

## TITLE 11

### BUILDINGS AND CONSTRUCTION

#### Chapters:

- 11.04 Building Permit
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Condemnation of Structures
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#### CHAPTER 11.04

#### BUILDING PERMIT

#### Sections:

- 11.04.01 Fees
- 11.04.02 Individual permits required
- 11.04.03 Required inspections
- 11.04.04 Inspection procedures
- 11.04.05 Penalties
- 11.04.06 New construction

11.04.01 Fees The cost of a building permit for all new structures shall be as follows:

- \$ .10 per sq. ft. (under roof) all single family and two family residential.
- \$ .06 per sq. ft. (under roof) all commercial buildings.
- \$50.00 new mobile home (Ord. No. 05-3, Sec. 1.)

Remodel, add on, and specific work, permit costs are based on the following schedule according to the job cost. Separate permits are required for plumbing electrical, mechanical and gas piping work when as required in 11.04.02.

- \$5.00 per \$1,000 for first \$5,000. Minimum \$15.00
- \$1.00 per \$1,000 for \$5,001 up to \$50,000.

Projects over \$50,000. Valuation fee will be negotiable based on inspection requirements. (Ord. No. 96-35, Sec. 1.)

11.04.02 Individual permits required Individual permits must be obtained for electrical, plumbing, mechanical and gas piping work as well as the building permit. The cost of electrical, plumbing, mechanical and gas piping is based on the number of inspections required at \$25.00 per inspection. When an inspection does not pass the re-inspection is \$25.00. (Ord. No. 05-3, Sec. 2.)

11.04.03 Required inspections

- A. The following structural inspections included in the cost of the building permit are required when the structural elements are present:
  - 1. Footing must be called for before concrete is poured. Prior to any footing inspection all lot lines must be staked and marked by flagged string which is affixed in such a way as to not be readily moved about.
  - 2. Foundation wall may be combined with footing on a monolithic pour.
  - 3. Framing applies to all framing regardless of material. It must be inspected before it is covered by insulation or finish materials.
  
- B. The following plumbing inspections are required when plumbing work is performed:
  - 1. Rough-in plumbing if a concrete slab is involved. This must be called for before concrete is poured. For a crawl space, it must be called for while it can be inspected without crawling through the crawl space.
  - 2. Top-out plumbing must be inspected before it is covered by insulation or finish materials.
  - 3. Final plumbing called for after all fixtures have been installed. Copy of permit must be displayed.
  
- C. The following electrical inspections are required when electrical work is performed:
  - 1. Rough-in electrical must be inspected before it is covered by insulation or finish materials.
  - 2. Final electrical called for after all fixtures and mechanical units have been installed. A copy of permit must be displayed.

- D. The following L.P. gas inspections (they may be combined in a single inspection) are required when the gas lines mentioned are installed or tested:
1. After piping is installed, all outlets shall be capped and the piping tested at a pressure of not less than twenty-five (25) pounds per sq. inch air pressure for a period of not less than thirty (30) minutes. There shall be no loss in pressure during the test.
  2. A second test shall then be applied after gas cocks and appliances have been connected. This test shall be made by filling the lines with gas at operating pressure and shall be held long enough to prove all connections free from leaks by the use of a soapy water test at all connections. This test shall include the connections at the regulator and service line valve.
- E. The following mechanical inspections are required when heating, ventilating, or cooling equipment is installed:
1. Rough mechanical performed at the time the framing is inspected. Interior air handling and heat exchanging units must be in place to inspect for appropriate clearance.
  2. Final mechanical all units must be installed.  
(Ord. No. 96-35, Sec. 3.)

11.04.04 Inspection procedures Inspections must be called for by the contractor or sub-contractor taking out the permit. That is, the builder calls for structural inspections, the electrician calls for electrical inspections, the plumber calls for plumbing inspections, the mechanical contractor calls for mechanical inspections, and the individual taking out the gas permit calls for the gas inspections.

Footing inspections, rough-in plumbing inspections under slabs, and any inspections on projects where no other trades are involved will be inspected with no concern for other trades turning in related inspections.

Foundation walls will normally be inspected at the time of the footing inspection, and do not need to be called for separately except for crawl spaces. At the time of the foundation wall inspection involving crawl spaces, the floor framing must be left exposed (no sub-floor or floor) and will be called for and inspected at that time.

The following inspections are performed simultaneously with the other inspections shown, and all must be turned in within a group before any are performed.

1 <sup>st</sup> Group	Framing Top-out Plumbing Rough-in Electrical Rough Mechanical Gas (if applicable)
2 <sup>nd</sup> Group	Final Plumbing Final Electrical Final Mechanical (Ord. No. 96-35, Sec. 4.)

11.04.05 Penalties Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) together with the costs of such prosecution, or by imprisonment. Each day during which violation continues after expiration date of notice shall be a separate offense. (Ord. No. 96-35, Sec. 5.)

11.04.06 New construction

- A. A Plan Review Stall shall be established to review all new construction drawings for compliance with the Building Codes adopted by the city.
- B. The Plan Review Staff members shall have a background in construction, engineering, architecture, or related fields. Qualified candidates shall be appointed by the Mayor and approved by the City Council. They shall serve at the pleasure of the Mayor and the City Council.
- C. The Code Enforcement Officer shall coordinate and chair the Plan Review Staff as well as be an approving member of the review staff.
- D. Two sets of working drawings shall be submitted with all building permit applications for new construction. (Ord. No. 98-59, Secs. 1-4.)

## CHAPTER 11.08

### PLUMBING CODE

Sections:

11.08.01	Definitions
11.08.02	State Code
11.08.03	Establishment of office
11.08.04	Liability
11.08.05	Applications; permits
11.08.06	Street openings
11.08.07	Cross connections; back flow
11.08.08	Penalties

11.08.01 Definitions Plumbing for the purposes of this ordinance is hereby defined as the definitions set forth in A.C.A. 17-38-101 et seq. as amended from time to time and in the Arkansas State Plumbing Code. (Ord. No. 96-41, Sec. 1.)

11.08.02 State Code The provisions and regulations of the Arkansas State Plumbing Code (2006 edition), and amendments thereto, adopted by the State Board of Health of Arkansas are made a part of this ordinance by reference, three (3) certified copies of which shall be on file in the office of the City Recorder, and shall extend over and govern the installation of all plumbing installed, altered or repaired within the city of Fairfield Bay, Arkansas, wherever water and/or sewage service originating from the Community Water Service or Fairfield Bay Sewer System is furnished. (Ord. No. 2008-10, Sec. 1.)

11.08.03 Establishment of office There is hereby created the position of Code Enforcement Officer (CEO) who shall be appointed by the Mayor.

- A. The Code Enforcement Officer shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly. The Code Enforcement Officer shall receive ninety-six (96) hours of training and certification as recommended by the International Code Council. (Ord. No. 2008-10, Sec. 2.)
- B. The Plumbing Code Enforcement Officer shall not be directly connected in any way with any person, firm, corporation directly or indirectly engaged in the business of plumbing or plumbing suppliers.
- C. The CEO in the discharge of his duties may enter any building during business hours. The right to enter any building as herein granted shall apply to those buildings where a building permit has been issued or to any building where a building permit has been issued or to any building where the CEO has reason to believe that a dangerous or unsafe condition exists. Before inspecting any building where the CEO has reason to believe that a dangerous or unsafe

condition exists. Before inspecting any building for which a permit has not been issued, if the CEO has probable cause to believe a violation of this code exists, he shall notify the owner of his intention to make an inspection and request that someone representing the owner accompany him on such inspection. The owner or owners representative shall not prevent the CEO from inspecting the premises to determine if any violation exists.

- D. The CEO shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such material.
- E. A system of communications and record keeping shall be established between Community Water System Inc., the Fairfield Bay Community Club and the CEO for those areas of CEO activities which have bearing on water and waste water utility service. (Ord. No. 96-41, Sec. 3.)

11.08.04 Liability Any officer, employee or person, charged with the enforcement of this code, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the City Attorney or legal representative of the city. (Ord. No. 96-41, Sec. 4.)

11.08.05 Applications; permits

- A. Before beginning any plumbing work in the city of Fairfield Bay, Arkansas, the person repairing, installing or altering same, shall apply to the Plumbing Inspector or other designated official and obtain a permit to do such work. For construction of new dwelling and commercial building, plumbing permits must be obtained from the Community Water System. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a homeowner to install or alter plumbing in a single family residence, provided the homeowner does the work himself and that such work shall meet the code requirements.
- B. All applications for permits shall be made on suitable forms provided. The application shall be accompanied by established fees. (Ord. No. 96-41, Sec. 5.)

11.08.06 Street openings All openings made in the public streets or alleys to install plumbing must be made by the responsible utility and shall comply to any street cut ordinance in effect. (Ord. No. 96-41, Sec. 6.)

11.08.07 Cross connections; back flow

- A. The city of Fairfield Bay, Arkansas, shall make requests through the CEO to the Community Water System, Inc. to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings or structures where it is found that an immediate hazard exists to the purity or potability of the water supply, by reason of the requirements of the Arkansas State Plumbing Code and the City Plumbing Code and the regulations of the Arkansas State Board of Health having not been complied with Community Water System, Inc., shall make the sole and final decision as to the discontinuance of water service to one of its customers.
- B. The City Plumbing Inspector of the city of Fairfield Bay, Arkansas is hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the water supply which exists. Upon determining said potential hazards, it shall be the duty of said inspector to notify Community Water System, Inc. immediately. Community Water System Inc. may need to discontinue service immediately if a hazard to public water supply exists regardless of owner's response. (Ord. No. 96-41, Sec. 7.)

11.08.08 Penalties Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to discontinuance of water service as determined by Community Water System, Inc. if water service is the subject of the violation. Any other violation of this ordinance shall be subject to a fine or not less than Fifty Dollars (\$50.00) nor by more than Two Hundred Fifty Dollars (\$250.00), together with the cost of such prosecution or by imprisonment for a period of not more than thirty (30) days or a combination of fine and imprisonment. Each day during which a violation continues after the expiration date of notice shall be a separate offense. (Ord. No. 96-41, Sec. 8.)

**CHAPTER 11.12**

**ELECTRICAL CODE**

Sections:

- 11.12.01 Adoption of Electrical Code
- 11.12.02 Code Enforcement Officer
- 11.12.03 Liability
- 11.12.04 Application for permit
- 11.12.05 Temporary permit requirements
- 11.12.06 Alterations to original plans

11.12.07	Inspections
11.12.08	Re-inspection
11.12.09	License required
11.12.10	Proof of license
11.12.11	Penalties
11.12.12	License to individual
11.12.13	Conflicting ordinance repealed
11.12.14	Saving clause

11.12.01 Adoption of Electrical Code There is hereby adopted for the city of Fairfield, Arkansas, for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electrical code known as the Arkansas National Electrical Code being particularly the 2006 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one copy is now filed in the office of the City Recorder of the city of Fairfield Bay, Arkansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date this ordinance takes effect, the provisions thereof shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the city of Fairfield Bay, Arkansas. (Ord. No. 2008-12, Sec. 1.)

11.12.02 Code Enforcement Officer There is hereby created the position of Code Enforcement Officer (CEO) who shall be appointed by the Mayor.

- A. It shall be the duty of the Code Enforcement Officer (CEO) to enforce all the provisions of this ordinance. The CEO shall receive 96 hours of training and certification as recommended by the International Code Council. (Ord. No. 2008-12, Sec. 2.)
- B. The CEO in the discharge of his duties may enter any building during business hours. The right to enter any building as herein granted shall apply to those buildings where a building permit has been issued or to any building where the CEO has reason to believe that a dangerous or unsafe condition exists. Before inspecting any building for which a permit has not been issued the CEO shall notify the owner of his intention to make an inspection and request that someone representing the owner accompany him on such inspection. The notice shall include the reason for the inspection, and said inspection shall be limited to the items indicated. The owner or owners' representative shall not prevent the CEO from inspecting the premises to determine if any unsafe condition exists. (Ord. No. 96-38, Sec. 2.)



11.12.03 Liability Any officer, employee or person, charged with the enforcement of this code, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer of employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the City Attorney or legal representative of the city. (Ord. No. 96-38, Sec. 3.)

#### 11.12.04 Application for permit

- A. Any party desiring to install or repair interior wiring or other apparatus for the use of electrical current in the city, shall, before commencing or doing any work, file an application in writing for a permit with the city, which application shall describe, in detail, the materials and apparatus to be used, include copies of the plans and specifications of the proposed work, if any, and the street address or location of the premises where the work is to be done, and be accompanied by the appropriate fee. Forms for making such applications shall be furnished by the city through the CEO.
- B. All such applications shall be passed upon by the CEO and if it is found by him that they conform to the requirements, a permit for the proposed work shall be given by him over his signature.
- C. Residential applications shall be completed for all one and two family dwellings for new or for the modification of existing electrical work. Plans must be submitted with the application.
- D. Commercial applications shall be completed for all proposed electrical wiring, other than one and two family dwellings for the new or modification of existing electrical work. Plans must be submitted with the application. Such plans, at a minimum, must show service entrance, feeders, and branch circuits giving wire size, type of wire, over current devices including ampere rating and what each feeder or branch circuit supplies.
- E. Any person performing or attempting to perform any electrical work within the city without having procured and then possessing the required permit shall be guilty of a misdemeanor and shall be punished as hereinafter provided. No permit shall be required or necessary for the making of minor repairs which do not involve the use of new wire, or equipment. (Ord. No. 96-38, Sec. 4.)

11.12.05 Temporary permit requirements Where a permit for the installation of wiring has been applied for and granted by the city the CEO may grant a temporary permit to connect the electrical current for such period of time as shall be just and reasonable, the facts and circumstances, considered. The temporary and permanent service entrance locations shall be approved in writing by the electric utilities servicing Fairfield Bay, Arkansas. (Ord. No. 96-38, Sec. 5.)

11.12.06 Alteration to original plans No alterations or additions shall be made in any electrical installations without first notifying the CEO; procuring a permit for such work, submitting to the CEO for examination the plans and specifications covering the proposed work, and paying the fees provided. If it is desired to increase the number of circuits called for in an original permit, such increase shall be considered as an addition to the original installation and a

permit procured, for which a fee shall be paid as an addition. When an addition is made to or an alteration is made in any installation of electrical work the number of circuits or other electrical apparatus previously in service in any such installation, together with the character thereof, shall be fully stated in the permit for additions or alterations. (Ord. No. 96-38, Sec. 6.)

#### 11.12.07 Licensing of electricians

- A. All electrical work for which permits are required by this ordinance shall be inspected by the CEO before it may be accepted by the owner and put into operation or use and the person to which any such permit is issued shall apply to the CEO for an inspection of such work within sixty (60) days from the date of the permit unless such work is completed prior thereto, in which event, application for inspection shall be made as soon as such electrical work is ready for inspection. If after sixty (60) days, the electrical work is not complete then an extension of the permit should be requested, in written form, otherwise, the permit will be closed and a new permit must be obtained and permit fees paid again. An extension can be requested for more than one sixty (60) day period. Before any interior electrical wiring shall be concealed from view, the person installing the same shall give notice to the CEO, who as soon as possible after the receipt of said notice shall inspect such work. No such work shall be concealed from view prior to the expiration of thirty-six (36) hours from receipt of the aforesaid notice by the CEO unless he shall have made his inspection and approved the work prior to the expiration of said thirty-six (36) hours.
  
- B. Before any electrical voltage shall be connected to any interior electrical wiring of the character mentioned in the foregoing paragraph of this section, notice shall be served upon the CEO that an inspection thereof is desired, whereupon the CEO shall, as soon as possible, inspect said wiring and issue a certificate of inspection with the date of inspection and approval. No voltage shall be connected prior to the issuance of such certificate. The CEO may, however, issue temporary permits for the use of electric current during the course of construction or alteration of buildings. Temporary permits shall expire when the electrical apparatus for said building is fully installed, whereupon the CEO shall have the current cut off until final inspection is made and a certificate of inspection and approval has been issued.
  
- C. The electric utilities serving the city shall not connect any temporary or new permanent service unless a signed tag has been attached by the CEO. In the event an existing electric service is to be increased in size, and has no inspection tag attached, it will be the duty of the electric utility to report this to the CEO before connecting the increased electric service. The above applies to all above referenced electric services in the jurisdiction of the city of Fairfield Bay, Arkansas.

- D. Whenever any person has obtained a permit to install or to do any electrical work and whenever an inspection of such work by the CEO or his assistants discloses that such work is not done in accordance with the National Electrical Code or is not done in conformity with the provisions of this code, it shall be the duty of the CEO to serve notice upon such permit holder, pointing out the defects in such work or installation and such permit holder shall proceed immediately to correct such defects, and to make the work and materials conform to the provisions of this ordinance and the National Electrical Code for electrical wiring and apparatus. In the event such permit holder neglects or refuses to promptly comply with this chapter and the National Electrical Code, the CEO shall not issue any other permits for the making of electrical installations or repairs to the said offending permit holder until such time as he shall have made the electrical work complained of conform to this chapter and the National Electrical Code and procured the CEO's approval thereof. (Ord. No. 96-38, Sec. 7.)

11.12.08 Re-inspection The CEO is hereby empowered to inspect or re-inspect or to have inspected or re-inspected all interior apparatus and wires conducting electrical current for light or power, in any structure within the corporate limits of the city, and when conductors or apparatus are found to be unsafe to life or property, he shall notify the person owning or using the same to place the same in a safe and secure condition within forty-eight (48) hours. Any person failing to comply with such shall be punished as hereinafter provided. (Ord. No. 96-38, Sec. 8.)

11.12.09 License required From and after the effective date hereof, no person, firm or corporation shall engage in business as, or perform any repair, installation or other work as an electrician or electrical contractor unless such person, firm or corporation shall be licensed in accordance with the provisions of this section.

A. Commercial construction

1. **Individuals and proprietors** Any person or sole proprietor of any business or firm engaged as an electrician or electrical contractor shall be, or shall have as a full time employee, a Master Electrician holding a valid license issued by the Board of Electrical Examiners of the state of Arkansas.
2. **Corporations and partnerships** Any corporation or partnership engaged as an electrical contractor or electrician shall have in its employ on a full-time basis a Master Electrician holding a valid license issued by the Board of Electrical Examiners of the state of Arkansas.
3. **Employees** Any person, firm, corporation or partnership may employ such personnel as it shall deem necessary or appropriate to perform electrical installation, repairs or maintenance as hereinabove described,

provided that all such personnel performing any work as an electrician are licensed as a journeyman, master, or industrial maintenance electrician by the Board of Electrical Examiner or the state of Arkansas. Apprentice electricians may work under the direct supervision of a journeyman electrician.

- B. Single family & two family residential From effective date of this ordinance, no person, firm or corporation shall engage in business as, or perform any repair, installation or other work as electrician or electrical contractor unless such person, firm or corporation shall be or shall employ journeyman electricians. Apprentice electricians may work under the direct supervision of a journeyman electrician. (Ord. No. 96-38, Sec. 9.)

11.12.10 Proof of license All persons, firms, corporations or other business entities performing or desiring to perform work as an electrician or electrical contractor within the limits of the city of Fairfield Bay shall attach to the person's, firm's, corporation's, or other business entity's permit application for the city of Fairfield Bay, a copy of a current and valid license as described in Section 11.12.09 hereof. The license must be valid for the person or persons expected to do the work inside of the city of Fairfield Bay. Separate and additional proof of current and valid licenses for heating, ventilation or air conditioning work are set forth below in this title. In addition, the CEO may request any such person, firm, corporation or other business entity to submit a copy of such current and valid license as described in Section 11.12.09 hereof prior to an electrical inspection to be conducted by the said CEO. (Ord. No. 2010-3, Sec. 3.)

11.12.11 Penalties Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) together with the costs of such prosecution, or by imprisonment, for a period of not more than 30 days or a combination of fine and imprisonment. Each day during which violation continues after expiration date of notice shall be a separate offense. (Ord. No. 96-38, Sec. 11.)

11.12.12 License to individual Any individual desiring to personally perform his own electrical work on his own property, shall not be required to have a state electrical license, but shall be required to obtain the regular permit for the particular job. Such work done by an individual must be done by him personally on his own particular job and not be a way of performing a service to the public generally and shall be subject to inspection to meet code requirements. To be entitled to a permit under this section the individual must demonstrate that the structure on which he proposes to work is not connected to, with or so close to the property of another to constitute a danger or hazard to property of another person. (Ord. No. 96-38, Sec. 12.)

11.12.13 Conflicting ordinance repealed All ordinance of parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed. (Ord. No. 96-38, Sec. 13.)

11.12.14 Saving clause Nothing in this ordinance or the code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance. (Ord. No. 96-38, Sec. 14.)

## **CHAPTER 11.16**

### **CONDEMNATION OF STRUCTURES**

Sections:

11.16.01	Maintenance of nuisance
11.16.02	Resolution
11.16.03	Condemnation
11.16.04	Notification
11.16.05	Removal
11.16.06	Enforcement
11.16.07	Proceeds of sale
11.16.08	Lien
11.16.09	Fine for nuisance
11.16.10	Judicial fine

11.16.01 Maintenance of nuisance It shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building or structure within the corporate limits of the city of Fairfield Bay, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 94-10, Sec. 1.)

11.16.02 Resolution Any such house, building or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to insure the removal thereof as herein provided. (Ord. No. 94-10, Sec. 2.)

11.16.03 Condemnation The resolution of the City Council condemning any house, building or structure which constitutes a nuisance will include in said resolution an adequate description of the house, building or structure; the name or names, if known, of the owner or owners thereof; and shall set forth the reason or reasons said house, building or structure is or has been condemned as a nuisance. (Ord. No. 94-10, Sec. 3.)

11.16.04 Notification After a house, building or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a true or certified copy of said resolution will be mailed to the owner or owners thereof, if the whereabouts of said owner or owners thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building or structure. Provided, that if the owner or owners of said house, building or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice. (Ord. No. 94-10, Sec. 4.)

11.16.05 Removal If the house, building or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the resolution at a conspicuous place on said house, building or structure constituting the nuisance the house, building or structure will be torn down and removed by the Building Inspector or his duly designated representative. (Ord. No. 94-10, Sec. 5.)

11.16.06 Enforcement

- A. The Building Inspector or his duly designated representative shall be charged with responsibility for enforcement of this ordinance, by inspection, initiating condemnation, destruction, removal, sale, abatement, or other necessary enforcement action.
- B. The Building Inspector, or any other person or persons designated by him to tear down and remove any such house, building or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance. (Ord. No. 94-10, Sec. 6.)

11.16.07 Proceeds of sale All the proceeds of the sale of any such house, building or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Treasurer. If any such house, building or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the city, plus any fine or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building or structure constituting the nuisance. (Ord. No. 94-10, Sec. 7.)

11.16.08 Lien If the city has any net loss resulting from costs in abatement, destruction or removal of any house, building or structure, the city shall have a lien on the property as provided by A.C.A. 14-54-904. The lien may be enforced in either one of the following manners:

- A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court; or
- B. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks, the determination of said governing body being subject to appeal by the property owner in the Circuit Court, and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be by the governing body of the municipality certified to the Tax Collector of Van Buren County wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the municipality by the County Tax Collector. (Ord. No. 94-10, Sec. 8.)

11.16.09 Fine for nuisance A fine of not less than Two Hundred Fifty (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner or owners of any house, building or structure found and declared to be a nuisance by resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance is not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred Fifty Dollars (\$250.00) for each said separate and distinct offense, provided the notice as herein provided in 11.16.04 has been given within ten (10) days after said house, building or structure has been by resolution found and declared to be a nuisance. (Ord. No. 94-10, Sec. 9.)

11.16.10 Judicial fine In the event it is deemed advisable by the City Council that a particular house, building or structure be judicially declared to be a nuisance and the maintenance of same enjoined by a court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner or owners of any such house, building or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Chancery Court. When any such house, building or structure has been declared judicially to be a nuisance by a court of competent jurisdiction and the maintenance of same enjoined, a fine of One Hundred Dollars (\$100.00) is hereby imposed against the owner or owners thereof from the date said finding is made by the Court and for each day thereafter said nuisance is not abated constitutes a separate and distinct offense punishable by a fine of One Hundred Dollars (\$100.00) for each separate and distinct offense. In the event the owner or owners of any such house, building or structure judicially found to be a nuisance fails or refuses to abide by the order of the court, the Building Inspector or other person or



persons referred to in 11.16.05 of this ordinance will take such action as provided in 11.16.06 and 11.16.07 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentence apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 94-10, Sec. 10.)

## **CHAPTER 11.20**

### **TECHNICAL CODES FILED**

#### **Sections:**

11.20.01 Filing of ordinances

11.20.01 Filing of ordinances The following city ordinances (adopting certain state codes by reference): 96-34 (CABO), 96-37 (Mechanical Code), 96-38(Electrical Code) and 96-41 (Plumbing Code) be amended to require that only one (1) copy of the technical state codes be kept on file, maintained and updated after passage of the ordinance. (Ord. No. 2003-11, Sec. 1.)

## **CHAPTER 11.24**

### **MECHANICAL CODE**

#### **Sections:**

11.24.01 Code adoption  
11.24.02 Establishment of office  
11.24.03 Liability  
11.24.04 Proof of license  
11.24.05 Conflicting ordinance  
11.24.06 Saving clause  
11.24.07 Penalties

11.24.01 Code adoption There is hereby adopted by the City Council of Fairfield Bay, Arkansas, the 2006 Arkansas Mechanical Code, a guideline for estimating heat loss and gain, of

which not less than three (3) copies have been and are now on file in the office of the Recorder/Treasurer. These rules and regulations are adopted in an attempt to ensure safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and the public welfare. (Ord. No. 2008-11, Sec. 1.)

11.24.02 Establishment of office There is hereby created the position of Code Enforcement Officer (CEO) who shall be appointed by the Mayor.

- A. It shall be the duty of the Code Enforcement Officer (CEO) to enforce all the provisions of this ordinance. The Code Enforcement Officer shall receive ninety-six (96) hours of training and certification as recommended by the International Code Council. (Ord. No. 2008-11, Sec. 2.)
- B. The CEO in the discharge of his duties may enter any building during business hours. The right to enter any building as herein granted shall apply to those buildings where a building permit has been issued or to any building where the CEO has reason to believe that a dangerous or unsafe condition exists. Before inspecting any building for which a permit has not been issued the CEO shall notify the owner of his intention to make an inspection and request that someone representing the owner accompany him on such inspection. The notice shall include the reason for the inspection and said inspection shall be limited to the items indicated. The owner or owners' representative shall not prevent the CEO from inspecting the premises to determine if any unsafe condition exists. (Ord. No. 96-37, Sec. 2.)

11.24.03 Liability Any officer, employee or person, charged with the enforcement of this code, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the City Attorney or legal representative of the city. (Ord. No. 96-37, Sec. 3.)

11.24.04 Proof of license All persons, firms, corporations, or other business entities performing or desiring to perform work on any heating, ventilation or air conditions (HVAC) units within the limits of the city of Fairfield Bay shall attach to the person's, firm's corporation's, or other business entity's permit application for the city of Fairfield Bay, a copy of a current and valid license, indicating the appropriate class of license, Class A, Class B, Class C, Class D, Class E, or Class L. The license must be valid for the person or persons expected to do the work inside of the city of Fairfield Bay. Separate and additional proof of current and valid

licenses for electrical work are set forth above in this title. In addition, the CEO may request any such person, firm, corporation or other business entity to submit a copy of such current and valid license prior to an HVAC inspection to be conducted by the said CEO. (Ord. No. 2010-3, Sec. 1.)

11.24.05 Conflicting ordinance All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed. (Ord. No. 96-37, Sec. 5.)

11.24.06 Saving clause Nothing in this ordinance or the code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance. (Ord. No. 96-37, Sec. 6.)

11.24.07 Penalties Any person, firm, corporation, or other business entity found guilty of violating any of the provisions of this chapter of the Municipal Code shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) together with all court costs and other costs of prosecution, or by imprisonment for a period of not more than thirty (30) days, or a combination of fines and imprisonment. Each day during which any such violation continues, after the posting of any “Stop Work” order signed by the CEO, shall be a separate offense. (Ord. No. 2010-3, Sec. 1.)

## **CHAPTER 11.28**

### **INTERNATIONAL RESIDENTIAL CODE**

Sections:

- |          |   |
|----------|---|
| 11.28.01 | Adoption of the 2007 Arkansas Fire Code |
| 11.28.02 | Establishment of office                 |
| 11.28.03 | Liability                               |
| 11.28.04 | Proof of license                        |
| 11.28.05 | Penalties                               |

11.28.01 Adoption of the 2007 Arkansas Fire Code The 2007 Arkansas Fire Code is hereby adopted by the City Council of Fairfield Bay, Arkansas, for the purpose of prescribing regulations governing the minimum standards applicable to buildings in the city, that certain code known as 2006 International Fire Code, the 2006 International Building Code, and the 2006 International Residential Code (which are incorporated by reference), and the whole thereof, of

which code not less than three (3) copies have been and are now filed in the office of the City Clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provision thereof shall be controlling in the limits of the city. (Ord. No. 2008-13, Sec. 1.)

11.28.02 Establishment of office There is hereby created the position of Code Enforcement Officer (CEO) who shall be appointed by the Mayor.

- A. It shall be the duty of the Code Enforcement Officer to enforce all the provisions of this ordinance. The CEO shall receive ninety-six (96) hours of training and certification as recommended by the International Code Council. (Ord. No. 2008-13, Sec. 2.)
- B. The CEO in the discharge of said duties may enter any building during business hours. The right to enter any building as herein granted shall apply to those buildings where a building permit has been issued or to any building where the CEO has reason to believe that a dangerous or unsafe condition exists. Before inspecting any building for which a permit has not been issued the CEO shall notify the owner of the CEO's intention to make an inspection and request that someone representing the owner accompany the CEO on such an inspection. The owner or owners' representative shall not prevent the CEO from inspecting the premises to determine if any unsafe condition exists. (Ord. No. 2005-4, Sec. 2.)

11.28.03 Liability Any officer, employee or person, charged with the enforcement of this code acting for the city in the discharge of duties, shall not thereby render themselves liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties other than gross negligence. Any suit brought against any officer or employee because of such an act performed by them in the enforcement of any provision of this code shall be defended by the City Attorney or legal representative of the city. (Ord. No. 2005-4, Sec. 3.)

11.28.04 Proof of license All persons, firms, corporations, or other business entities performing or desiring to perform work on any heating, ventilation or air conditions (HVAC) units within the limits of the city of Fairfield Bay shall attach to the person's, firm's corporation's, or other business entity's permit application for the city of Fairfield Bay, a copy of a current and valid license, indicating the appropriate class of license, Class A, Class B, Class C, Class D, Class E, or Class L. The license must be valid for the person or persons expected to do the work inside of the city of Fairfield Bay. Separate and additional proof of current and valid licenses for electrical work are set forth above in this title. In addition, the CEO may request any such person, firm, corporation or other business entity to submit a copy of such current and valid license prior to an HVAC inspection to be conducted by the said CEO. (Ord. No. 2010-3, Sec. 1.)

11.28.05 Penalties Any person, firm, corporation or other business entity found guilty of violating any of the provisions of this chapter of the Municipal Code shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) together with all court costs, and other costs of such prosecution, or by imprisonment for a period of not more than thirty (30) days, or by a combination of fines, and imprisonment. Each day, during which violation continues, after the posting of any “Stop Work” order signed by the CEO, shall be a separate offense. (Ord. No. 2010-3, Sec. 1.)

## **CHAPTER 11.32**

### **ENERGY CODE**

#### **Sections:**

#### 11.32.01 Adoption

11.32.01 Adopted There is hereby adopted by the City Council of Fairfield Bay, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 2011 Arkansas Energy Code, being particularly the 2011 Arkansas Energy Code edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than two (2) copies of this ordinance, as well as, one (1) copies of the 2011 Arkansas Energy Code, have been and now are filed in the office of the Clerk or Recorder of the city of Fairfield Bay, Arkansas, and the same ordinance is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city of Fairfield Bay, Arkansas. (Ord. No. 2012-11, Sec. 1.)

