

# Draft Corrective Ordinance

CITY OF TONTITOWN, ARKANSAS  
ORDINANCE NO. [XXXX]

**AN ORDINANCE TO RE-ESTABLISH THE POSITION OF BUILDING OFFICIAL; TO DEFINE THE ROLES OF BUILDING OFFICIAL, CODE ENFORCEMENT OFFICER, AND FIRE MARSHAL IN ENFORCEMENT OF THE ARKANSAS FIRE PREVENTION CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

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## SECTION 1. FINDINGS AND PURPOSE

WHEREAS, the Arkansas Fire Prevention Code (AFPC), adopted pursuant to A.C.A. § 12-13-101 et seq., requires every jurisdiction to designate a **Building Official**; and

WHEREAS, on June 18, 2024, the Tontitown City Council adopted **Ordinance No. 2024-06-113R**, repealing §30.53 (“Building Official”) and §30.54 (“Administrative Assistant”), thereby eliminating the City’s codified definition of Building Official; and

WHEREAS, the repeal created uncertainty and conflict with state law, leaving unclear the roles of the Building Official, Code Enforcement Officer, and Fire Marshal in enforcement of the AFPC; and

WHEREAS, it is the intent of the Council to correct this conflict by restoring the office of Building Official and clarifying the supporting and supervisory enforcement structure.

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## SECTION 2. CREATION AND DEFINITION OF BUILDING OFFICIAL

(A) The office of **Building Official** is hereby re-established for the City of Tontitown.

(B) The Building Official shall be an employee under the supervision of the **Community Development Department**, appointed and compensated as provided by ordinance and law.

(C) The Building Official shall exercise the powers and perform the duties prescribed under the AFPC, International Building Code, and related provisions of the Tontitown Municipal Code, including but not limited to:

1. Reviewing plans and construction documents;
2. Issuing permits and certificates of occupancy;
3. Inspecting construction for compliance with applicable codes;

4. Enforcing accessibility provisions under the Americans with Disabilities Act (ADA), as cross-referenced in the AFPC.
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### **SECTION 3. CODE ENFORCEMENT OFFICER**

(A) The **Code Enforcement Officer**, also under the Community Development Department, shall serve as a **supporting Code Official**.

(B) The Code Enforcement Officer is authorized to:

1. Assist the Building Official in carrying out inspections and compliance activities;
2. Assist the Fire Chief/Fire Marshal in enforcement of the AFPC, as directed;
3. Issue citations or notices of violation for infractions of the building, fire, or municipal codes as authorized by law.

(C) The Code Enforcement Officer shall not exercise independent authority as the AHJ under the AFPC.

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### **SECTION 4. FIRE MARSHAL / FIRE CHIEF**

(A) The **Fire Chief or duly appointed Fire Marshal** shall remain the **Authority Having Jurisdiction (AHJ)** for all fire prevention and life-safety matters under the AFPC.

(B) The Fire Marshal may call upon the Building Official and Code Enforcement Officer for assistance in enforcement duties, but retains ultimate authority over fire prevention code compliance.

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### **SECTION 5. CONFLICTS**

All ordinances or parts of ordinances in conflict herewith, including the provisions of Ordinance No. 2024-06-113R that repealed §30.53, are hereby repealed to the extent of such conflict.

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### **SECTION 6. EMERGENCY CLAUSE**

It is hereby found and determined that the absence of a defined Building Official creates a conflict with state law, exposes the City to liability, and endangers public safety. Therefore, an emergency is declared to exist, and this ordinance shall take effect immediately upon passage.

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**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Mayor Angie Russell

ATTEST:

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Clerk-Treasurer

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