"

155.01 FEES.

- (A) *After hours/emergency inspection.* Thirty dollars (\$30.00) per hour, with a one-hour minimum.
- (B) *Appeal of a City Official decision.* Three hundred dollars (\$300.00).
- (C) *Appeal of Planning Commission decision.* Four hundred dollars (\$400.00).
- (D) *Certificate of occupancy.* Seventy-five dollars (\$75.00).
- (E) *Certificate of occupancy- change of use involving on-site inspection.* One hundred dollars (\$100.00). Certificate of occupancy for change of use involving on-site inspection, if no plans are required by the Building Official.
- (F) *Certificate of occupancy-partial.* Twenty-five dollars (\$25.00) for 30-day duration.
- (G) *Conditional use.* Two hundred dollars (\$200.00).
- (H) *Copies:*
 - (1) *Drainage manual (copies):* \$100.00.
 - (2) *Zoning regulations (copies):* \$40.00.
 - (3) *Subdivision regulations (copies):* \$30.00.
 - (4) *Storm water regulations (copies):* \$30.00.
- (I) *Demolition permit.*
 - (1) Demolition of any single family residential structure: Fifty dollars (\$50.00).
 - (2) Demolition of multi-family residential, commercial, or industrial structure: Fifty dollars (\$50.00) plus 1% (0.10) of job cost up to \$10,000.00 plus ½% (.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.
- (J) *Fence permit.* Twenty-five dollars (\$25.00).
- (K) *Final plat/As-Built Plans (Large Scale Development, Subdivision, and PUD).* Two hundred and fifty dollars (\$250.00) plus:
 - (1) Engineering fees and costs: a nonrefundable fee of five hundred dollars (\$500.00). In the event engineering review fees and costs exceed five hundred dollars (\$500.00), the owners and/or developers shall reimburse the city for all additional expenses incurred.
- (L) *Garage sale, yard sale, and rummage sale permits.* Ten dollars (\$10.00).
- (M) *Grading permit.*
 - (1) Grading permit for small sites (one acre or less): Fifty dollars (\$50.00).
 - (2) Grading permit for large sites (more than one acre): Fifty dollars (\$50.00) plus 1% (0.10) of job cost up to \$10,000.00 plus ½% (.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.
- (N) *Home occupation permit.* Fifty dollars (\$50.00).
- (O) *Informal plat (Minor Subdivision, Incidental Subdivision, Administrative Plat).* Two hundred dollars (\$200.00).
- (P) *Large scale development.* Five hundred dollars (\$500.00), plus:
 - (1) Engineering fees and costs: a nonrefundable fee of five hundred dollars (\$500.00). In the event engineering review fees and costs exceed five hundred dollars (\$500.00), the owners and/or developers shall reimburse the city for all additional expenses incurred.
- (Q) *Lot splits.* Two hundred dollars (\$200.00).

- (R) *Moving permit.* Three hundred dollars (\$300.00). (Moving of building or structure. Additional highway permits may be required).
- (S) *Outdoor food vendor.* three hundred dollars (\$300.00).
- (T) *Planned unit development.* Five hundred dollars (\$500.00), plus:
 - (1) Engineering fees and costs: a nonrefundable fee of five hundred dollars (\$500.00). In the event engineering review fees and costs exceed five hundred dollars (\$500.00), the owners and/or developers shall reimburse the city for all additional expenses incurred.
- (U) *Preliminary plat.* Two hundred and fifty dollars (\$250.00) up to ten (10) lots, and an additional ten dollars (\$10) per each lot for preliminary plats containing more than 10 lots, plus:
 - (1) Engineering fees and costs: a nonrefundable fee of five hundred dollars (\$500.00). In the event engineering review fees and costs exceed five hundred dollars (\$500.00), the owners and/or developers shall reimburse the city for all additional expenses incurred.
- (V) *Road cut permit.* Two hundred dollars (\$200.00).
- (W) *Re-zoning request.* Four hundred dollars (\$400.00).
- (X) *Re-plat:* Two hundred and fifty dollars (\$250.00), plus:
 - (1) Engineering fees and costs (applicable only to replats with more than five lots being replatted, and that require engineering review): a nonrefundable fee of five hundred dollars (\$500.00). In the event engineering review fees and costs exceed five hundred dollars (\$500.00), the owners and/or developers shall reimburse the city for all additional expenses incurred.
- (Y) *Sign permit.*
 - (1) One hundred dollars (\$100.00) plus 1% (0.10) of job cost up to \$5,000.00 plus ½% (.005) of job cost up to \$5,001.00 to \$10,000.00 plus 1/4% (.0025) of job cost up to \$10,001.00 and above. Subject to surcharge detailed in Chapter 155.02
- (Z) *Solicitor/peddler permit.* Forty dollars (\$40.00).
 - (1) 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:
 - (a) The name, address, telephone number, type of organization, and contact person for the principal applicant;
 - (b) The nature of the products or services involved;
 - (c) The proposed method of operation in the city; and
 - (d) A list of persons who will peddle or solicit in the city on behalf of the principal in the city.
 - (2) 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.
 - (3) Soliciting without a permit. The penalty for violation of soliciting/peddling without a permit shall be punishable pursuant to § [116.99](#).
 - (2) Exemptions. Exemptions for this division are provided by § [116.03](#).
- (AA) *Vacate permit.* One hundred twenty-five dollars (\$125.00).
- (BB) *Variance request.* One hundred twenty-five dollars (\$125.00).

- (CC) *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.
- (EE) *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.
- (FF) *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. 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) Twenty-eight dollars and seventy-five cents (\$28.75) fee for any valuation of a structure that is \$3,000.00 or less.
 - (b) Twenty-eight dollars and seventy-five cents (\$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) Two hundred ninety-nine dollars (\$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) Five hundred twenty-nine dollars (\$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) One thousand, nine hundred nine dollars (\$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.
- (GG) *Electrical permit.* Seventy-five dollars (\$75.00) on residential and \$50.00 on commercial plus 1% (0.10) of job cost up to \$10,000.00 plus ½% (.005) of job cost up to \$10,001.00 to \$20,000.00 plus ¼% (.0025) of job cost up to \$20,001.00 and above.
- (HH) *Extension of permit.* Fifty dollars (\$50.00) extension for 180-day duration.
- (II) *Mechanical permit.* Seventy-five dollars (\$75.00) on residential and \$50.00 on commercial plus 1% (0.10) of job cost up to \$10,000.00 plus ½% (.005) of job cost up to \$10,001.00 to \$20,000.00 plus ¼% (.0025) of job cost up to \$20,001.00 and above.
- (JJ) *Plumbing permit.* Seventy-five dollars (\$75.00) on Residential and \$50.00 on Commercial plus 1% (0.10) of job cost up to \$10,000.00 plus ½% (.005) of job cost up to \$10,001.00 to \$20,000.00 plus ¼% (.0025) of job cost up to \$20,001.00 and above.
- (KK) *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; Am. Ord. 2016-08-595, passed 9-3-16)

§ 155.02 SURCHARGE TO APPLICANTS FOR NONRESIDENTIAL PERMITS.

- (A) Pursuant to the Arkansas Construction Industry Craft Training Act, A.C. § 6-55-101 et seq., it is the intent of the state to promote a coordinated effort between the construction industry and the vocational and technical schools and colleges to enhance the availability and the competence of the work force supporting the industry by instituting a craft training program.
- (B) Pursuant to A.C. § 6-55-106, the state requires a surcharge in the amount of \$0.50 per each \$1,000 of construction authorized on any nonresidential construction permit issued by any political subdivision of the state imposed to support the Arkansas Construction Industry Craft Training Program. The maximum surcharge for any construction project permitted shall be \$1,000.
- (C) This surcharge is intended to be included in any charges to an applicant for a nonresidential permit and will be reflected in the application for any nonresidential permit.
- (D) This surcharge is intended to follow A.C. § 6-55-101 et seq., and will be amended to reflect any amendment to the surcharge found in A.C. § 6-55-106 if said statute is amended.
- (Ord. 2010-05-354, passed 5-4-10; Am. Ord. 2014-05-466, passed 5-6-14)