

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Permit
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Fire Prevention Code
- 11.20 Housing Code
- 11.24 Condemned Structures
- 11.28 Building and Standard Codes

CHAPTER 11.04

BUILDING PERMIT

Sections:

- 11.04.01 Required
- 11.04.02 Application
- 11.04.03 Fees
- 11.04.04 Issuance
- 11.04.05 Penalty

11.04.01 Required The owner of any land situated within the incorporated limits of the city shall neither construct nor allow construction or placement, on such land, of any building or structure of a type set forth in Sub-paragraphs (A) through (C) below, without having obtained a building permit from the city.

- A. Single-family residence.
- B. Multiple-family residence.
- C. Any building in which, or from which, any business, commercial enterprises, or manufacturing process is to be conducted, or which is to be used for related storage or warehousing purposes.

11.04.02 Application The application for any building permit by this chapter will be submitted by the landowner concerned to the Building Inspector or his designated person at the City Administration Building in duplicate copy, and shall contain as a minimum the following:

- A. Name, mailing address, and telephone number of the applicant.
- B. Type building to be constructed or repaired (as listed in Section 11.04.01 of this chapter).
- C. Location of the building site.
- D. Outside dimensions of the proposed building, or addition.

- E. Construction materials to be used for the foundation, floor, and exterior walls.
- F. Manner in which the proposed building will be anchored to the foundation.
- G. Height of the first floor level above the ground level, as measured from the highest point of the ground level:
 - 1. Prior to any grading or leveling.
 - 2. After grading and leveling.
- H. Date on which construction is proposed to begin. (Ord. No. 338, Sec. 1.)
- I. The City Council hereby find that it is in the best interests of the citizens of West fork to formally adopt the 1979 Arkansas Rules and Regulations for every efficiency standards for new building construction as adopted by the Arkansas Department of Energy.

11.04.03 Fees. A fee according to a schedule established by the City Council will be charged for each building permit issued according to a schedule established by the City Council. Payment of said amount will accompany each permit application submitted with such payment to be returned in event the application is denied.

11.04.04 Issuance. The Mayor will present each permit application to the City Council for its approval or other disposition at its next regular or called meeting, with the exception that no application will be presented for the Council's consideration until it has been reviewed by the City Building Inspector and bears his recommendation as to approval or disapproval. In each case, the permit shall be granted unless found to be in violation of any flood zone ordinance or other ordinance heretofore or hereinafter adopted by the city.

Any building permit issued under the provisions of this chapter will remain valid only for a period of One Hundred Eighty (180) days from the date of issue and become void if construction has not begin within that period or unless it is renewed within that period. (Ord. No. 338, Sec. 2.)

11.04.05 Penalty. Any person receiving written notification from the city that he is in violation of the provisions of this chapter shall have a period of thirty (30) days following his receipt of such notice in which to effect compliance or otherwise will upon conviction be subject to a fine of not less than One Hundred Dollars (\$100.00) per day for so long as he remains in violation.

CHAPTER 11.08**PLUMBING CODE****Sections:**

11.08.01	Definition
11.08.02	State Code
11.08.03	Inspection and supervision
11.08.04	Applications, permits
11.08.05	Bond
11.08.06	Street openings
11.08.07	Hazardous conditions

11.08.01 Definition. Plumbing for the purposes of this chapter is hereby defined as the definitions of Act 200 of 1951 (Ark. Stats. 71-1205, et seq) and the Arkansas State Plumbing Code.

11.08.02 State code. The provisions and regulations of the Standard Plumbing Code 2003, and amendments thereto, adopted by the State Board of Health of Arkansas are made a part of this chapter by reference, three (3) certified copies of which shall be on file in the office of the Recorder/Treasurer and shall extend over and govern the installation of all plumbing installed, altered or repaired within or without the city wherever water and/or sewage service originating from the municipal water and/or sewer system is furnished. (Ord. No. 362, Sec. 1.)

11.08.03 Inspection and supervision

- A. The Mayor shall designate the official responsible for enforcing and administering this code subject to confirmation by a majority of the City Council.
- B. It shall be the duty of the Plumbing Inspector to enforce all provisions of this chapter, and such Inspector or Inspectors are hereby granted the authority to enter all buildings within or without the corporate limits of the city when such buildings are connected, or to be connected to the municipal water and/or sewage system.
- C. The Plumbing Inspector shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
- D. It shall be his duty to inspect and test all plumbing work for compliance with this chapter and its adopted Plumbing Code, and to enforce changing of such installations that do not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by state law.

11.08.04 Applications, permits

A. Before beginning any work in the city, the person installing or altering same, shall apply to the Plumbing Inspector or his designated person and obtain a permit to do such work. Only those persons legally licensed 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, providing 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. Fees in accordance with the following schedule shall accompany the application.

First plumbing fixture or meter or waste discharging device.	\$5.00 each
Next five (5) plumbing fixtures or water or waste discharging device.	\$4.00 each.
All additional plumbing fixture or water or waste discharging devices.	\$3.00 each.
New or reconstructed sewer connection.	\$10.00
Water service or connection.	\$10.00
Gas service	\$10.00

An additional inspection shall incur an additional fee of Twenty Dollars (\$20.00) for each additional trip on the part of the Plumbing Inspector caused by the negligence of the plumber or home owner not being ready for inspection or a return for inspection of a corrected installation. (Ord. No. 337, Sec. 1.)

11.08.05 Bond Every master plumber doing business in the city shall execute and deliver to the city a bond with a surety bonding company in the sum of Two Thousand Dollars (\$2,000.00) to indemnify the city or any citizen for any damage caused by the failure of such master plumber to comply strictly with the provisions of this chapter. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the city and is in full force and effect. (Ord. No. 337, Sec. 2.)

11.08.06 Street openings

- A. All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.
- B. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and material must be removed at once leaving the street or sidewalks clean and in perfect repair.
- C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property.

11.08.07 Hazardous conditions

- A. The Water Department and the plumbing inspector are hereby authorized 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 city 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.

- B. The Water Department and the plumbing inspector are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining said potential hazards, it shall be the duty of said department and said inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event that said hazard is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirements of the Arkansas State Plumbing Code, and the regulations of the Arkansas State Board of Health have been complied with.

CHAPTER 11.12

ELECTRICAL CODE

Sections:

- 11.12.01 Adoption of Electrical Code
- 11.12.02 Appointment of the Code Enforcement Officer
- 11.12.03 Duties
- 11.12.04 Permits
- 11.12.05 Inspection
- 11.12.06 Standards
- 11.12.07 Licensing of electricians
- 11.12.08 Bond required
- 11.12.09 Qualification
- 11.12.10 Failure to comply
- 11.12.11 License to individual

11.12.01 Adoption of Electrical Code There is hereby adopted for the city 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 electric code known as the National Electrical Code of the National Fire Protection Association, of which not less than three (3) copies have been and now are filed in the office of the

Recorder/Treasurer of the city and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date this chapter takes effect, the provisions shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the city.

11.12.02 Appointment of the Code Enforcement Officer The officer responsible for administering this code shall be appointed by the Mayor and approved by a majority of the Council.

11.12.03 Duties He shall have the duty and is hereby authorized, empowered, and directed to regulate and determine the placing of electric wires and other appliances for electric lights, heat or power in the city and to cause all such wires, appliances, or apparatus to be placed, constructed, and guarded as not to cause fires or accidents, endangering life or property, and to be constructed so as to keep to a minimum the loss or waste of electric current.

It shall be his duty to enforce all provisions of this chapter and he is hereby granted the authority to enter all buildings in the city in the performance of his duties at any reasonable hour.

It shall be his duty to inspect and/or test all electrical work and equipment or apparatus for compliance with the code whenever electric wiring, appliances or apparatus shall be defective or hazardous through improper manufacture of improper or insufficient insulation or for any other reason, he shall at once cause the removal of such defect or defects, at the expense of the owners of such wiring, appliance or apparatus.

11.12.04 Permits No installation, alteration, or removal shall be made in/or of the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus, or heating devices nor alterations made thereto without a written permit therefore being first obtained from the city license issuing clerk by the person, firm, or corporation having direct charge of such installation, alteration or removal.

11.12.05 Inspection Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance, or apparatus it shall be the duty of the person, firm or corporation having direct charge of such to notify the Code Enforcement officer who shall, as early as possible, inspect such wiring, installation, appliance, and apparatus and if installed, altered and constructed in compliance with the permit and in accordance with the requirements of this chapter, he shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination, but no such certificate shall be issued unless such electric wiring, motors, heating devices, appliances, and apparatus be in strict accord with the rules and requirements and the spirit of this chapter, nor shall current be turned on to such installation, equipment, appliance, motors, heating devices, and apparatus until said certificate be issued. The amount of fee or charge to be made for such inspections and certificates is to be fixed and determined by the City Council.

11.12.06 Standards All electrical construction, all materials, appliances, motors, heating devices, and apparatus used in connection with electrical work and the operation of all electrical apparatus within the city shall conform to the rules and requirements of the National Electrical Code current when work is performed or equipment and apparatus installed, however, the necessity, good service and said results often require larger sizes of wire, more branch circuits, and better types of equipment than the minimum which is specified in the National Electrical Code. Therefore, the Code Enforcement Officer supervising the enforcement of this code will have the responsibility and authority for making interpretations of the rules, for deciding upon the approval of equipment, materials, construction, and for granting the special permission contemplated in a number of the rules and he, where necessary, shall follow the code procedure for securing official interpretations of the code.

11.12.07 Licensing of electricians Any person, firm or corporation desiring to engage in the business of electrical construction or of the installation of wiring and apparatus for electric lights, appliances, heating or power in the city shall, before doing so, obtain a license therefore, the fee for which shall be Twenty-Five Dollars (\$25.00) per year which shall be paid into the city treasury before such license shall become effective.

11.12.08 Bond required Every person, firm or corporation doing electrical business in the city shall execute and deliver to the city a bond with a surety bonding company in the sum of One Thousand Dollars (\$1,000.00) to indemnify the city or any citizen for any damage caused by the failure of such person, firm, or corporation doing the electrical work to comply strictly with the provisions of this chapter.

11.12.09 Qualification No license shall be issued until the party applying for same has given satisfactory evidence to the Code Enforcement officer of his or their ability to do said electrical work in a safe and satisfactory manner. No permit for installation or alteration of any wiring, heating devices, motors, appliances and apparatus shall be issued until the license and bond herein required have been obtained.

11.12.10 Failure to comply Any person, firm or corporation who shall fail to correct any defect or defects in his or her work or to meet the required standards after having been given notice of the unfit condition by the Code Enforcement Officer within a reasonable time, shall be refused any other permit until such defect or defects have been corrected and shall be subject to revocation of license for continual defective work or either upon conviction for violation of the provisions of this chapter. Upon failure to comply with this chapter, the Code Enforcement officer shall have authority, after due notice, to cut out electric current in the locality concerned.

11.12.11 License to individual Any individual desiring to perform his own electrical work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit for that particular job. Such work done by an individual must be done by him personally on his own particular job and not be a way or performing a service to the public generally.

CHAPTER 11.16

FIRE PREVENTION CODE

Sections:

- 11.16.01 Adoption of fire prevention code
- 11.16.02 Enforcement
- 11.16.03 Definition
- 11.16.04 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted.
- 11.16.05 Modifications
- 11.16.06 Appeals
- 11.16.07 Penalties

11.16.01 Adoption of fire prevention code There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code, 2003 Edition and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three (3) copies have been and now are filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the municipality. (Ord. No. 362, Sec. 1.)

11.16.02 Enforcement The code hereby adopted shall be enforced by the chief of the Fire Department of the municipality.

11.16.03 Definition Wherever the word "municipality" is used in the code hereby adopted or within the body of this ordinance, it shall be held to mean the city of West Fork, Arkansas.

11.16.04 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted The limits referred to in section 73 of the code hereby adopted in which storage of flammable liquids in outside above ground tanks is prohibited, the limits referred to in section 103 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in section 53 b of the

code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

- A. The area designated on the "Official Zoning Map" of the municipality as the Central Business District.
- B. Within 1500 feet of any dwelling structure in any built up area within the corporate limits of the municipality;

with the exception of outside above ground tanks for the storage of flammable liquids or for the bulk storage of liquefied petroleum gases having been located in such designated areas prior to the adopting date of this ordinance; provided, however, that the Fire Chief shall inspect such facilities and issue a letter of "Modification" as hereinafter set forth in Section 5 of this ordinance.

11.16.05 Modifications The Chief of the Fire Department shall have power to modify any of the provisions of the code hereby adopted upon application, in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decisions of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

11.16.06 Appeals Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the governing body of the municipality within thirty (30) days from the date of the decision appealed.

11.16.07 Penalties Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than three (3) days nor more than thirty (30) days or by both such fine and imprisonment-. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects

within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 11.20

HOUSING CODE

Sections:

- 11.20.01 Adoption of
- 11.20.02 Housing Official
- 11.20.03 Board of Appeals
- 11.20.04 Duties of Housing Official
- 11.20.05 Right of entry

11.20.01 Adoption of There is hereby adopted by the City Council that certain health and housing standards known as the Standard Housing Code with 1977 amendments, of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling on all dwellings and premises within the city limits.

11.20.02 Housing official

- A. The office of Housing Official is hereby created.
- B. The Housing Official, appointed by the Mayor, shall be responsible for the enforcement of this chapter.

11.20.03 Board of Appeals There is hereby created a Board of Housing Appeals which shall consist of five (5) members appointed by the Mayor and subject to confirmation of the City Council. The Board shall act by a majority vote of the members present. Said Board shall have the power and be required to hold public hearings in deciding appeals where it is alleged there is an error in law or fact in any order or decision of the Housing Official in the enforcement of this chapter.

11.20.04 Duties of Housing Official It shall be the duty of the Housing Official to enforce all laws and provisions specified in the herein adopted Standard Housing Code.

11.20.05 Right of entry The Housing Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building structure or premises at any reasonable hour.

CHAPTER 11.24**CONDEMNED STRUCTURES****Sections:**

11.24.01	Unlawful
11.24.02	Condemnation required
11.24.03	Written notice
11.24.04	Description of the property
11.24.05	Posting of notice
11.24.06	Removal
11.24.07	Duties of Building Inspector
11.24.08	Proceeds of sale
11.24.09	Lien
11.24.10	Fine
11.24.11	Judicial condemnation, penalty, previous sections applicable
11.24.12	Demolition of certain structures

11.24.01 Unlawful 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 and/or structure within the corporate limits of the city of West Fork, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the city council. (Ord. No. 364, Sec. 1.)

11.24.02 Condemnation required Any such house, building and/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. 364, Sec. 2.)

11.24.03 Written notice

- A. Prior to the consideration of a resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lienholder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lienholder(s), of the right to be heard at the City Council meeting on the proposed resolution declaring such house, building and/or structure to be a nuisance.
- B. Should the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon

said premises and the City Manger or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s), morgagee(s), and lienholder(s). Thereupon, service of publication as now provided by law against unknown and/or non-resident defendandt(s) may be had and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business. (Ord. No. 364, Sec. 3.)

11.24.04 Description of the property The resolution of the City Council condemning any house and/or structure which constitutes a nuisance which will include in said resolution an adequate description of the house, building and/or structure; the name(s), if known, of the owner(s), and mortgagee(s) and/or lienholder(s) thereof; and shall set forth the reason or reasons, said house, building and/or structure is or has been condemned as a nuisance. (Ord. No. 364, Sec. 4.)

11.24.05 Posting of notice After a house, building and/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(s) and mortgagee(s) and/or lienholder(s) thereof, if the whereabouts of said owner(s), mortgagee(s) and/or lienholder(s) thereof be known or if their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner(s), mortgagee(s) and/or lienholder(s) of said house, building and/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 of the condemnation. (Ord. No. 364, Sec. 5.)

11.24.06 Removal If the house, building and/or structure constituting a nuisance has not been torn down or 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 and/or structure constituting the nuisance, it will be torn down and/or removed by the Building Official or by such other person or persons as shall be designated by the City Council to tear down and/or remove said house, building and/or structure. (Ord. No. 364, Sec. 6.)

11.24.07 Duties of Building Inspector The Building Inspector or any other person or persons designated by the City Council to tear down and remove any such house, building and/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 and/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 (1) publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance. (Ord. No. 364, Sec. 7.)

11.24.08 Proceeds of sale All the proceeds of the sale of any such house, building and/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 Treasury. If any such house building and/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 and/or structure constituting the nuisance. (Ord. No. 364, Sec. 8.)

11.24.09 Lien If the city has any net costs in removal of any house, building and/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 Circuit 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 percentum (10%) penalty for collection, shall be by the governing body of the municipality certified to the Tax Collector of the 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 percentum (3%) thereof, when so collected shall be paid to the municipality by the County Tax Collector. (Ord. No. 364, Sec. 9.)

11.24.10 Fine A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner(s) of any house, building and/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 be 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 Sec. 11.24.05 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance. (Ord. No. 364, Sec. 10.)

11.24.11 Judicial condemnation, penalty, previous sections applicable In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance 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(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/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 Circuit Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a fine of One Hundred Dollars (\$100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the court and for each day thereafter said nuisance be 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(s) of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Building Inspector or other person or persons referred to in Section 11.24.06 of this chapter will take such action as provided in Section 11.24.07 hereof and Section 11.24.08 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentence applies independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 364, Sec. 10.)

11.24.12 Demolition of certain structures

- A. The structures located at 280 West Main Street and 260 McKnight Avenue, West Fork, Arkansas, more particularly described in the above legal description, are dilapidated, unsightly, and unsafe; and it is in the best interests of the city of West Fork to proceed with the removal of these dilapidated, unsightly, and unsafe structures.
- B. The owner is hereby ordered to raze (demolish) and remove the aforesaid dilapidated, unsightly and unsafe structures located on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with all state laws and local regulations pertaining to the demolition or removal of buildings.
- C. If the aforesaid work is not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the residence and old abandoned beauty shop at 280 West Main Street and 260 McKnight Avenue in West Fork, Arkansas, to be razed (demolished) and removed; and, the city of West Fork shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structures; said costs to be determined at a hearing before the City Council. (Ord. No. 2008-407, Sec. 1)

CHAPTER 11.28

BUILDING AND STANDARD CODES

Sections:

11.28.01	Adoption of Codes
11.28.02	Establishment of office of Building Official
11.28.03	Qualifications of Building Official
11.28.04	Duties of the Building Official
11.28.05	Liability
11.28.06	Right of entry
11.28.07	Definition
11.28.08	Fees
11.28.09	Call back fees
11.28.10	Removal; clean-up
11.28.11	Denial of permit - grounds
11.28.12	Performance bond - completion
11.28.13	Relocated dwelling - minimum space
11.28.14	Planning Commission hearing - when
11.28.15	Penalty

11.28.01 Adoption of Codes The following codes are hereby adopted by reference as though they were copied herein fully:

2009	International Building Code
2009	International Existing Building Code
2009	International Fire Prevention Code
2009	International Gas Code
2009	International Mechanical Code
2009	International Plumbing Code
2009	International Residential Code

Any matters in said codes which are contrary to existing ordinances of the city of West Fork, Washington County, Arkansas, shall prevail and that Ord. No. 362 entitle, "An Ordinance to adopt various standard codes relating to inspection activities of the city of West Fork, Washington County, Arkansas, and enforcement of building provisions as provided in said code," are hereby repealed and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. No. 412, Secs. 1-2.)

11.28.02 Establishment of office of Building Official.

- A. The office of the Building Official is hereby created
- B. The Building Official shall be appointed by the Mayor. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.
- C. During temporary absence or disability of the Building Official, the Mayor shall designate an acting Building Official.

11.28.03 Qualifications of Building Official. He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or connected with building construction, alterations, removal and demolition.

11.28.04 Duties of Building Official.

- A. He shall receive applications required by this code, issue permits and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- B. Inspections required under the provisions of the Building Code shall be made by the Building Official or his duly appointed assistant. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- C. The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued.

- D. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without his written consent.
- E. The Building Official shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

11.28.05 Liability Any officer or employee or member of the Board of Adjustments and Appeals 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 on 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.

11.28.06 Right of entry The Building Official, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

11.28.07 Definition Whenever the term "Corporation Counsel" is used in the building code, it shall be held to mean the City Attorney or other attorney acting for the city.

11.28.08 Fees

A. <u>Estimated Cost of Work</u>	<u>Cost of Permit</u>
First \$2,000	\$40.00
Each additional \$1,000	\$ 1.00/M

Fractions to \$1,000 are considered to be the next \$1,000 in costs.

Building permit expires six (6) months from date of issuance if construction has not started.

- B. Building permit schedule of fees for moving of building or structure for the locating or relocating within the city limits, the fee shall be Sixty Dollars (\$60.00).

For the locating within the city of West Fork from outside the city limits, the fee shall be One Hundred Dollars (\$100.00) plus Fifty Cents (\$.50) for each mile or fraction thereof for the Building Inspector's travel expenses.

C. Building permit schedule of fees for demolition of buildings or structures.

For the demolition of any building or structure,
the fee should be One Hundred Dollars (\$100.00).

D. Gas Inspection fee shall be Thirty Dollars (\$30.00).
(Ord. No. 413, Sec. 1.)

11.28.09 Call back fees If any building or structure fails for any reason to pass the Building Official's inspection and the Building Official has to re-inspect said building or structure, there will be an additional charge of Thirty Dollars (\$30.00) for each inspection and any and all fees shall be paid by the person to whom the permit is issued. (Ord. No. 413, Sec. 1.)

11.28.10 Removal; clean-up When a building is moved from a property located in the city to any other location, the site from which the building is moved shall be cleaned of all concrete, lumber, and other debris remaining after the removal and all basements, cellars and other excavations shall be filled. Such work shall be performed by the person or firm having such building or structure moved.

11.28.11 Denial of permit - grounds If the unlawful, dangerous or defective conditions of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made so as to place said structure in a tenantable, sale, good standard and healthy condition, a moving permit and as such a relocation permit shall be denied by the city of West Fork by its proper representative or by the City Council.

11.28.12 Performance bond - completion No moving permit or a relocation permit, as required by this ordinance, shall be issued by or on behalf of the city of West Fork unless the applicant shall file with the city of West Fork a one (1) year bond in the penal sum of Ten Thousand Dollars (\$10,000.00) with the city as obligee conditioned to the effect that said relocation shall be faithfully performed in accordance with the laws of the state of Arkansas, the ordinances, rules and regulations of the city of West Fork and within eleven (11) months. Said relocated structure must be placed and finished in a useable, livable and tenantable condition and connected up with water and sewer if available. Said bond must have adequate surety and the same to be approved by either the Treasurer or the Building Inspector of the city. In place of a surety bond, an applicant may post a bond which is secured by cash deposit with the Treasurer in the amount named as above and conditioned for the same purposes. (Ord. No. 413, Sec. 3.)

11.28.13 Relocated dwelling - minimum space Any dwelling to be relocated within the city limits of West Fork from without or from within the city limits must have at the time of completion one thousand two hundred (1,200) feet or more of heated living space therein. (Ord. No. 335, Sec. 2.)

11.28.14 Planning Commission hearing - when Where a permit under this ordinance is denied by a lawful representative of the city, an applicant may have his application heard by the Planning Commission of the city of West Fork at a regular or special meeting so that any interested person or persons may appear at said meeting and be heard. Said Planning Commission, after said full and complete hearing and investigation, shall within thirty (30) days make its recommendation to the City Council for or against the issuance of a moving permit or as the case may be, a relocation permit.

11.28.15 Penalty Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction fined in any sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). Each and every day that such offense is permitted to exist shall constitute a separate offense. (Ord. No. 413, Sec. 4.)