

51.04 OLD

§ 51.04 WATER SERVICE RATES.

The following water rates are hereby fixed for the services to be rendered by the Tontitown Municipal Water System for consumers within the corporate limits of the city and for consumers living outside the corporate limits of the city:

TONTITOWN WATER SERVICE RATES - Effective January 1, 2016			
Inside City Minimum Bill		Outside City Minimum Bill	
Meter 5/8"	\$18.80	Meter 5/8"	\$24.44
State Tax (6.5%)	\$1.22	State Tax (6.5%)	\$1.59
County Tax (1.25%)	\$0.24	County Tax (1.25%)	\$0.31
City Tax (2%)	\$0.38		
Health Fee	\$0.30	Health Fee	\$0.30
Total	\$20.93	Total	\$26.63
Inside City Rates	Per 1,000 Gal.	Outside City Rates	Per 1,000 Gal.
0-50,000 gal.	\$4.76	0-50,000 gal.	\$6.19
50,001 - 100,000 gal.	\$4.70	50,001 - 100,000 gal.	\$6.11
100,001 and up	\$4.66	100,001 and up	\$6.06

WATER FEES					
Monthly meter base rates	5/8"	1"	2"	3"	4"
Inside city	\$18.80	\$48.07	\$319.03	\$864.91	\$1,152.90
Outside city	\$24.44	\$62.49	\$414.74	\$1,124.38	\$1,498.77
Tap fees	5/8"	1"	2"	3"	4"
	\$950.00	\$1,150.00	\$4,000.00	\$4,500.00	\$5,000.00
The cost of all road bores shall be paid by the customer. Bores and encasements must comply with TWU Standard Specifications.					

TAP FEES FOR APARTMENTS, TOWNHOUSES, AND OTHER MULTI-FAMILY DEVELOPMENT

Multi-family developments shall provide one water meter per residential unit. Master meters for multiple units or buildings will not be allowed. In order to receive the reduced tap fee rate, the calculated, non-refundable fee for the entire project must be paid in full prior to the issuance of building permits.

This reduced fee option is only available for multi-family development projects in which the entire cost of construction of water and sewer utilities within the project are paid for and installed by the developer. Water utilities shall include: water pipes, valves, valve boxes, fire hydrants, tapping saddles, corporation stops, service lines, meter yokes, meter boxes and lids. Sewer utilities shall include: sewer pipes, manholes, manhole rings and lids, tracer ports, pumps, controls and other necessary appurtenances to transport sewage from the new development to an existing sewer main of adequate size to accept the increased flow. All materials used in the construction of water and sewer utilities must conform with the City of Tontitown Standard Specifications.

MULTI-FAMILY TAP FEE RATES

<i>Number of units</i>	0 - 50	51 - 100	101 - 150	151 - 200	Over 200
<i>Tap fee per unit</i>	\$1,250.00	\$1,000.00	\$750.00	\$500.00	\$250.00

METER DEPOSIT FEES

Residential	\$50.00	
Commercial	\$80.00	
Hydrant meter - 2" -5/8"	\$900.00 \$200.00	

Notes:

1. A 10% late charge will be assessed to all bills that are not paid by the due date, as shown on bill.
2. All accounts not paid by the shut off date, as shown on late notice, will have a \$25 reconnection fee if connected during normal business hours.
3. All accounts not paid by the shut off date, as shown on late notice, will have a \$100 reconnection fee if connected after normal business hours.
4. Fees charged for returned checks are \$25, plus any bank service charges.
5. An annual fee of \$90 will be charged to verify working condition of cross connection devices. Repairs are the responsibility of the customer.
6. The service charge to test meters or change meter sizes is \$50 plus applicable tap charge if needed.

(Ord. 2015-10-548, passed 10-6-15; Am. Ord. 2015-12-560, passed 12-1-15)

51.04 New

1. Moving Backflow-prevention assembly fees, from Chapter 155 to Water Service Rates 51.04

§ 51.04 WATER SERVICE RATES.

The following water rates are hereby fixed for the services to be rendered by the Tontitown Municipal Water System for consumers within the corporate limits of the city and for consumers living outside the corporate limits of the city:

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County Tax (1.25%)	\$0.24	County Tax (1.25%)	\$0.31
City Tax (2%)	\$0.38		
Health Fee	\$0.30	Health Fee	\$0.30
Total	\$20.93	Total	\$26.63
Inside City Rates	Per 1,000 Gal.	Outside City Rates	Per 1,000 Gal.
0-50,000 gal.	\$4.76	0-50,000 gal.	\$6.19
50,001 - 100,000 gal.	\$4.70	50,001 - 100,000 gal.	\$6.11
100,001 and up	\$4.66	100,001 and up	\$6.06

WATER FEES					
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Inside city	\$18.80	\$48.07	\$319.03	\$864.91	\$1,152.90
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	\$950.00	\$1,150.00	\$4,000.00	\$4,500.00	\$5,000.00

The cost of all road bores shall be paid by the customer.
 Bores and encasements must comply with TWU Standard Specifications.

TAP FEES FOR APARTMENTS, TOWNHOUSES, AND OTHER MULTI-FAMILY DEVELOPMENT

Multi-family developments shall provide one water meter per residential unit. Master meters for multiple units or buildings will not be allowed. In order to receive the reduced tap fee rate, the calculated, non-refundable fee for the entire project must be paid in full prior to the issuance of building permits.

This reduced fee option is only available for multi-family development projects in which the entire cost of construction of water and sewer utilities within the project are paid for and installed by the developer. Water utilities shall include: water pipes, valves, valve boxes, fire hydrants, tapping saddles, corporation stops, service lines, meter yokes, meter boxes and lids. Sewer utilities shall include: sewer pipes, manholes, manhole rings and lids, tracer ports, pumps, controls and other necessary appurtenances to transport sewage from the new development to an existing sewer main of adequate size to accept the increased flow. All materials used in the construction of water and sewer utilities must conform with the City of Tontitown Standard Specifications.

MULTI-FAMILY TAP FEE RATES

<i>Number of units</i>	0 - 50	51 - 100	101 - 150	151 - 200	Over 200
<i>Tap fee per unit</i>	\$1,250.00	\$1,000.00	\$750.00	\$500.00	\$250.00

METER DEPOSIT FEES

Residential	\$50.00	
Commercial	\$80.00	
Hydrant meter - 2" -5/8"	\$900.00 \$200.00	

Notes:

1. A 10% late charge will be assessed to all bills that are not paid by the due date, as shown on bill.
2. All accounts not paid by the shut off date, as shown on late notice, will have a \$25 reconnection fee if connected during normal business hours.
3. All accounts not paid by the shut off date, as shown on late notice, will have a \$100 reconnection fee if connected after normal business hours.
4. Fees charged for returned checks are \$25, plus any bank service charges.
5. An annual fee of \$90 will be charged to verify working condition of cross connection devices. Repairs are the responsibility of the customer.
6. The service charge to test meters or change meter sizes is \$50 plus applicable tap charge if needed.

Backflow-prevention assembly fees. The Administrative Authority is hereby authorized to collect an annual fee from each user of water maintaining a backflow-prevention assembly. The annual fees collected shall be used to offset the cost of establishing and maintaining a record system to permit and track backflow-prevention assemblies and their annual certification. The annual permit fee collected by the Administrative Authority shall not exceed the sum of \$10 for each backflow-prevention assembly maintained by each user of water.

(Ord. 2015-10-548, passed 10-6-15; Am. Ord. 2015-12-560, passed 12-1-15)

52.115 OLD:

52.115 ESTABLISHMENT OF RATES.

(A) *Establishment.*

(1) The city hereby establishes as rates, to be charged for sewer services furnished by the city's system, which the City Council finds and declares to be reasonable and necessary, to be charged to all users who contribute wastewater to the Water and Sewer Commission treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, improving or expanding, including replacement, the public wastewater collection and treatment works (the sewer system). (Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which they were designed and constructed.)

(2) All sewer users shall be classified by the Tontitown Water and Sewer Commission as residential or commercial/industrial.

(B) *Schedule of sewer rates.* The following schedule of sewer rates to be applied to the water consumption of users as set forth in the article, Sewer Rate Schedule.

(1) Inside the city: The charges to each customer for sewage collection and treatment shall be determined each month and shall be the sum of a service and a usage charge based on the customer's metered water usage determined as set forth in this division and computed using the following schedule of rates. In addition to the monthly service charge, each customer will be billed for sewage treatment works usage based on the customer's water usage as set forth in this division, and the user charge shall be computed using the following schedule of rates for the following time period, After January 1, 2016:

(a) Service charge: \$13.20

(b) All water consumption per month or portion thereof, per 1,000 gallons: \$8.79

(2) Outside city: After January 1, 2016:

(a) Service charge: \$17.82

(b) All water consumption per month, per 1,000 gallons: \$11.87

(3) Industrial User Rate:*

(a) Service charge shall be the same amount as charged for all other customers inside or outside the City.

(b) All sewer generated per month, per 1,000 gallons: \$10.66 inside city, \$14.39 outside city.

* Industrial User shall be defined by usage in excess of 100,000 gallons per month

(C) *Tapping fees.* All users of the sewer system shall be required to pay tapping fees prior to accessing the sewer system. The cost for a 4" service tap shall be \$500. For any tap larger than 4", the tapping fee shall be \$1,000.

(D) *Excessive strength charges.* For any user, when the BOD exceeds 250 mg/l, the suspended solids exceed 250 mg/l, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

$$Cs (Bc(B) + Sc(S) + Pc(P)) Vu$$

Symbols and Definitions:

Cs = A surcharge for wastewaters of excessive strength

Bc = O&M cost for treatment of a unit of biochemical oxygen demand (BOD)

B = Concentration of BOD from a user above a base level

Sc = O&M cost for treatment of a unit of suspended solids (SS)

S = Concentration of SS from a user above a base level

Pc = O&M cost for treatment of a unit of any pollutant

P = Concentration of any pollutant from a user above a base level

Vu = volume contribution from a user per unit of time

* Maximum limit for average domestic waste.

(E) *Charges for extraneous flows.* The costs of operation and maintenance for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as operation and maintenance charges.

(F) *Toxic pollutants charges.* Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs.

(Ord. 2006-09-271, passed 9-5-06; Am. Ord. 2011-03-374, passed 3-1-11; Am. Ord. 2013-03-415, passed 3-5-13; Am. Ord. 2015-10-547, passed 10-6-15; Am. Ord. 2015-12-561, passed 12-1-15)

52.115 New

- 1. Moving Septic Tank non-compliance fees from Chapter 155 to 52.115**
- 2. Adding SEWER to Title of 52.115**

52.115 ESTABLISHMENT SEWER OF RATES.

(A) Establishment.

(1) The city hereby establishes as rates, to be charged for sewer services furnished by the city's system, which the City Council finds and declares to be reasonable and necessary, to be charged to all users who contribute wastewater to the Water and Sewer Commission treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, improving or expanding, including replacement, the public wastewater collection and treatment works (the sewer system). (Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which they were designed and constructed.)

(2) All sewer users shall be classified by the Tontitown Water and Sewer Commission as residential or commercial/industrial.

(B) Schedule of sewer rates. The following schedule of sewer rates to be applied to the water consumption of users as set forth in the article, Sewer Rate Schedule.

(1) Inside the city: The charges to each customer for sewage collection and treatment shall be determined each month and shall be the sum of a service and a usage charge based on the customer's metered water usage determined as set forth in this division and computed using the following schedule of rates. In addition to the monthly service charge, each customer will be billed for sewage treatment works usage based on the customer's water usage as set forth in this division, and the user charge shall be computed using the following schedule of rates for the following time period, After January 1, 2016:

(a) Service charge: \$13.20

(b) All water consumption per month or portion thereof, per 1,000 gallons: \$8.79

(2) Outside city: After January 1, 2016:

(a) Service charge: \$17.82

(b) All water consumption per month, per 1,000 gallons: \$11.87

(3) Industrial User Rate:*

(a) Service charge shall be the same amount as charged for all other customers inside or outside the City.

(b) All sewer generated per month, per 1,000 gallons: \$10.66 inside city, \$14.39 outside city.

* Industrial User shall be defined by usage in excess of 100,000 gallons per month

(C) *Tapping fees.* All users of the sewer system shall be required to pay tapping fees prior to accessing the sewer system. The cost for a 4" service tap shall be \$500. For any tap larger than 4", the tapping fee shall be \$1,000.

(D) *Septic tank non-compliance fees. Commencing 30 business days after receiving written notice of a noncomplying individual sewage disposal system, the landowner shall be subject to a fine of not less than \$5 nor more than \$15 for each calendar day beyond said 30 business days that the system is in violation of the code.*

(E) *Excessive strength charges.* For any user, when the BOD exceeds 250 mg/l, the suspended solids exceed 250 mg/l, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

$$C_s (B_c(B) + S_c(S) + P_c(P)) V_u$$

Symbols and Definitions:

C_s = A surcharge for wastewaters of excessive strength

B_c = O&M cost for treatment of a unit of biochemical oxygen demand (BOD)

B = Concentration of BOD from a user above a base level

S_c = O&M cost for treatment of a unit of suspended solids (SS)

S = Concentration of SS from a user above a base level

P_c = O&M cost for treatment of a unit of any pollutant

P = Concentration of any pollutant from a user above a base level

V_u = volume contribution from a user per unit of time

* Maximum limit for average domestic waste.

(F) *Charges for extraneous flows.* The costs of operation and maintenance for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as operation and maintenance charges.

(G) *Toxic pollutants charges.* Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs.

(Ord. 2006-09-271, passed 9-5-06; Am. Ord. 2011-03-374, passed 3-1-11; Am. Ord. 2013-03-415, passed 3-5-13; Am. Ord. 2015-10-547, passed 10-6-15; Am. Ord. 2015-12-561, passed 12-1-15)

53.09 OLD

To remove reference to Boston Mountain Solid Waste District

§ 53.09 CONTAINMENT OF CONSTRUCTION REFUSE AND DEBRIS.

The general contractor of any construction site shall provide adequate trash containment facilities for the construction site. All such trash containment facilities must be able to hold a minimum of five cubic yards of refuse, and must contain no openings of greater than three inches. The trash containment facility must be in place no later than at the time of the first required inspection of the site by the Chief Building Official or his authorized representative. The trash containment facility shall be emptied, by a **licensed** hauler ~~licensed to do business by the Boston Mountain Solid Waste District~~ or its successor, on a regular basis. If the city receives a complaint regarding a trash containment facility at a construction site, the Chief Building Official or his authorized representative shall notify the general contractor in writing regarding the complaint and shall request that efforts be undertaken by the general contractor to remedy the situation. If subsequent complaints are received by the city pertaining to the same construction site, the Chief Building Official or his authorized representative shall provide the general contractor with written notice that the general contractor has three working days in which to remedy the situation. If the general contractor does not remedy the situation within that time, it shall be considered a violation of this Code and shall be punishable pursuant to § [10.99](#). In addition, the Chief Building Official or his authorized representative shall cease all inspections until the construction site complies with this section.

53.09 NEW

1. To remove reference to Boston Mountain Solid Waste District and add “Licensed Hauler.”

§ 53.09 CONTAINMENT OF CONSTRUCTION REFUSE AND DEBRIS.

The general contractor of any construction site shall provide adequate trash containment facilities for the construction site. All such trash containment facilities must be able to hold a minimum of five cubic yards of refuse, and must contain no openings of greater than three inches. The trash containment facility must be in place no later than at the time of the first required inspection of the site by the Chief Building Official or his authorized representative. The trash containment facility shall be emptied, by a *licensed* hauler or its successor, on a regular basis. If the city receives a complaint regarding a trash containment facility at a construction site, the Chief Building Official or his authorized representative shall notify the general contractor in writing regarding the complaint and shall request that efforts be undertaken by the general contractor to remedy the situation. If subsequent complaints are received by the city pertaining to the same construction site, the Chief Building Official or his authorized representative shall provide the general contractor with written notice that the general contractor has three working days in which to remedy the situation. If the general contractor does not remedy the situation within that time, it shall be considered a violation of this Code and shall be punishable pursuant to § [10.99](#). In addition, the Chief Building Official or his authorized representative shall cease all inspections until the construction site complies with this section.

(Ord. 2006-12-277, passed 12-5-06)

rd. 2006-12-277, passed 12-5-06)

93.02 OLD

§ 93.02 OUTDOOR AND OPEN BURNING.

(A) Outdoor and open burning may be allowed upon the ~~issuance of a permit. Said permit may be issued by the City Recorder's office upon the satisfaction of the Fire Chief, or his or her designated representative, and endorsement upon the face of the permit.~~ All applications ~~for a permit~~ are subject to the adherence to all provisions of the Tontitown Municipal Code:

(1) Outdoor burning means open burning or burning in an outdoor fireplace, fire pit, or patio wood burning unit.

(2) Open burning means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

(B) All open and outdoor burning is subject to the following:

(1) All burning shall be conducted after dawn and extinguished before dusk;

(2) No burning shall take place on land without written permission of the land owner or agent;

(3) No burning shall be conducted on days when the wind speeds are exceeding 15 miles per hour;

(4) The Fire Chief may prohibit any fires when circumstances may be hazardous;

(5) No burning shall be kindled or maintained within 50 feet of any combustible structure;

(6) Fire shall be under constant attendance until extinguished;

(7) All persons conducting burning shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire;

(8) Material being burned shall not, under any condition, cause a dense smoke or odor;

(9) Applicant shall be responsible to keep burning under control at all times. The applicant shall be responsible for fire department suppression costs, as well as any property damages sustained by others;

(10) No materials may be burned upon any street, curb, gutter or sidewalk;

(11) The outdoor and open burning of the following items is prohibited and no permit shall issue for the same:

(a) Garbage from food preparation;

(b) Treated, milled or dimensional lumber;

(c) Trade waste (commercial, industrial, or construction);

(d) Motor vehicles or any material resulting from a salvage operation;

- (e) Asphalt, composition roofing or similar materials;
- (f) Tar, tar paper, petroleum products, plastics or paints;
- (g) Insulated wire;
- (h) Dead animals or animal waste;
- (i) Hazardous or pathogenic waste; and
- (j) The burning of any items prohibited under state or federal laws.

(C) Fire pits may be used for recreational, ceremonial, or cooking purposes without the requirement of a burn permit. However, only untreated wood and wood products and other products designed for such use, may be used as fuel.

(1) Fire pit shall mean a pit dug into the ground or a freestanding vessel, whether manufactured or constructed, in which a contained outdoor fire is made. A fire pit shall not exceed six feet in diameter (outside to outside measurement), must be used in accordance with manufacturer's instructions (if any), and shall not be used within 15 feet of any structure or flammable material(s).

(2) Each fire pit shall meet the regulations established by the Fire Department and shall be approved by the Fire Chief, or his or her designee, before the use of any fire pit shall be allowed under this code.

(3) The Fire Department shall promulgate such rules and regulations as are deemed necessary and appropriate for control and monitoring of fire pit use. A copy of such rules and regulations shall be filed with the City Clerk.

(D) This section does not apply to the following:

(1) Grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(2) Burning for the purpose of generating heat in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.

(3) The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction, or maintenance activities.

(4) Burning caused or permitted by any public officer, board, council, or commission when the burning is caused or permitted in furtherance of the duties of that public officer, board, council, or commission.

(5) Burning pursuant to road construction operations.

(Ord. 2014-11-486, passed 11-4-14)

93.02 NEW

1. Re-word

§ 93.02 OUTDOOR AND OPEN BURNING.

(A) Outdoor and open burning may be allowed upon the **approval of the Fire Department**. All applications are subject to the adherence to all provisions of the Tontitown Municipal Code:

(1) Outdoor burning means open burning or burning in an outdoor fireplace, fire pit, or patio wood burning unit.

(2) Open burning means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

(B) All open and outdoor burning is subject to the following:

(1) All burning shall be conducted after dawn and extinguished before dusk;

(2) No burning shall take place on land without written permission of the land owner or agent;

(3) No burning shall be conducted on days when the wind speeds are exceeding 15 miles per hour;

(4) The Fire Chief may prohibit any fires when circumstances may be hazardous;

(5) No burning shall be kindled or maintained within 50 feet of any combustible structure;

(6) Fire shall be under constant attendance until extinguished;

(7) All persons conducting burning shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire;

(8) Material being burned shall not, under any condition, cause a dense smoke or odor;

(9) Applicant shall be responsible to keep burning under control at all times. The applicant shall be responsible for fire department suppression costs, as well as any property damages sustained by others;

(10) No materials may be burned upon any street, curb, gutter or sidewalk;

(11) The outdoor and open burning of the following items is prohibited and no permit shall issue for the same:

(a) Garbage from food preparation;

(b) Treated, milled or dimensional lumber;

(c) Trade waste (commercial, industrial, or construction);

(d) Motor vehicles or any material resulting from a salvage operation;

- (e) Asphalt, composition roofing or similar materials;
- (f) Tar, tar paper, petroleum products, plastics or paints;
- (g) Insulated wire;
- (h) Dead animals or animal waste;
- (i) Hazardous or pathogenic waste; and
- (j) The burning of any items prohibited under state or federal laws.

(C) Fire pits may be used for recreational, ceremonial, or cooking purposes without the requirement of a burn permit. However, only untreated wood and wood products and other products designed for such use, may be used as fuel.

(1) Fire pit shall mean a pit dug into the ground or a freestanding vessel, whether manufactured or constructed, in which a contained outdoor fire is made. A fire pit shall not exceed six feet in diameter (outside to outside measurement), must be used in accordance with manufacturer's instructions (if any), and shall not be used within 15 feet of any structure or flammable material(s).

(2) Each fire pit shall meet the regulations established by the Fire Department and shall be approved by the Fire Chief, or his or her designee, before the use of any fire pit shall be allowed under this code.

(3) The Fire Department shall promulgate such rules and regulations as are deemed necessary and appropriate for control and monitoring of fire pit use. A copy of such rules and regulations shall be filed with the City Clerk.

(D) This section does not apply to the following:

(1) Grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(2) Burning for the purpose of generating heat in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.

(3) The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction, or maintenance activities.

(4) Burning caused or permitted by any public officer, board, council, or commission when the burning is caused or permitted in furtherance of the duties of that public officer, board, council, or commission.

(5) Burning pursuant to road construction operations.

(Ord. 2014-11-486, passed 11-4-14)

150 OLD:

1. Update 150.01

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

Cross-reference:

Building Official, see § [30.53](#)

§ 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.

(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)

GENERAL PROVISIONS

§ 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. The applicant shall state in the application the degree to which he or she shall comply with the building guidelines and standards which are adopted 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.

(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)

§ 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)

Disclaimer:

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NEW: Purpose:

1. Update National Uniform Codes
2. Move 154.070-154.105 with the exception of 154.100 and 154.104 to Chapter 150
3. Add Minimum Square footage to Primary Dwellings and Accessory Dwellings
4. Add Primary and Accessory Dwelling must be on a permanent foundation
5. Update Table 154.073 (Minimum Area Requirements)

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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150.085 Scope and responsibility

150.086 Required facilities

150.087 Toilet rooms

150.088 Plumbing systems and fixtures

150.089 Water systems

150.090 Drainage systems

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. The applicant shall state in the application the degree to which he or she shall comply with the building guidelines and standards which are adopted 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 square feet of floor area.*
- b. Accessory dwelling shall in no case consist of less than 576 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)

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OLD 152.206

OLD 154.048

§ 152.206 FENCE AND WALL REQUIREMENTS.

(A) *Applicability.* The requirements of this section shall apply to the following conditions in all zoning districts, except as exempted in division (B) below:

- (1) *New construction.* Construction of a new fence or wall;
- (2) *Extension.* Extension of an existing fence or wall;
- (3) *Replacement.*

(a) Replacement of an existing fence or wall that is a different size, at a different location or of a different material (e.g. a chain link fence being replaced by a wood privacy fence); or

(b) Replacement of more than 50% of the linear length of an existing fence.

(B) *Exemptions.* This section shall not apply to:

(1) *Zoning districts.* The A-1, Agricultural and R-E, Residential Estate zoning districts, except requirements of placement of razor wire, barbed wire, or electric fences near sidewalks and rights-of-way identified in division (E)(4) below.

(2) *Replacement.* Replacement of less than 50% of the linear length of an existing fence, except that the portion being replaced shall not:

- (a) Impede visibility at the sight triangle;
- (b) Impede a natural drainage way;
- (c) Be located in certain utility easements that require gated access; or
- (d) Encroach neighboring property lines.

(C) *Permit required.* A fence permit shall be obtained prior to beginning construction and replacement of all applicable fences and walls, except those shown on an approved preliminary plat or large scale development.

(1) *Application.* To obtain a fence permit, a completed application form and a plot plan (site plan) must be submitted to the Building Inspection Office. The plot plan shall show:

- (a) Location of all property lines;
- (b) Location of all existing structures;
- (c) Location of existing or proposed pools or spas;
- (d) Location of existing fencing on or adjacent to the property that is to remain in place;
- (e) Portions of existing fence that will be replaced;
- (f) Location of new fencing; and

(g) A note indicating the height of the proposed fence and the type of fence construction (i.e., wood privacy, wrought iron, brick, etc.).

(2) *Review and approval.* Once all the required information is submitted, it will be reviewed by Planning Clerk for compliance. If the application is approved, the applicant shall pay the permit fee and the fence permit will be issued.

(3) *Compliance.* All fences or walls must be installed in compliance with the fence regulations and with the information shown on the approved plot plan and fence permit application form.

(4) *Inspection required.* The applicant shall contact Building Inspections to request a final inspection upon completion of the fence. If the Building Inspector determines that the fence is constructed in accordance with the ordinance requirements and the approved fence permit, a certificate of compliance will be issued. If the fence does not pass the inspection, the Building Inspector shall prepare an inspection report detailing the deficiencies.

(D) *Fence location.*

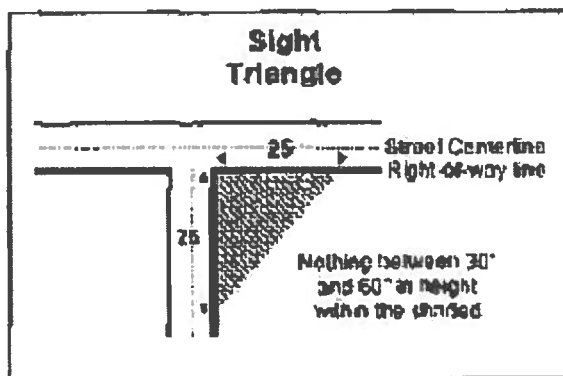
(1) *Private property.* All fences and walls shall be located on private property and shall be built with the consent of the property owner. The fence installer and/or property owner shall be responsible to correctly locate property boundaries. Fences and walls shall not encroach neighboring property lines.

(2) *Front yard.* A fence over 36 inches in height shall not be located in the front yard or be positioned any closer to the front property line than the front surface of the building for a typical residential lot. Decorative fencing not exceeding 36 inches is allowed in front yards.

(3) *Rear and side yards.* A fence or wall may be located in the rear or side yard, but shall be in compliance with other regulations of this section.

(4) *Adjacent to right-of-way.* Fences and walls adjacent to a public right-of-way shall be placed no closer than five feet to the right-of-way.

(5) *Sight triangle.* Fences or walls constructed near street intersections shall stay clear of the "sight distance triangle," shown below, in order to provide a reasonable degree of traffic visibility.



(6) *Easements.*

(a) *Utility easements.* Walls used as fences and footings for retaining walls are prohibited in a utility easement. Construction of all other fences in utility easements is permitted, but the fence installer and/or property owner assumes some risk by doing so. The fence enclosing utility easement(s) shall have a gate installed to permit access to the easement.

(b) *Drainage easements.* Fences or walls shall not impede the normal flow of stormwater and shall not cross an open drainage channel. Fences or walls proposed in drainage easements shall be approved on a case-by-case basis.

(c) *Access easement.* Fences or walls shall not be constructed over a public access easement. Fences or walls proposed over private emergency access easements must be approved by the Fire Department to ensure right-of-way line.

(E) *Design standards.* The following design standards shall apply to any new or replacements of any fence or wall where the length of the replacement exceeds 50% of the length of the existing fence.

(1) *Height.* Maximum height shall be eight feet above average grade.

(2) *Finished surface.* Finished surface shall face outward from the property when visible from a public right-of-way. Posts and support beams shall be inside the finished surface or designed to be an integral part of the finished surface.

(3) *Gates.* All fence segments abutting a thoroughfare, except for corner lots, shall provide one gate opening per lot to allow access to the area between the fence and the street pavement for maintenance and mowing. An exception may be granted if the city receives a letter from the home owners' association stating that this area is maintained by the association and not by individual homeowners.

(4) *Fence types.*

(a) *Razor wire.* Razor wire shall be prohibited. Exception. Razor wire shall be permitted in A-1, Agricultural and R-E, Residential Estate districts and shall not be placed within five feet of a public sidewalk or within four feet of a street right-of-way where a public sidewalk does not exist.

(b) *Barbed wire.* Barbed wire shall be permitted in commercial and agricultural zones and shall not be placed within five feet of a public sidewalk or within five feet of a street right-of-way where a public sidewalk does not exist. Barbed wire shall be permitted in residential zones where farm animals are permitted in accordance with § 153.046. Distances from sidewalk and right-of-way shall meet the same requirements as commercial and agricultural zones.

(c) *Electric fences.* Electric fences shall be prohibited. Exception. Electric fences shall be permitted in A-1, Agricultural and RE Residential Estate Districts and shall not be placed within five feet of a public sidewalk or within four feet of a street right-of-way where a public sidewalk does not exist. Underground electric pet fences shall be permitted.

(F) *Pools and spas.*

Outdoor pools, spas and hot tubs shall be protected by an enclosure designed to restrict access by children. If a fence is intended to serve as the required enclosure, it shall meet the following requirements in addition to those that apply to a fence or wall.

— (1) *Height.* The minimum height of the fence enclosure shall be at least 48 inches. The maximum clearance between the bottom of the fence and the ground shall be two inches.

— (2) *Gates.* Gates in the enclosing fence shall swing away from the pool/spa area and be designed to be self-closing and self-latching. If the latch or latch-release hardware is on the outside of the fence, it shall be at least 54 inches above the ground. If the latch hardware is on the inside of the fence, it must be at least three inches below the top of the fence and there shall not be any openings more than one-half inch in width within 18 inches of the latch. Gates more than five feet in width and designed for equipment access to the fence area are not required to be self-closing or self-latching provided they are locked at all times except when needed for equipment access.

— (3) *Design.* The fence shall be designed so that there are no openings large enough to allow the passage of a four-inch diameter sphere and so that no “ladder effect” is created on the outside. If a chain link fence material is used, the maximum size of the openings (i.e., the distance between parallel wires) shall not exceed one and one-half inches.

(G) *Detention/retention ponds.* If a fence or wall is installed around a detention or retention pond with permanent water two feet deep or more, the fence or wall shall meet the requirements of division (F) above.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.1300.17, passed 9-3-13; Am. Ord. 2014-12-488, passed 12-2-14; Am. Ord. 2015-07-530, passed 7-21-15)

§ 154.048 SWIMMING POOLS, SPAS AND HOT TUBS.

— (A) Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

— (B) Private swimming pools, hot tubs and spas, containing water more than 24 inches (610mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

(Ord. 2006-01-243, §§ 154-66-154-67, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

NEW 152.206

NEW 154.048 **Deleted**

1. Update to Pools and spas

§ 152.206 FENCE AND WALL REQUIREMENTS.

(A) *Applicability.* The requirements of this section shall apply to the following conditions in all zoning districts, except as exempted in division (B) below:

- (1) *New construction.* Construction of a new fence or wall;
- (2) *Extension.* Extension of an existing fence or wall;
- (3) *Replacement.*

(a) Replacement of an existing fence or wall that is a different size, at a different location or of a different material (e.g. a chain link fence being replaced by a wood privacy fence); or

(b) Replacement of more than 50% of the linear length of an existing fence.

(B) *Exemptions.* This section shall not apply to:

(1) *Zoning districts.* The A-1, Agricultural and R-E, Residential Estate zoning districts, except requirements of placement of razor wire, barbed wire, or electric fences near sidewalks and rights-of-way identified in division (E)(4) below.

(2) *Replacement.* Replacement of less than 50% of the linear length of an existing fence, except that the portion being replaced shall not:

- (a) Impede visibility at the sight triangle;
- (b) Impede a natural drainage way;
- (c) Be located in certain utility easements that require gated access; or
- (d) Encroach neighboring property lines.

(C) *Permit required.* A fence permit shall be obtained prior to beginning construction and replacement of all applicable fences and walls, except those shown on an approved preliminary plat or large scale development.

(1) *Application.* To obtain a fence permit, a completed application form and a plot plan (site plan) must be submitted to the Building Inspection Office. The plot plan shall show:

- (a) Location of all property lines;
- (b) Location of all existing structures;
- (c) Location of existing or proposed pools or spas;
- (d) Location of existing fencing on or adjacent to the property that is to remain in place;

(e) Portions of existing fence that will be replaced;

(f) Location of new fencing; and

(g) A note indicating the height of the proposed fence and the type of fence construction (i.e., wood privacy, wrought iron, brick, etc.).

(2) *Review and approval.* Once all the required information is submitted, it will be reviewed by Planning Clerk for compliance. If the application is approved, the applicant shall pay the permit fee and the fence permit will be issued.

(3) *Compliance.* All fences or walls must be installed in compliance with the fence regulations and with the information shown on the approved plot plan and fence permit application form.

(4) *Inspection required.* The applicant shall contact Building Inspections to request a final inspection upon completion of the fence. If the Building Inspector determines that the fence is constructed in accordance with the ordinance requirements and the approved fence permit, a certificate of compliance will be issued. If the fence does not pass the inspection, the Building Inspector shall prepare an inspection report detailing the deficiencies.

(D) *Fence location.*

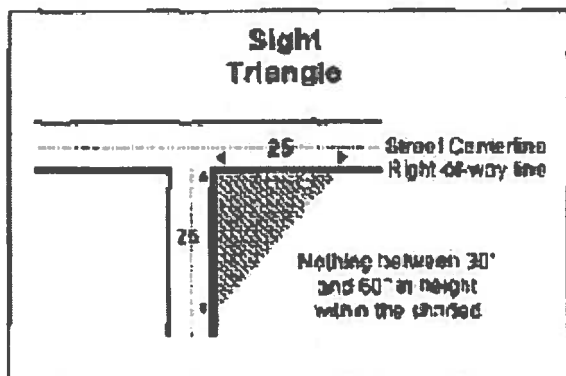
(1) *Private property.* All fences and walls shall be located on private property and shall be built with the consent of the property owner. The fence installer and/or property owner shall be responsible to correctly locate property boundaries. Fences and walls shall not encroach neighboring property lines.

(2) *Front yard.* A fence over 36 inches in height shall not be located in the front yard or be positioned any closer to the front property line than the front surface of the building for a typical residential lot. Decorative fencing not exceeding 36 inches is allowed in front yards.

(3) *Rear and side yards.* A fence or wall may be located in the rear or side yard, but shall be in compliance with other regulations of this section.

(4) *Adjacent to right-of-way.* Fences and walls adjacent to a public right-of-way shall be placed no closer than five feet to the right-of-way.

(5) *Sight triangle.* Fences or walls constructed near street intersections shall stay clear of the "sight distance triangle," shown below, in order to provide a reasonable degree of traffic visibility.



(6) *Easements.*

(a) *Utility easements.* Walls used as fences and footings for retaining walls are prohibited in a utility easement. Construction of all other fences in utility easements is permitted, but the fence installer and/or property owner assumes some risk by doing so. The fence enclosing utility easement(s) shall have a gate installed to permit access to the easement.

(b) *Drainage easements.* Fences or walls shall not impede the normal flow of stormwater and shall not cross an open drainage channel. Fences or walls proposed in drainage easements shall be approved on a case-by-case basis.

(c) *Access easement.* Fences or walls shall not be constructed over a public access easement. Fences or walls proposed over private emergency access easements must be approved by the Fire Department to ensure right-of-way line.

(E) *Design standards.* The following design standards shall apply to any new or replacements of any fence or wall where the length of the replacement exceeds 50% of the length of the existing fence.

(1) *Height.* Maximum height shall be eight feet above average grade.

(2) *Finished surface.* Finished surface shall face outward from the property when visible from a public right-of-way. Posts and support beams shall be inside the finished surface or designed to be an integral part of the finished surface.

(3) *Gates.* All fence segments abutting a thoroughfare, except for corner lots, shall provide one gate opening per lot to allow access to the area between the fence and the street pavement for maintenance and mowing. An exception may be granted if the city receives a letter from the home owners' association stating that this area is maintained by the association and not by individual homeowners.

(4) *Fence types.*

(a) *Razor wire.* Razor wire shall be prohibited. Exception. Razor wire shall be permitted in A-1, Agricultural and R-E, Residential Estate districts and shall not

be placed within five feet of a public sidewalk or within four feet of a street right-of-way where a public sidewalk does not exist.

(b) *Barbed wire.* Barbed wire shall be permitted in commercial and agricultural zones and shall not be placed within five feet of a public sidewalk or within five feet of a street right-of-way where a public sidewalk does not exist. Barbed wire shall be permitted in residential zones where farm animals are permitted in accordance with § 153.046. Distances from sidewalk and right-of-way shall meet the same requirements as commercial and agricultural zones.

(c) *Electric fences.* Electric fences shall be prohibited. Exception. Electric fences shall be permitted in A-1, Agricultural and RE Residential Estate Districts and shall not be placed within five feet of a public sidewalk or within four feet of a street right-of-way where a public sidewalk does not exist. Underground electric pet fences shall be permitted.

(F) *Pools and spas.*

Refer to International Building Code,

Section 3109,

Swimming Pool Enclosures and Safety Devices.

(G) *Detention/retention ponds.* If a fence or wall is installed around a detention or retention pond with permanent water two feet deep or more, the fence or wall shall meet the requirements of division (F) above.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.1300.17, passed 9-3-13; Am. Ord. 2014-12-488, passed 12-2-14; Am. Ord. 2015-07-530, passed 7-21-15)

~~DELETED>>>>>§ 154.048 SWIMMING POOLS, SPAS AND HOT TUBS.~~

~~—(A) Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.~~

~~—(B) Private swimming pools, hot tubs and spas, containing water more than 24 inches (610mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.~~

~~(Ord. 2006-01-243, §§ 154-66–154-67, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)~~

154.070 - 154.105 OLD

1. Move 154.070-154.105 with the exception of 154.100 and 154.104 to Chapter 150

2. Delete 154.048 Swimming Pools, Spas and Hot Tubs

📖 CHAPTER 154: PROPERTY MAINTENANCE

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Light, Ventilation and Occupancy Limitations

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Fire Safety Requirements

- 154.115 Scope and responsibility
- 154.116 Means of egress
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~~§ 154.048 SWIMMING POOLS, SPAS AND HOT TUBS.~~

- ~~(A) Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.~~
 - ~~(B) Private swimming pools, hot tubs and spas, containing water more than 24 inches (610mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.~~
- (Ord. 2006-01-243, §§ 154-66–154-67, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)

~~LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS~~

~~§ 154.070 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)~~

~~§ 154.071 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)

~~§ 154.072 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 § 154.071(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)

~~§ 154.073 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 §§ 154.086 and 154.089(D), respectively; the heating facilities and electrical receptacle requirements of §§ 154.101et seq. and 154.103(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 154.073 below.~~

TABLE 154.073: MINIMUM AREA REQUIREMENTS

	Minimum Area in Square Feet		
	1-2 occupants	3-5 occupants	6 or more occupants
Space			
Living room	No requirements	120	150
Dining room	No requirements	100	
Bedrooms	Shall comply with § 154.073(D)		

For SI: One square foot = 0.0093m².

— *Additional notes:* See § 154.073(E)(2) for limitations on determining the minimum occupancy area for sleeping purposes. See § 154.073(E)(3) for combined living room/dining room spaces.

— (2) *Sleeping area.* The minimum occupancy area required by Table 154.073 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with § 154.073(D).

— (3) *Combined spaces.* Combined living room and dining room spaces shall comply with the requirements of Table 154.073 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

 ~~§ 154.085 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)~~

 ~~§ 154.086 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)~~

 ~~§ 154.087 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)~~

~~§ 154.088 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)~~

~~§ 154.089 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)~~

~~§ 154.090 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

~~§ 154.100 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)~~

~~§ 154.101 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)~~

~~§ 154.102 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)~~

~~§ 154.103 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)~~

§ 154.104 ELEVATORS, ESCALATORS AND DUMBWAITERS.

(A) *General.* Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

(B) *Elevators.*

(1) In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

(2) *Exception.* Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

~~(Ord. 2006-01-243, §§ 154-158--154-159, passed 1-3-06; Am. Ord. 2011-12-384, passed 12-6-11)~~

~~§ 154.105 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)~~

155.01 Old:

CHAPTER 155: FEES

Section

155.01 Fees

155.02 Surcharge to applicants for nonresidential permits

Cross-reference:

Subdivisions. see Ch. 152

§ 155.01 FEES.

(A) *Technical plat.* For each technical plat submitted, the Recorder/Treasurer shall collect a fee of \$460.00.

(B) *Preliminary plat.* For each preliminary plat submitted, the Recorder/Treasurer shall collect a fee of \$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.

(C) *Final plat.* For each final plat submitted, the Recorder/Treasurer shall collect a fee of \$500.00.

(D) *Informal plat.* For each informal plat submitted, the Recorder/Treasurer shall collect a fee of \$200.00.

(E) *Large scale development.* For each large scale development submitted, the Recorder/Treasurer shall collect a fee of \$500.00.

(F) *Tech review of LSD.* For each tech review of LSD submitted, the Recorder/Treasurer shall collect a fee of \$575.00.

(G) *Conditional use.* For each conditional use submitted, the Recorder/Treasurer shall collect a fee of \$230.00.

(H) *Each request re-zoning.* For each request re-zoning submitted, the Recorder/Treasurer shall collect a fee of \$400.00.

(I) *Tech re-plat review.* For each tech re-plat review submitted, the Recorder/Treasurer shall collect a fee of \$460.00. (Re-plats are the same as preliminary plats.)

(J) *Variance request.* For each variance request submitted, the Recorder/Treasurer shall collect a fee of \$125.00.

(K) *Zoning regulations (copies).* For each copy of zoning regulations, the Recorder/Treasurer shall collect a fee of \$40.00.

(L) *Drainage manual (copies).* For each copy of the drainage manual, the Recorder/Treasurer shall collect a fee of \$100.00.

(M) *Subdivision regulations (copies).* ~~For each copy of subdivision regulations, the Recorder/Treasurer shall collect a fee of \$30.00.~~

(N) *Storm water regulations (copies).* ~~For each copy of storm water regulations, the Recorder/Treasurer shall collect a fee of \$30.00.~~

(O) *Planned unit development.* ~~For each planned unit development submitted, the Recorder/Treasurer shall collect a fee of \$1,150.00.~~

(P) *Home occupation permit.* ~~For each home occupations permit submitted, the Recorder/Treasurer shall collect a fee of \$50.00.~~

(Q) *Appeal of Planning Commission decision.* ~~For each appeal of the Planning Commission submitted, the Recorder/Treasurer shall collect a fee of \$400.00.~~

(R) *Appeal of official decision.* ~~For each appeal of official decision submitted, the Recorder/Treasurer shall collect a fee of \$300.00.~~

~~(S) *Certificate of zoning compliance.* For each certificate of zoning compliance submitted, the Recorder/Treasurer shall collect a fee of \$100.00.~~

(T) *Drainage review.* ~~For each drainage review submitted, the Recorder/Treasurer shall collect a fee of \$300.00.~~

~~(U) *Traffic impact review.* For each traffic impact review submitted, the Recorder/Treasurer shall collect a fee of \$230.00.~~

(V) *Lot splits.* ~~For each plat submittal relating to a lot split, the Recorder/Treasurer shall collect a fee of \$200.00.~~

(W) *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.

(X) *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.

(Y) *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.

Move to 51.04 (Water Service Rates)

~~(Z) *Backflow prevention assembly fees.* The Administrative Authority is hereby authorized to collect an annual fee from each user of water maintaining a backflow prevention assembly. The annual fees collected shall be used to offset the cost of establishing and maintaining a record system to permit and track backflow prevention assemblies and their annual certification. The annual permit fee collected by the Administrative Authority shall not exceed the sum of \$10 for each backflow prevention assembly maintained by each user of water.~~

Move to 52.115 Sewer Rates

~~—(AA) *Septic tank non-compliance fees.* Commencing 30 business days after receiving written notice of a noncomplying individual sewage disposal system, the landowner shall be subject to a fine of not less than \$5 nor more than \$15 for each calendar day beyond said 30 business days that the system is in violation of the code.~~

(BB) *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) \$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. ~~These structures are limited in size to 720 square feet. Structures larger than 720 square feet will require an approved variance from the Planning Commission before a permit will be issued.~~

(6) *Additions to commercial or residential buildings.* Fees for additions to commercial and residential buildings will be regarded as new construction for fee purposes.

~~(7) *Fast track commercial permits.* Fees for fast track commercial permits, if design-build fast track review is approved by the Building Official, shall be \$300.00 for each partial submittal and will be charged in addition to the fees and requirements set forth in each separate code.~~

(8) *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.

(9) *Partial certificate of occupancy.* ~~Fees for partial certificate of occupancy shall be \$25.00 for 30-day duration.~~

- (10) *Certificate of occupancy.* ~~Fees for a certificate of occupancy permit shall be~~ \$75.00.
- (11) *Extension of permit.* ~~Fees for an~~ extension for 180-day duration permit shall be \$50.00.
- (12) *Certificate of occupancy for change of use involving on-site inspection.* ~~Fees for a~~ certificate of occupancy for change of use involving on-site inspection, if no plans are required by the Building Official, shall be \$100.00.
- (13) *After hours /emergency inspection.* ~~Fees for an after~~-hours/emergency inspection shall be \$30.00 per hour, with a one-hour minimum.
- (14) *Grading permit.* ~~For each grading permit submitted, the Recorder/Treasurer shall collect a fee of~~ \$100.00.
- (15) *Sign permit.* ~~For each sign permit submitted, the Recorder/Treasurer shall collect a fee of~~ \$115.00.
- (16) *Moving permit.* Moving of building or structure. Additional highway permits may be required. ~~For each moving permit submitted, the Recorder/Treasurer shall collect a fee of~~ \$300.00.
- (17) *Demolition permit.* Demolition of any building or structure. ~~For each demolition permit submitted, the Recorder/Treasurer shall collect a fee of~~ \$50.00.
- (18) *Fence permit.* ~~For each fence permit submitted, the Recorder/Treasurer shall collect a fee of~~ \$25.00.
- (19) *Mechanical permit.* ~~For each mechanical permit submitted, the Recorder/Treasurer shall collect a fee of~~ \$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.
- (20) *Electrical permit.* ~~For each electrical permit submitted, the Recorder/Treasurer shall collect a fee of~~ \$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.
- (21) *Plumbing permit.* ~~For each plumbing permit submitted, the Recorder/Treasurer shall collect a fee of~~ \$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.
- (22) *Road cut permit.* ~~For each road cut permit submitted, the Recorder/Treasurer shall collect a fee of~~ \$200.00.
- (23) *Solicitor/peddler permit.*
- (a) *Permit for principal peddler/solicitor.* No peddling or solicitation shall be conducted within the city without a principal permit being issued. The cost for the principal to obtain a solicitor/peddler's permit is \$40, and shall be paid ~~to the City Clerk~~ 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:

1. The name, address, telephone number, type of organization, and contact person for the principal applicant;
2. The nature of the products or services involved;
3. The proposed method of operation in the city;
4. A list of persons who will peddle or solicit in the city on behalf of the principal in the city.

(b) *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 ~~Clerk~~ 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 in division (A)(24)(a) above.

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

(d) *Exemptions.* Exemptions for this division (A)(24) are provided by § [116.03](#).

(24) *Garage sale, yard sale, and rummage sale permits.* ~~For each garage, yard, or rummage sale permit issued, the Recorder/Treasurer shall collect a fee of \$10.~~

~~—(25) *Driveway access permit.* For each driveway access permit submitted, the Recorder/Treasurer shall collect a fee of \$10.~~

(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)

155.01 NEW:

1. Organize fees in alpha/department order.
2. Adding New Outdoor Food Vendor Fee
3. Adding New Temporary Sign/Banner Fee
4. Deleting Item (Z), Move to Chapter 51.04 Water
5. Deleting Item (AA), Move to Chapter 52.115 Sewer

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.

Sign-Temporary Banner. \$25.00

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. 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)

