

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Inspector
- 11.08 Contractors
- 11.12 Building Code
- 11.16 Electrical Code
- 11.20 Gas Plumbing Code
- 11.24 Mechanical Code
- 11.28 Plumbing Code
- 11.32 Fire Prevention Code
- 11.36 Certificate of Occupancy
- 11.40 Adoption of Other Codes
- 11.44 Satellite Dishes
- 11.48 House Numbering
- 11.52 Retaining Walls
- 11.56 Excavation and Land Fill

CHAPTER 11.04

BUILDING INSPECTOR

Sections:

- 11.04.01 Definitions
- 11.04.02 Building Inspector

11.04.01 Definitions For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Apprentice wireman A person who is learning the electrical wiring trade and who is competent to assist, under the supervision of a licensed journeyman or master electrician, in the work of installing or repairing electrical wiring. An apprentice shall not work on any job alone.

Building official The Building Inspector of the city, or his or her designee.

Commercial building Any building being occupied by a person, or persons, required to buy an occupation license from the city in order to conduct business in said building. All commercial buildings shall comply with all current city ordinances.

Exception An occupation license required for a business to be operated from a single family dwelling which qualifies as a home occupation under the city's zoning ordinance will not make a dwelling a commercial building.

Electrical contractor An electrical contractor is any person, member, and/or employee of a firm, partnership, or corporation engaged in the business of installing, erecting, or repairing or contracting to install, erect, or repair electrical wire or conductors to be used for the transmission of electric light, heat, power, or signaling purposes or to install or repair molding, duct, raceways or conduit for the reception or protection of such wires or conduits, or any electrical machinery, operators, or systems to be used for electrical light, heat, power, or signaling purposes.

Electrical wiring The installation of electrical raceways, conductors, or apparatus of any kind used, or to be used, in or on any building for the transmission and distribution of electric current for electric light, heat, or power, or non-portable electrical fixtures and apparatus of any nature to be connected to light, heat, or power service; provided, however, that the words, Electric Wiring, Electric Equipment, and Apparatus shall not be deemed to include or refer to service lines, apparatus, and equipment for the sale, distribution, regulation of electricity, and remaining the property of the electric service company, or for telephone, telegraph, video, or other communication purposes, or in connection therewith.

Electrician A person who is licensed by the state of Arkansas to do electrical wiring work.

Fire authority The City Council of the city of Eureka Springs.

Fire district The fire district declared and established by 11.12.04.

Fire official or enforcement official The Chief of the Fire Department of the city of Eureka Springs.

Fire prevention bureau The Fire Department of the city of Eureka Springs.

Gas fitter A person who is licensed by the state of Arkansas to do gas pipe fitting and testing.

Inspector The city Building Inspector whose duties are defined and set forth in the Electrical Code, and such word shall include in its meaning all assistants authorized to assist or carry on the work of electrical inspection under the provisions of the Electrical Code.

Journeyman electrician Any person who possesses the necessary qualifications, training, and technical knowledge to install, maintain, and extend electrical conductors and equipment; further, such person shall be capable of doing such work in accordance with plans and specifications furnished him or her in accordance with standard rules and regulations governing such work.

Law enforcement department The Police Department of the city of Eureka Springs.

License(d) All persons practicing a trade within the authority of the city of Eureka Springs who are licensed or certified by the state of Arkansas must present that license or certification to obtain an business license.

Master electrician Any individual who possesses the necessary qualifications, training, and technical knowledge to plan, layout, and supervise the installation, maintenance, and extension of electrical conductors and equipment.

Person Any person, firm, corporation, partnership, or corporation, depending upon the context or the sense in which the word is used.

Plumber A person who is licensed by the state of Arkansas to do plumbing and gas plumbing.

Plumbing All piping, fixtures, appliances and appurtenances in connection with the water supply and drainage systems within a building and to a point from three (3) to five (5) feet outside of the building.

Sewer line Any drain or waste pipe carrying domestic sewage from a point within three (3) to five (5) feet outside of the foundation walls of any building with the sewer service lateral or other disposal terminal, including private domestic sewage treatment and disposal systems and the alteration of any such system, drain or waste pipe, except minor repairs to faucets, valves, pipe, appliances and removing of stoppages. (Ord. No. 1829, Sec. 11.01.01, 3-2-00)

11.04.02 Building Inspector

- A. **Establishing position of Building Inspector** There is hereby established the position of Building Inspector who shall have demonstrable competence, qualifications and expertise, through experience and/or training, with regard to the abilities of such person to knowledgeably review plans for the erection, construction, demolition, occupancy, equipment, use, height, area and/or maintenance of buildings and structures, and to knowledgeably inspect work-in-progress and completed work under such plans, all with regard to compliance with the provisions of this code. Further, the Building Inspector may be required by the Mayor to enforce provisions of this code outside the area of building and construction as the Mayor shall deem advisable and/or necessary. The Building

Inspector shall be appointed by the Mayor, subject to the confirmation by a majority of the members elected to the City Council. The Building Inspector may also be terminated by the Mayor, subject to confirmation by a majority of the members elected to the City Council.

- B. **Restrictions on Building Inspector** The Building Inspector shall not be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building, or in the making of plans or specifications therefore that he or she is required to inspect or approve, unless the Building Inspector is the owner of such building, in which event he or she shall immediately notify the Mayor so that an alternate inspector can be appointed by the Mayor for that one (1) project. The Building Inspector shall not engage in any work that would be a conflict of interest with the interest of the city, or with his or her duties under this Municipal Code of any of the building or related codes adopted by the city.
- C. **Conflicting provisions** The provisions hereof shall govern over any conflicting provisions of the Southern Building Code in conflict herewith and shall be deemed a modification or amendment to the Southern Building Code.
- D. **Designees** The Building Inspector may empower a designee or designees who shall have the authority as designated by the Building Inspector.
- E. **Records** The Building Inspector shall keep, or cause to be kept, a record of the official business of the Building Inspector. The records of the Building Inspector shall be available to the public under the provisions of the Arkansas Freedom of Information Act (FOIA).
- F. **Right of entry** The Building Inspector, and other persons authorized by the Building Inspector, are hereby granted authority to enter all buildings and property in the city in the performance of his or her duties between the hours of 8:00 a.m. and 5:00 p.m. daily, except that in emergency the Inspector may enter buildings and property for such purposes at other than the above designated hours, and may disseminate information relative to the provisions of this chapter.
- G. **Board of Appeal** Every decision of the Building Official's office shall be final unless appealed within ten (10) days of the Building Official's decision. Appeals shall be made in writing to the Board of Appeal as set out below.
 - 1. The Board of Appeal shall consist of five (5) members. The members shall be appointed by the Mayor with the consent and advisement of the City Council. The five (5) members shall include: One (1) general contractor, one (1) electrical contractor, one (1) HVAC contractor, one (1)

engineer or architect and one (1) member at-large. Each of the members, other than the at-large member, shall be required to hold an Arkansas state license in their respective field. The Board shall choose one (1) of its members to act as chairman. Service on the Board of Appeal shall be without compensation. All members of the Board must reside within the corporate limits of the city of Eureka Springs, Arkansas. (Ord. No. 1957, Sec. 2, 6-14-04)

2. The Board of Appeal shall meet from the time to time as necessary after an appeal has been filed in writing by an applicant with the City Clerk.

The City Clerk shall, within twenty-four (24) hours, notify the Chairman of the Board of Appeal that an appeal has been filed. The Chairman shall then call for a public meeting within ten (10) days of the filing of the appeal. The members of the Board, the Building Official and the applicant shall be notified of the meeting. The applicant and/or his representative as well as the Building Official may be present at the meeting to offer evidence, both in documentation and oral form. (Ord. No. 1957, Sec. 3, 6-14-04)

3. The Board of Appeal shall meet in an open meeting and only act when at least a quorum of its members are present. The Board shall announce all decisions within seven (7) days of the hearing by first class mail, mailed to the applicant and filed with the office of the Building Official and the City Clerk. (Ord. No. 1957, Sec. 4, 6-14-04)
4. Appeals from the Board of Appeal may be made to the Circuit Court of the Western District of Carroll County, Arkansas. (Ord. No. 1957, Sec. 5, 6-14-04)

CHAPTER 11.08

CONTRACTORS

Sections:

11.08.01	Requirements
11.08.02	Surety bond
11.08.03	Application fee
11.08.04	Screening construction materials

11.08.01 Requirements Before beginning any work within the city limits of Eureka Springs, Arkansas, any contractor or tradesperson must apply to the city and obtain an contractor's license. All contractors and tradespersons shall be duly licensed by the state of

Arkansas Contractor's Licensing Board and must provide the city with a copy of their current state licensure or certification for their profession. (Ord. No. 1829, Sec. 11.01.03a, 3-2-2000)

11.08.02 Surety bond All contractors and all other contractors must deliver to the city a bond with a surety bonding company in the sum of no less than Ten Thousand Dollars (\$10,000.00). (Ord. No. 2045, Sec. 1, 6-11-2007.)

11.08.03 Application fee All applications shall be accompanied by the required fee. The annual fee for general contractors is One Hundred Dollars (\$100.00) and for all other contractors, including subcontractors, the annual fee is Fifty Dollars (\$50.00). The term "other contractors" shall include, but not be limited to, the following:

A. General.

B. Other:

- Brick mason
- Building demolition
- Building relocators (movers)
- Cement
- Carpentry
- Drywall, acoustical
- Lathing, plastering
- Electrical
- Excavating
- Fire protection equipment installation
- Fence
- Flooring and tile
- Glazing
- Heating, ventilation and air conditioning
- Insulation
- Landscaping
- Lawn sprinkler
- Miscellaneous, including but not limited to alarm, antenna, cable, overhead door installation, elevator, equipment installation, escalator, foundation repair, general maintenance, metal fabricating, mud jacking (cement raising), satellite dish installation, underground pump and tank work, and well drilling.

11.08.04 Screening construction materials All home occupation of building contractor businesses located in R-1, R-2 and R-3 residential zones must screen from all public views all business and/or construction-related materials, including but not limited to supplies, equipment, tools and waste products. (Ord. No. 2237, Sec. 1, 2-22-16)

Paving
 Plumbing
 Painting and decorating
 Roofing and insulation
 Scavenger
 Sewer and water, drain layer
 Sheet metal
 Siding
 Sign installation
 Structural iron, wood and cement
 Swimming pool installation
 Tree trimming
 Tuck pointing and cleaning
 Waterproofing
 Wrecking

- C. All contractors must have a copy of their license available to show the Building Inspector or his designee upon request at any job site situated in the city. (Ord. No. 1778, Sec. 2a,b,c, 4-14-98)

CHAPTER 11.12

BUILDING CODE

Sections:

- | | |
|-------------|---|
| 11.12.01 | Adoption |
| 11.12.02 | Southern Standard Building Code revoked |
| 11.12.03 | Code filed |
| 11.12.04 | Permits and fees |
| 11.12.04.01 | Violations and penalties |
| 11.12.05 | Restrictions on blasting |
| 11.12.06 | Fire District |
| 11.12.07 | Violations and penalties |

11.12.01 Adoption That a certain document, three (3) copies of which are on file in the office of the City Clerk of the city of Eureka Springs, Arkansas, being marked and designated as the International Building Code, Excluding Appendix Chapter B only, as published by the International Council, Inc., be and is hereby adopted as the Building Code, city of Eureka Springs; for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance. (Ord. No. 1945, Sec. 1, 3-10-04)

11.12.02 Southern Standard Building Code revoked That Eureka Springs Code Chapter 14-11, Adoption of Southern Standard Building Code (Ord. No. 1829) of the city of Eureka Springs Municipal Code, is hereby revoked in its entirety and replaced language from this ordinance, reflecting the adoption and application of the International Building Code, which is attached hereto and adopted and incorporated by reference, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. No. 1902, Sec. 3, 3-3-03)

11.12.03 Code filed Three (3) copies of such Code are now and shall be kept on file in the office of the City Clerk and the city Building Inspector, and these copies of such Code are now and shall be available for all persons desiring to examine the same, and have been available for such viewing for a reasonable time prior to the final passage by this City Council of this ordinance adopting such Code. (Ord. No. 1902, Sec. 4, 3-3-03)

11.12.04 Permits and fees

A. Building permits - Residential

1. When any structure or building is to be erected or improved, moved or structurally altered, a building permit shall be obtained from the Building Inspector. A building permit is required for all modifications to existing structures or property, including but not limited to painting, fencing, installation or repair of sidewalks, driveways, permanent walkways, and retaining walls.
2. For any new construction, or addition to an existing structure, the following information shall be provided to the Building Inspector at least ten (10) working days before a permit is issued:
 - a. A plot plan, drawn to scale, showing the exact size, shape and dimensions of the lot to be built upon;
 - b. The exact size and location on the lot of all existing buildings and structures;
 - c. The exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved; and the size, arrangements, number of parking stalls, movement of vehicles, and ingress and egress drives for all off street parking and loading facilities.
 - d. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.

- e. Additional information relating to the proposed improvement needed to determine compliance with these regulations and additional documentation as required by the Building Inspector.
- f. A survey prepared by an engineer registered in the state of Arkansas of the boundaries of the lot on which the improvement is proposed to be located may be required by the Building Inspector.

B. Building permits – Commercial

- 1. Prior to the issuance of any new commercial construction, parking lot and/or demolition permit within any commercial zone within the corporate city limits of Eureka Springs, Arkansas, the property owner or his/her representative in addition to making application to the Building Official, shall submit the application, with all accompanying data, to the Planning Commission for consideration and approval or disapproval at their next meeting after submission to them and no later than forty-five (45) days after submission.
- 2. The Building Official shall only issue a new commercial construction, parking lot and/or demolition permit after approval by majority vote of the Planning Commission or as otherwise provided herein, unless the work is required for public safety or hazardous conditions. (Ord. No. 2161, Sec. 1, 11-12-12)
- 3. For any new commercial construction, or addition to an existing structure, the following information shall be provided to the Building Inspector.
 - a. A plot plan, drawn to scale, showing the exact size, shape and dimensions of the lot to be built upon;
 - b. The exact size and location on the lot of all existing buildings and structures;
 - c. The exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved; and the size, arrangements, number of parking stalls, movement of vehicles, and ingress and egress drives for all off-street parking and loading facilities.

- d. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.
 - e. Additional information relating to the proposed improvement needed to determine compliance with these regulations and additional documentation as required by the Building Inspector.
 - f. A survey prepared by an engineer registered in the state of Arkansas of the boundaries of the lot on which the improvement is proposed to be located may be required by the Building Inspector.
- C. Application for a permit Application for a permit shall be made at the office of the Building Inspector. The applicant shall provide in writing the information requested by the Building Inspector. Providing false information on the application shall be a violation of this section. (Ord. No. 1829, Sec.11.04.02b, 3-2-03)
- D. An applicant for a permit to erect, build or construct a new building or buildings and an applicant for a permit to enlarge, alter, repair, convert, remodel, renovate and/or restore an existing building or a part or parts thereof shall tender with the application a fee for the permit based on the following schedule:
- | | |
|--|--|
| Construction – residential, commercial or public | \$30.00 (includes rough and final inspection) plus \$.20 per sq. foot over 250 sq. ft. |
| Inspection of buildings that require interceptors required by Section 110-398-rough and final | \$30.00 |
| Moving any structure | \$100.00 |
| Demolition of any structure | \$50.00 |
| Annual maintenance as per Section 105.1 of the International Building Code, includes quarterly inspections | \$500.00 |
- No permit for the construction of any new structure or for the enlargement, alteration, repair or conversion of any existing building or structure within the corporate limits of the city shall be issued until at least ten days have elapsed after the proper submission of the application and documentation. (Ord. No. 1940, Sec. 1, 1-12-04)

- E. Permits expire one (1) calendar year from the date of issue. The Building Inspector may, at his or her discretion, extend the permit one (1) time for 180 days (\$30.00 fee). After that, a new permit must be applied for and issued. No construction activity may take place during any period not covered by a building permit. (Ord. No. 1940, Sec. 9, 1-12-04)

- E. Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled (or \$50.00, whichever is the greater figure); but the payment of such penalty shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. (Ord. No. 1940, Sec. 9, 1-12-04)

11.12.04.01 Violations and penalties Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled (or Fifty Dollars (\$50.00), whichever is the greater figure), but the payment of such penalty shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. (Ord. No. 1829, Sec. 11.04.02e, 3-2-03)

11.12.05 Restrictions on blasting

- A. It shall be unlawful for any person or corporation to engage in blasting or the detonation of any explosive material or device for the purpose of causing the movement of earth or removal or change of any natural geographic feature within the corporate limits of the city unless an exemption is granted by the City Council pursuant to the following section.
- B. The City Council may, at a scheduled meeting, consider applications for authorization for blasting or detonation of explosive devices or materials within the city upon application of the person or corporation seeking such authorization. The City Council may grant or deny such authorization after consideration of the area to be blasted, its proximity to residences or businesses, the apparent threat to the life or health of nearby residents, potential injury to property, the experience and safety record of the applicant, and the insurance coverage maintained by the applicant. No application will be approved without the applicant providing evidence of public liability insurance with per incident coverage in an amount not less than \$1,000,000.00.
- C. Violations of this section shall be considered a violation of this article and shall be punishable as a misdemeanor offense which is subject to imprisonment and/or fines up to Five Hundred Dollars (\$500.00). Each day that said violation continues shall be a separate offense, and each day subsequent to the first day of the violation shall be punishable by a fine of up to Five Hundred Dollars (\$500.00) per day. In addition, such person shall be assessed all applicable and customary costs and fees. (Ord. No. 1829, Sec. 11.04.03b,c, 3-2-00)

11.12.06 Fire District A Fire District is hereby declared and established in and for the city, as hereinafter described with particularity, and such Fire District shall be subjected to the building restrictions. Said Fire District for the purposes of this code, is hereby described as follows, to-wit:

For the place of beginning, begin at the intersection of Mountain Street and North Main Street, thence south on North Main St. to Douglas St., thence south on Douglas St. to North First St., thence southwesterly on North First St. (becoming South First St.) until this street terminates at the Courthouse parking lot, thence south to Armstrong St., thence southwesterly along Armstrong St. to its intersection with South Main St., thence northeasterly along South Main St. to its intersection with Spring St., thence following Spring St. to its intersection with German Alley and Howell Ave., thence southeasterly

on German Alley to Center St., thence south on Center St. to Mountain St., thence easterly on Mountain St. to its intersection with North Main St., being the place of beginning, including all that part of the city inside said boundaries and 100 feet outside of the above streets and alleys forming said boundaries.

Restriction of construction in the Fire District

It shall be unlawful for any person, partnership or corporation to cause any structure of any kind for which it is necessary to obtain a building permit to be constructed in the Fire District, unless the structure shall be constructed with exterior walls made of stone, brick, concrete, glass, metal or other non-flammable material. Trim work or porches may be made of wood. The purpose of this requirement is to inhibit the spread of fire from building to building in the Fire District. Nothing in this provision shall be construed so as to limit the powers of the Eureka Springs Historic District Commission. The Building Inspector is specifically charged with the enforcement of this provision, and he shall issue no building permits for any structure for which the plans indicate flammable materials constituting the exterior walls. The Building Inspector is further empowered to order all work stopped on any structure in the Fire District which appears to violate this provision in actual construction or in the event the owner of the building refuses to comply with this section of the Municipal Code, the city may revoke any occupancy permits, business licenses, or shut off city services to the structure. Further, the owner of the structure may be cited with a criminal violation of this code and punished in accordance with 11.12.05. Each day the structure is allowed to exist in violation of this provision shall be a separate offense. Finally, the city may address the matter in the Chancery Courts of this state for a mandatory injunction to require the owner of the structure to either bring the structure within the requirements of this provision or cause the structure to be removed from the Fire District. (Ord. No. 1829, Sec. 11.04.04a,b, 3-2-00)

11.12.07 Violations and penalties

- A. Any person who engages in the business of general contracting or as a licensed sub-contractor without first having secured the required contractor's license as provided in this chapter shall be, upon conviction, punishable by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00).
- B. Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure, or have erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, shall be guilty of a misdemeanor. If said person is a contractor employed by the property owner for the purpose of said construction, alteration, demolition or other purpose, both the contractor and the property owner shall be guilty of a misdemeanor.

- C. Violations of this article shall be considered a violation of this chapter and shall be punishable as a misdemeanor offense which is subject to imprisonment and/or fines up to Five Hundred Dollars (\$500.00). Each day that said violation continues shall be a separate offense, and each day subsequent to the first day of the violation shall be punishable by a fine of up to Five Hundred Dollars (\$500.00) per day. In addition, such person shall be assessed all applicable and customary costs and fees.
- D. Should a building or structure be constructed in violation of the provisions of this article, the Building Inspector shall have the authority to order removal of the said structure or building. If the structure is ordered removed, and the owner fails to do so after notice, the city may cause a lien to be placed against the property by the city to recover costs of removal. (Ord. No. 1829, Sec.11.04.05a-d, 3-2-00)

CHAPTER 11.16

ELECTRICAL CODE

Sections:

11.16.01	Adoption of National Electric Code
11.16.02	Supplemental regulations
11.16.03	Exemptions
11.16.04	Licenses
11.16.05	Permit fees
11.16.06	Violation and penalties
11.16.07	Inspection and testing
11.16.08	Powers of Building Inspector
11.16.09	Electrical contractor
11.16.10	Neon lighting
11.16.11	Violations and penalties

11.16.01 Adoption of National Electric Code The most recent edition of the National Electrical Code, issued by the National Fire Protection Association, and adopted by the state of Arkansas, hereinafter in this chapter called "this code," as most recently supplemented and amended, is hereby adopted by reference and incorporated in its entirety, subject to modifications and adaptations thereof made by amending ordinances and parts of ordinances hereafter passed by the City Council of the city of Eureka Springs. The adoption of this code, as modified and adapted hereinafter, is for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment,

use, height, area and maintenance of all buildings or structures within the corporate limits of the city of Eureka Springs. Not less than three (3) copies of this code have been filed in the office of the Building Inspector of the city for inspection and reference by all interested persons. (Ord. No. 1829, Sec. 11.08.01, 3-2-00)

11.16.02 Supplemental regulations Notwithstanding any provisions contained in the National Electrical Code to the contrary, the following provisions shall apply in the city of Eureka Springs:

- A. All lights shall be controlled by switches approved by the National Electrical Code.
- B. Electrical panels shall contain breaker type disconnects.
- C. Electrical current to general appliances, convenience outlets and general lighting circuits shall be supplied by copper wiring having a minimum size of not less than No. 12-2/wg wire.
- D. The minimum size for aluminum wire shall be not less than No. 2.
(Ord. No. 1829, Sec. 11.08.01a, 1-4, 3-2-00)

11.16.03 Exemptions Exemptions from the provisions of this chapter are as follows:

- A. City property Electrical permit fees shall be waived for city-owned institutions; however, these installations must have inspections and meet other provisions of this chapter.
- B. Railroad Installations or equipment of a railway utility in the exercise of its functions as a utility, and located outdoors or in buildings used exclusively for that purpose and to which the general public has no access.
- C. Special equipment The assembly, erection, and connection of electrical equipment by the manufacturer of such equipment. This does not include any electrical wiring other than that involved in making electrical connections on the equipment itself.
- D. Elevators All electrical work involved in the erection, installation, repair, remodeling, or maintenance of elevators, dumb waiters, and escalators. This does not include electrical equipment for supplying power to the control panels of such equipment.
- E. Power Company Nothing herein shall be construed as applying to any electric light or power company, its agents, servants, and employees conducting its business under a franchise granted by the city in the installation, repair,

maintenance, removal, or replacement of electrical wiring, machinery, or equipment owned or operated by the power company in the city.

- F. Radio and TV Electrical equipment used for power supply to radio or trans-video. Transmitting equipment and other electrical wiring used for power supply to radio or trans-video shall comply with the provisions of this chapter.
- G. Telephone Company Nothing herein shall be construed as applying to any telephone company, its agents, servants, and employees conducting its business under a franchise granted by the city, in the installation, repair, maintenance, removal, or replacement of electrical wiring, machinery, or equipment owned or operated by the telephone company in the city.
- H. Power Company connecting service Nothing herein shall be so construed as to require a certificate of acceptance from the Building Inspector before current is turned on any wiring unless some change has been made in said wiring of switches since service was disconnected.
- I. Minor repairs No permits are required for minor repair, replacement of fuses, lamps, or connection of portable electrical equipment to suitable permanently installed receptacles. (Ord. No. 1829, Sec. 11.08.01(b), 1-9, 3-2-00)

11.16.04 Licenses

- A. Any person desiring to install or replace any electrical wiring as defined in this chapter, within the city must first procure an electrician's license or renewal thereof, except as regulated or modified by provisions set forth in this chapter.
- B. Contractor's license No person, firm or corporation shall engage in the business of electrical construction or the installation of wiring and apparatus for electrical lights, appliances, heating or power in the city unless the individual performing the work shall hold a current and valid license issued by the Board of Electric Examiners, Department of Labor, state of Arkansas, pursuant to and in compliance with the regulations for said Board and Act 870 of 1979, Acts of Arkansas. Each person, firm or corporation so engaging in such business or installation shall, prior thereto, shall obtain a contractor's license.
- C. It shall be unlawful for any person holding a state of Arkansas Electrician License to transfer same or allow the use of same, directly or indirectly, by any other person for the purpose of obtaining a permit to do any of the electrical work herein specified. (Ord. No. 1829, Sec. 11.08.02b,c, 3-2-00)

D. The Building Inspector is authorized to issue electrical permits to the following:

1. State of Arkansas licensed master electrician
2. Property owners A permit may be issued to a property owner to install electrical wiring in a single-family residence provided the property owner does the work himself or herself and the building is owned and so occupied by such owner as his or her home, and provided the issuance of said permit is not used as a state of Arkansas Electrician License imposed by this chapter upon persons, firms, or corporations who are in the business of building such residences for resale. Such electrical wiring work must be completed within strict compliance with the requirements of this chapter. If the property owner does the work himself or herself, the property must remain a single family residence for a period of not less than one (1) year; or, if used for any other purpose, it must meet all standards set forth for those purposes including electrical permits. (Ord. No. 1829, Sec. 11.08.02d, 1-2, 3-2-00)

11.16.05 Permit fees A person performing electrical work and/or installing electrical equipment or apparatus shall notify the Building Inspector prior to beginning the work and/or installation. An applicant for a building permit shall tender, with the application, a fee for electrical inspection in addition to the building permit fee. Said electrical inspection fee shall be determined as follows:

\$30 (includes rough and final inspection) plus \$5.00 a \$,1000 over \$500.
(Ord. No. 1940, Sec. 2, 1-12-04)

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 Building Inspector and all fees (as herein provided) have been paid by the person, firm or corporation having direct charge of such installation. (Ord. No. 1829, Sec. 11.08.02e, 3-2-00)

11.16.06 Violation and penalties Where work for which a permit is required by the chapter is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled (or \$50.00, whichever is the greater figure); but the payment of such penalty shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein. (Ord. No. 1829, Sec. 11.08.02e, 3-2-00)

11.16.07 Inspection and testing

- A. There shall be a minimum of two (2) inspections by the Building Inspector when electrical wiring is installed in any buildings, the first known as the rough-in inspection and the second as the final inspection:
 - 1. The rough-in inspection is to be made when the electrical wiring is installed but before concealing the electrical wiring work.
 - 2. The final electrical inspection is to be made when all electrical wiring work is completed.
- B. The Building Inspector shall have the legal right to require any existing electrical installation to meet the inspection and test when he may have reason to believe that such system is not safe for the use it is intended. When such inspections or tests indicate faulty and unsafe system, the owner shall recondition such electrical installation to render it safe.
- C. The Building Inspector shall make inspections periodically of all premises and installations under the supervision of a maintenance person as outlined in this chapter. The amount of fee or charge to be made for such inspections and certificate is to be fixed and determined by the City Council.
- D. Uncovering wiring If any electrical wiring or part thereof, which is installed, altered or repaired, is covered before being inspected by the Building Inspector, it shall be uncovered for inspection after notice to uncover the work has been issued to the responsible person by the Building Inspector.
- E. Responsibilities of the licensed electrician:

Advance notice

- 1. It shall be the duty of the master electrician or his or her authorized representative to give notice to the Building Inspector when the electrical wiring work is ready for an inspection.
- 2. It shall be the duty of the electrician to make sure that the electrical wiring work will stand the inspection before he or she requests the inspector to make an inspection of the electrical wiring work. (Ord. No. 1829, Sec. 11.08.03 a-c, 3-2-00)

11.16.08 Powers of Building Inspector The Building Inspector or his or her designee is hereby authorized to make such written rules and regulations concerning electrical wiring as may be necessary to implement, clarify and carry out the purposes of this chapter, said rules and

regulations to become effective upon approval by the Mayor and City Council. (Ord. No. 1829, Sec. 11.08.04, 3-2-00)

11.16.09 Electrical contractor A person shall be permitted to operate an electrical contractor's business inside the city as defined in this chapter provided:

- A. The electrical contractor is duly licensed by the state of Arkansas as a master electrician permanently employed at all times and actively in charge of and supervising all electrical wiring work of said employer. Any electrical contractor, master electrician, or journeyman electrician licensed by the State Board of Electrical Examiners may work in the city after first showing evidence of a state license issued by the State Board of Electrical Examiners and paying those fees required by the city.
- B. The electrical contractor must furnish a corporate surety and liability insurance.
- C. The electrical contractor shall be required to register with the Building Inspector. (Ord. No. 1829, 11.08.05, 3-2-00)

11.16.10 Neon lighting Notwithstanding any provision contained in the National Electrical Code to the contrary, the following provisions shall govern neon lighting:

- A. Persons installing neon tubing must obtain an electrical permit to do such work.
- B. Persons installing neon tubing under such electrical permit shall be limited to installing the transformer and the necessary high voltage wiring and material on the secondary side of the transformer, unless such persons hold a current Arkansas electrician's license which would enable them to install the primary wiring to such installation.
- C. Persons installing such neon work shall be required to furnish the city with a corporate surety permit bond and be required to carry liability insurance.
- D. Persons installing such neon work must comply with all provisions of this chapter, except that such persons need not carry a city electrical license to install such transformer and secondary wiring. (Ord. No. 1829, Sec.11.08.06a-d, 3-2-00)

11.16.11 Violations and penalties Violations of the electrical code shall be considered a violation of this article and shall be punishable as a misdemeanor offense which is subject to imprisonment and/or fines up to Five Hundred Dollars (\$500.00). Each day that said violation continues shall be a separate offense, and each day subsequent to the first day of the violation shall be punishable by a fine of up to Five Hundred Dollars (\$500.00) per day.

- A. 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 Building Inspector, 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 provision of this ordinance. Upon failure to comply with this ordinance, the Building Inspector shall have authority, after due notice, to turn off electric current to the property with the defective work.
- B. Liability for damages The issuance of permits or certificates of approval as required by this section shall not be construed as relieving any person from liability for damages to persons or property in connection with the operation, control or installation of any electrical equipment, and the city shall not be held as assuming any liability by reason of the issuance of permits or certificates of approval. The intention of the provisions of this code is to afford the public safety to life and property insofar as such safety can be provided by law.
- C. This chapter shall not be construed to relieve or lessen the responsibilities of any person, firm or corporation owning, operating or installing electrical wires, appliances, apparatus, construction or equipment, for the damage to property or persons injured by any defect therein, nor shall the city or any agent thereof be deemed to assume any such liability by reason of the inspection authorized herein or by any type of certificate of inspection as may be issued by the Building Inspector. (Ord. No. 1829, Sec. 11.08.07b, 3-2-00)

CHAPTER 11.20

GAS PLUMBING CODE

Sections:

11.20.01	Adoption
11.20.02	Permits
11.20.03	Fees
11.20.04	Application
11.20.05	Qualifications for permit
11.20.06	Violation and penalties
11.20.07	Inspections and tests
11.20.08	Powers of Building Inspector
11.20.09	Gas service location
11.20.10	Gas meters
11.20.11	Violations and penalties

11.20.01 Adoption The most recent edition of the Arkansas State Gas Code, hereinafter in this chapter called "this code," as most recently supplemented and amended, is hereby adopted by reference and is incorporated in its entirety, subject to modifications and adaptations thereof made by through amending ordinances and parts of ordinances hereafter passed by the City Council of Eureka Springs, Arkansas. This code shall be for the purpose of regulating all gas piping, installation of appliances or fixtures placed in or in any manner connected in any building or structure, and to assure that all such piping complies with the conditions of this chapter and is in accordance with the "Standards of the National Board of Fire Underwriters," which rules and regulations are hereby adopted and made a part of this chapter, under which all gas piping must be done (N.B.F.U. pamphlet No. 54). Not less than three (3) copies of this code have been filed in the office of the Building Inspector of the city, for inspection and reference by all interested persons. (Ord. No. 1829, Sec. 11.12.01, 3-2-00)

That Section 103.2 of the Arkansas Gas Code, 1995 edition, be amended to read as follows: removing "Each school accredited by the Arkansas Department of Education" and adding *All schools, K-12, within the corporate limits of the city of Eureka Springs, Arkansas* shall have conducted an annual inspection of its gas piping and gas utilization equipment." (Ord. No. 2026, Sec. 1, 2006)

11.20.02 Permits The Building Inspector shall not issue any permit for individual jobs to be done except upon written application by the licensed applicant, which shall describe the character of the work to be done, together with the exact location of same, the number, name and character of gas appliances or fixtures to be put in, which shall be signed by the party applying therefore; and upon such application, the Building Inspector shall issue a permit accordingly. No person shall do any gas work of any character or install or connect any gas appliance or fixture or repair any gas work or make any extension or alteration to gas lines or change the location of any gas appliance, except as hereinafter provided, until he has first obtained an Arkansas license to operate as a gas plumber/gas fitter and he or she has made written application to the Building Inspector.

Before any street, alley, sidewalk, road, park or highway or any other public way of the city is opened or excavated for the purpose of laying gas pipe or gas service or for any repairs to either of same, a permit shall be obtained from the city engineer, in writing, authorizing said cut to be made.

No central heating systems, floor furnaces, wall furnaces or elevated ceiling circulators, to be operated wholly or partly with natural gas, shall be installed without the prior written application of a properly licensed applicant, as heretofore set forth, and without the prior issuance of a permit by the Building Inspector. (Ord. No. 1829, Sec.11.12.02a, 3-2-00)

11.20.03 Fees All application for permits shall be made on suitable forms provided. The application shall be accompanied by fees, in addition to the building permit fee in accordance with the following schedule:

\$30 (includes rough and final inspection) plus \$5.00 a \$,1000 over \$500.
(Ord. No. 1940, Sec. 3, 1-12-04)

11.20.04 Application Application for a permit shall be made at the office of the Building Inspector. The applicant shall provide in writing the information requested by the Building Inspector. Providing false information on the application shall be a violation of this section.
(Ord. No. 1829, Sec. 11.12.02c, 3-2-00)

11.20.05 Qualifications for permit

- A. State licensed gas fitter or plumber.
- B. Property owners A permit may be issued to a property owner to install gas plumbing in a single-family residence provided the property owner does the work himself or herself and the building is owned and so occupied by such owner as his or her home, and provided the issuance of said permit is not used as an Arkansas State gas fitting or plumbing license imposed by this chapter upon persons, firms, or corporations who are in the business of building such residences for resale. Such gas plumbing work must be completed within strict compliance with the requirements of this chapter. If the property owner does the work himself or herself, the property must remain a single family residence for a period of not less than one (1) year; or, if used for any other purpose, it must meet all standards set forth for those purposes including gas plumbing permits. (Ord. No. 1829, Sec. 11.12.02,d,2,3-2-00)

11.20.06 Violation and penalties Where work for which a permit is required by this chapter is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled (or \$50.00 whichever is the greater figure); but the payment of such penalty shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein. (Ord. No. 1829, Sec.11.12.02e, 3-2-00)

11.20.07 Inspections and tests It shall be the duty of the licensed plumber/gas fitter to notify the Building Inspector between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excepting holidays, not less than eight (8) working hours before the work is to be inspected or tested; and it shall be the duty of the licensed plumber/gas fitter to make sure that the work will stand the test prescribed before giving the above mentioned notice.

If and when the work passes the inspections and tests as prescribed in this chapter, the Building Inspector shall issue a Certificate of Inspection, with a copy thereof furnished to the gas company; and this will authorize the gas company to install gas service or meter at the premise (or building) covered by the Certificate of Inspection. No meters shall be installed by the gas company until such Certificate of Inspection has been furnished by the Building Inspector. (Ord. No. 1829, Sec. 11.12.03, 3-2-00)

11.20.08 Powers of Building Inspector The Building Inspector or designee shall each have the power to condemn gas plumbing when, in his or her opinion, such work is dangerous to the safety of the community. He or she shall shut off or cause to be shut off, all gas service in residences or businesses where, in their judgment the house piping or appliances are unsafe. The gas will remain shut off until such time as the unsafe conditions are corrected by the property owner or the fitter installing same, and a certificate of inspection issued by the Inspector and a copy thereof furnished to the gas company, after which the gas company may restore service. (Ord. No. 1829, 11.12.04, 3-2-00)

11.20.09 Gas service location Any plumber/gas fitter, before installing a house service line or meter loop for gas, shall consult the gas company for a proper location of the meter. All house service lines shall be run in as direct a line as possible from the building to the curb line, and no gas pipe shall be run within twelve (12) inches of a sewer trench or water pipe. The proper spread must be made at the meter location, and the correct distance left by the plumber/gas fitter for all meters to be set. Information as to the distance required can be obtained from the gas company. (Ord. No. 1829, Sec. 11.12.05, 3-2-00)

11.20.10 Gas meters The gas meter is the property of the gas company and must not be disconnected for any cause by anyone other than those specifically authorized to do so; if change is desired, notify the gas company. The gas company may not install a meter or turn on the gas in any building until a Certificate of Inspection has been issued by the Inspector. After a meter has been set and additional work is done, the plumber/gas fitter shall report such change or extension to the Building Inspector. (Ord. No. 1829, Sec. 11.12.06, 3-2-00)

11.20.11 Violations and penalties Violations of the Plumbing Code shall be considered a violation of this article and shall be punishable as a misdemeanor offense which is subject to imprisonment and/or fines up to Five Hundred Dollars (\$500.00). Each day that said violation continues shall be a separate offense, and each day subsequent to the first day of the violation shall be punishable by a fine of up to Five Hundred Dollars (\$500.00) per day. (Ord. No. 1829, Sec. 11.12.07, 3-2-00)

CHAPTER 11.24

MECHANICAL CODE

Sections:

- | | |
|----------|--------------------------|
| 11.24.01 | Adoption |
| 11.24.02 | Enforcement |
| 11.24.03 | Permits and fees |
| 11.24.04 | Violations and penalties |

11.24.01 Adoption The city of Eureka Springs hereby adopts the Arkansas Mechanical Code, as recommended by the Southern Building Code Congress, being the most current edition thereof, save and except such portions as amended by this article, hereinafter in this chapter called "this code," as most recently supplemented and amended, is hereby adopted by reference and is incorporated its entirety, subject to modifications and adaptations thereof made by through amending ordinances and parts of ordinances hereafter passed by the City Council of the city of Eureka Springs, Arkansas. This code shall be for the purpose of ensuring safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings, and appurtenances thereto, so as to safeguard life, health, and public welfare. Not less than three (3) copies of this code have been filed in the office of the Building Inspector of the city of Eureka Springs for inspection and reference by all interested persons. (Ord. No. 1829, Sec. 11.16.01, 3-2-00)

11.24.02 Enforcement For the purpose of this article, the Building Inspector or his or her designee are authorized to enforce the provisions of the Mechanical Code. This article shall not apply to all exemptions set out in Acts of the state of Arkansas. (Ord. No. 1829, Sec. 11.16.02, 3-2-00)

11.24.03 Permits and fees Before beginning any installation, alteration, repair, or replacement regulated by the "code," an applicant shall apply with the Building Inspector for a permit. Upon approval of the permit application, and prior to issuance of the permit, the Building Inspector shall collect fees in accordance with the following schedule:

\$30 (includes rough and final inspection) plus \$5.00 a \$1,000 over \$500.
(Ord. No. 1940, Sec. 4, 1-2-04)

B. Persons qualified to obtain a HVAC/R permit:

1. State licensed mechanical contractor
2. Property owners A permit may be issued to a property owner to install heating and cooling/refrigeration equipment in a single-family residence provided the property owner does the work himself and the building is owned and so occupied by such owner as his home, and provided the issuance of said permit is not used as an Arkansas State Mechanical License imposed by this chapter upon persons, firms, or corporations who are in the business of building such residences for resale. Such HVAC/R work must be completed within strict compliance with the requirements of this chapter. If the property owner does the work himself, the property must remain a single family residence for a period of not less than one year, or, if used for any other purpose, it must meet all standards set forth for those purposes including gas plumbing permits.

- C. Penalties Where work for which a permit is required by the code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled (or \$50.00, whichever is the greater figure), but the payment of such penalty shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein. (Ord. No. 1829, Sec. 11.16.03 b,c, 3-2-00)

11.24.04 Violations and penalties Violations of the standard Mechanical Code shall be considered a violation of this article and shall be punishable as a misdemeanor offense which is subject to imprisonment and/or fines up to Five Hundred Dollars (\$500.00). Each day that said violation continues shall be a separate offense, and each day subsequent to the first day of the violation shall be punishable by a fine of up to Five Hundred Dollars (\$500.00) per day. In addition, such person shall be assessed all applicable and customary costs and fees. (Ord. No. 1829, Sec. 11.16.05, 3-2-00)

CHAPTER 11.28

PLUMBING CODE

Sections:

11.28.01	Adoption
11.28.02	Permits
11.28.03	Fees
11.28.04	Application for permit
11.28.05	Qualifications for permit
11.28.06	Violation and penalties
11.28.07	Street openings
11.28.08	Violations and penalties

11.28.01 Adoption The most recent edition of the State Plumbing Code adopted by the State Board of Health, hereinafter called "this code," as most recently supplemented and amended is hereby adopted by reference and incorporated in its entirety, subject to modifications and adaptations thereof made by amending ordinances and parts of ordinances hereafter passed by the City Council of the city of Eureka Springs, Arkansas. This code, as modified and adapted hereinafter, is for the purpose of regulating all plumbing installed, altered or repaired within the city where water and/or sewage service originate from the Eureka Springs municipal water and/or sewer system. Not less than three (3) copies of this code have been filed in the office of the Building Inspector of the city for inspection and reference by all interested persons. (Ord. No. 1829, Sec. 11.20.01, 3-2-00)

11.28.02 Permits Before beginning any work in the city, the licensed plumber installing or altering same, shall apply to the Building Inspector and obtain a permit to do such work. 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 in which the owner resides, providing the homeowner does the work himself or herself and that such work shall meet the requirements of this code. (Ord. No. 1829, Sec. 11.20.2a, 3-2-00)

11.28.03 Fees All applications for permits shall be made on forms provided by the city. The application shall be accompanied by fees, in addition to building permit fee, in accordance with the following schedule:

\$30 (includes rough and final inspection) plus \$5.00 a \$,1000 over \$500.
Grease trap inspection (rough and final) \$30.00
(Ord. No. 1940, Sec. 5, 1-12-04)

11.28.04 Application for permit Application for a permit shall be made at the office of the Building Inspector. The applicant shall provide in writing the information requested by the Building Inspector. Providing false information on the application shall be a violation of this section. (Ord. No. 1829, Sec. 11.20.02c, 3-2-00)

11.28.05 Qualifications for permit

A. State licensed plumber

B. Property owners A permit may be issued to a property owner to install plumbing in a single-family residence provided the property owner does the work himself or herself and the building is owned and so occupied by such owner as his or her home, and provided the issuance of said permit is not used as a Arkansas State Plumbing License imposed by this chapter upon persons, firms, or corporations who are in the business of building such residences for resale. Such plumbing work must be completed within strict compliance with the requirements of this chapter. If the property owner does the work himself or herself, the property must remain a single family residence for a period of not less than one (1) year, or, if used for any other purpose, it must meet all standards set forth for those purposes including plumbing permits. (Ord. No. 1829, Sec. 11.20.02d, 3-2-00)

11.28.06 Violation and penalties Where work for which a permit is required by the chapter is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled (or \$50.00, whichever is the greater figure), but the payment of such penalty shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein. (Ord. No. 1829, Sec. 11.20.02e, 3-2-00)

11.28.07 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. (Ord. No. 1829, Sec. 11.20.03, 3-2-00)

11.28.08 Violations and penalties

- A. Contractor's license Any person who engages in the business of plumbing without first having secured the required contractor's license as provided in this chapter shall be, upon conviction, punishable by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00).
- B. Each violation of any provision of this article shall be deemed to be a misdemeanor. If said violator is a contractor employed by the property owner, both the contractor and the property owner shall be guilty of a misdemeanor.
- C. Violations of this subsection shall be considered a violation of this article and shall be punishable as a misdemeanor offense which is subject to imprisonment and/or fines up to Five Hundred Dollars (\$500.00). Each day that said violation continues shall be a separate offense, and each day subsequent to the first day of the violation shall be punishable by a fine of up to Five Hundred Dollars (\$500.00) per day. In addition, such person shall be assessed all applicable and customary costs and fees.
- D. Removal Should a plumbing system be constructed in violation of the provisions of this article, the City Building Inspector shall have the authority to order removal of said plumbing system. If the structure is ordered removed the city may cause a lien to be placed against the property by the city to recover the cost of removal. (Ord. No. 1829, Sec. 11.20.04a-d, 3-2-00)

CHAPTER 11.32**FIRE PREVENTION CODE****Sections:**

11.32.01	Adoption
11.32.02	Amendments
11.32.03	Definitions
11.32.04	Exceptions
11.32.05	Appeals
11.32.06	Violations and penalties

11.32.01 Adoption A certain document, three (3) copies of which are on file in the office of the City Clerk of Eureka Springs, being marked and designated as the 2007 Arkansas Fire Prevention Code, including Appendix Chapters B through G, is hereby adopted as the code of the city of Eureka Springs, Arkansas, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the city of Eureka Springs and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of the 2007 Arkansas Fire Prevention Code, published by the International Code Council (ICC), on file in the office of the City Clerk are hereby referred to, adopted and made party of hereof as if fully set out in this ordinance. Nothing in this amendment shall be construed to revoke any portion of the International Building Code (IBC) as previously adopted. (Ord. No. 2105, Sec. 1, 7-13-09.)

11.32.02 Amendments The following sections of the 2007 Fire Prevention Code are hereby revised in the following manner:

- A. In 11.32.02A insert "City of Eureka Springs Fire Prevention Code."
- B. Amend Section 11.32.02B to read as follows: "The codes and standards referenced in this code shall be those that are listed in Chapter 45 of Volume 1 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. In regard to the referenced NFPA codes and standards the most current editions shall apply. Where differences occur between the provisions of this code and the referenced codes and standards, the most stringent shall apply."

- C. Amend Section 11.32.02E to read as follows: "Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes or in sprinklered and alarmed buildings an approved key box in an approved accessible location shall be provided. The key box shall be of an approved type and shall contain keys to gain access as required by the code official."
- D. Amend 11.32.02F to read as follows: "Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72."
- E. Amend 11.32.02 to read as follows: "An approved fire alarm system meeting the requirement of NFPA 72 shall be installed and connected to all new automatic sprinkler systems and shall communicate an audible and visual alarm throughout the entire building. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall also be provided on an exterior of the building in an approved location. Actuation of the automatic sprinkler system shall actuate the building fire alarm system." (Ord. No. 2105, Sec. 2, 7-13-09.)

11.32.03 Definitions The following terms appearing in the Fire Prevention Codes adopted in this article are defined as follows:

Building official means the Building Inspector of the city of Eureka Springs, Arkansas.

Fire authority means the City Council of Eureka Springs, Arkansas.

Fire district means the fire district declared and established.

Fire official and enforcement official means the Chief of the Fire Department of the city.

Fire Prevention Bureau means the Fire Department of the city of Eureka Springs, Arkansas.

Law enforcement department means the Police Department of the city of Eureka Springs, Arkansas. (MC 1978, Sec. 11.16.02)

11.32.04 Exceptions The following exceptions, deletions and modifications to the Fire Prevention Codes adopted in this article are declared:

- A. Chapter 2 of the said Standard Fire Prevention Code, as amended, which provides for a Board of Appeals and Adjustment, and any similar provision in the said Fire Prevention Code, as amended, are hereby excepted and deleted from the adoption and incorporation by this chapter. Any provision appearing elsewhere in either said Fire Prevention Code which refers to a Board of Appeals and Adjustments or some similar agency or body shall be deemed to be modified accordingly. The provision for appeals is set forth hereinbelow.
- B. Any conflict between any restrictive provision in this code and any similar or corresponding restrictive provision in either Fire Prevention Code shall be resolved in favor of the more restrictive provision which provides the greater preservation of the public health, safety and welfare. (Ord. No. 1829, Sec. 11.24.03 a, b, 3-2-00)

11.32.05 Appeals Every decision of the Chief of the Fire Department of the city shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. Every decision shall be in writing and promptly filed in the office of the Chief of the Fire Department of the city, and shall be open to public inspection. (Ord. No. 1829, Sec. 11.24.03, 3-2-00)

11.32.06 Violations and penalties Any person who shall violate any of the controlling provisions of the codes adopted by this article, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build or construct in violation of any detailed statement or specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, or who shall fail to comply with any order entered with respect therein shall, upon conviction thereof by a court of competent jurisdiction, be deemed guilty of a misdemeanor and adjudged to pay a fine of not more than Five Hundred Dollars (\$500.00), and if the offending act or omission is continuous, not more than Two Hundred Fifty Dollars (\$250.00) for each day of continuance. The adjudication of one (1) fine for any offending act or omission shall not excuse the offending act or omission nor permit it to continue. All such persons shall be required to correct or remedy such offending acts or omission or defects within a reasonable time. (Ord. No. 1829, Sec. 11.24.04, 3-2-00)

The adjudication of any fine pursuant to this section shall not be held to preclude the enforced elimination of the offending act, omission or defect.

CHAPTER 11.36

CERTIFICATE OF OCCUPANCY

Sections:

11.36.01 Permits and fees

11.36.01 Permits and fees

- A. Certificate required Any new residential structure shall obtain a certificate of occupancy prior to occupancy. A Certificate of Occupancy shall be presented to the office of the City Clerk prior to the issuance of a business license.
- B. Fee schedule Before any new commercial activity (new business, owner(s), or lessee(s)) may take place in a structure, or before a new residential structure may be occupied, an applicant shall schedule with the Building Inspector for an inspection prior to a certificate of occupancy being issued. Upon passage of the inspection, and prior to issuance of the certificate, the Building Inspector shall collect fees in accordance with the following schedule, to wit:

Permit fee - residential	\$30.00
Permit fee – commercial	\$50.00
Re-inspection (each site visit)	\$50.00
(Ord. No. 1940, Sec. 8, 1-12-04)	

- C. Violations and penalties Any person who shall violate any provision of this code or who fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall occupy a structure or conduct business in violation of any detailed statement or specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, or who shall fail to comply with any order entered with respect therein shall, upon conviction thereof by a court of competent jurisdiction, be deemed guilty of a misdemeanor and adjudged to pay a fine of not more than Five Hundred Dollars (\$500.00), and if the offending act or omission is continuous, not more than Two Hundred Fifty Dollars (\$250.00) for each day of continuance. The adjudication of one (1) fine for any offending act or omission shall not excuse the offending act or omission nor permit it to continue. All such persons shall be required to correct or remedy such offending acts or omission or defects within a reasonable time. (Ord. No. 1829, Sec. 11.28.2a,3, 3-2-00)

CHAPTER 11.40

ADOPTION OF OTHER CODES

Sections:

11.40.01 Other codes

11.40.01 Other codes The most recent edition of the CABO One and Two Family Dwelling Code, the International Property Maintenance Code, the Standard Existing Buildings Code, the Standard Amusement Device Code, the Standard Swimming Pool Code, the Standard Unsafe Building Abatement Code, and the Associated Codes and Standards as most recently supplemented and amended, are hereby adopted by reference and incorporated in their entirety, subject to modifications and adaptations thereof made by amending ordinances and parts of ordinances hereafter passed by the City Council of the city of Eureka Springs, Arkansas. The adoption of these codes, as modified and adapted hereinafter, being for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures within the corporate limits of the city of Eureka Springs, Arkansas. Not less than three (3) copies of this code have been filed in the office of the Building Inspector of the city for inspection and reference by all interested persons. (Ord. No. 1829, Sec. 11.28.02, 3-2-00)

CHAPTER 11.44

SATELLITE DISHES

Sections:

11.44.01 Satellite dishes

11.44.01 Satellite dishes

- A. Satellite dishes smaller than twenty-four (24) inches in diameter may be mounted on structures within the city limits in such a way that when removed, that portion of the building shall not have been altered in appearance.
- B. Satellite dishes equal to or larger than twenty-four (24) inches in diameter must be located in a side or rear yard in such a manner that they are not visible from the street or sidewalk. Within the Historic District, those dishes, their foundations, and screening are subject to approval by the Historic District Commission prior to installation. (Ord. No. 1829, Sec. 11.28.03 a, b, 3-2-00)

CHAPTER 11.48

HOUSE NUMBERING

Sections:

11.48.01	Established
11.48.02	Basis
11.48.03	Block numbering
11.48.04	Determination of numbers
11.48.05	Placement of numbers
11.48.06	Multiple-occupancy locations
11.48.07	Numbers on file
11.48.08	Information on numbers
11.48.09	Application for numbers
11.48.10	Change of number

11.48.01 Established There is established a uniform system for numbering the property frontage on all streets, avenues, public and private ways in the basing system of the city of Eureka Spring, Arkansas, comprised of the incorporated city and part of unincorporated Carroll County as described in the letter of agreement pertaining to such system. All houses and other buildings shall be numbered in accordance with the provisions of this article. (Ord. No. 1714, Sec. 1, 11-26-96)

11.48.02 Basis

- A. Main Street shall constitute the base line for numbering buildings along all streets running northerly and southerly, and Highway 62 shall constitute the base line for numbering buildings along all streets running easterly and westerly.
- B. Each building north of Highway 62 and facing a street running in a northerly direction shall carry a number and address indicating its locations north of the base street.
- C. Each building south of Highway 62 and facing a street running in a southerly direction shall carry a number and address indicating its location south of the base street.
- D. Each building east of Main Street facing a street running in an easterly direction shall carry a number and address indicating its location east of the base street.
- E. Each building west of Main Street facing a street running in a westerly direction shall carry a number and address indicating its location west of the base street.

- F. All buildings on diagonal streets shall be numbered the same as buildings on northerly and southerly streets of the diagonals running more from the north to the south, and the same rule shall apply on easterly and westerly streets if the diagonal runs more from the east to the west. All buildings on diagonal streets having a deviation of 45 degrees shall be numbered the same as buildings on northerly and southerly streets. (Ord. No. 1714, Sec. 2, 11-26-96)

11.48.03 Block numbering The numbering of buildings on each street shall be based on its block number. The block numbering for each street shall have begun at the base line. All numbers assigned to property and buildings shall be assigned the basis of one (1) for each 53.6 feet of street frontage. Where a lot of record is in excess of 25 feet of street frontage, with single building occupancy, the building shall be the nearest number within the sequence of 25 foot assignment. (Ord. No. 1714, Sec. 3, 11-26-96)

11.48.04 Determination of numbers

- A. All buildings on the south and west sides of each street shall bear even numbers. All buildings on the north and east sides of each street shall bear odd numbers.
- B. Where any building has more than one (1) entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant provided the building occupies a lot, parcel or tract having a frontage equal to 25 feet for each entrance. If the building is not located on a lot, parcel or tract which would permit the assignment of one (1) number to each such entrance, numerals and letters shall be used. (Ord. No. 1714, Sec. 4, 11-26-96)

11.48.05 Placement of numbers

- A. There shall be assigned to each house and other residential, commercial, industrial or public building located on or gaining access to any street, avenue or public way in the basing system its respective number under the uniform system provided for in this article.
- B. When each house or building has been assigned its respective number or numbers, the city shall notify by letter:
1. The owner, occupant or agent of the owner of the affected house or building.
 2. The U.S. Postal Service, the major utilities serving the address area, and emergency services such as police and sheriff, fire departments and ambulance service.

3. The city shall make a record of the date of the letter sent and the address to which it was mailed.
- C. The owner, occupant or agent of the owner of the affected house or building shall place or cause to be placed upon each house or building, the number(s) assigned under the address system as provided in this article.
- D. The cost of numbers shall be paid for by the property owner, occupant or the agent of the owner of the affected house or building.
- E. Replacement of numbers shall be procured and paid for by the owner, occupant or agent of the owner of the affected house or building. The numbers used shall not be less than three (3) inches in height for residential structures and shall not be less than six (6) inches in height for non-residential structures. The numbers shall be of a durable reflective material on a color-contrasting background to promote enhanced visibility.

Failure to number, penalty If the proper number is not placed on an existing building within thirty (30) days from the date of the letter of notification, it shall be the duty of the Building Inspector to inform the owner, occupant or agent of the owner of the affected house or building in writing that a citation will be issued within fifteen (15) days. If the owner, occupant or agent of the affected house or building has not complied, a citation will be issued for that person and, if convicted, that person shall be subject to a One Hundred Dollars (\$100.00) fine plus court costs, and each day thereafter the owner, occupant or agent of the owner of the affected house or building fails to comply with the provisions of this article shall be considered a separate violation.

- F. The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building, so that the number can be seen plainly from the street on which the number is based. Whenever any building is situated so that the number is not clearly visible if placed near the walk, driveway or

common entrance to such buildings, it should be affixed upon a gatepost, fence, mailbox, post or other appropriate place so as to be easily discernible. Numbers painted or stenciled on the curb shall not be a lawful substitute for the display of address numbers prescribed by this article. (Ord. No. 1714, Sec. 5, 11-26-96)

11.48.06 Multiple-occupancy locations

- A. Where only one (1) number can be assigned to any house or building, the owner, occupant or agent of the owner of such house or building who shall desire a distinctive number for the upper and the lower portion of any house or building or for any part of any such house or building fronting on any street, shall be assigned

the suffix A,B,C, etc., as may be required. Fractional numbers shall not be used as an alternative to alphabetical designations.

- B. Distinctive names such as 1st Place, Plaza One, or the like, may be used by owners to name business locations. However, businesses so named shall also display the correct assigned address numbers in accord with this article. (Ord. No. 1714, Sec. 6, 11-26-96)

11.48.07 Numbers on file For the purpose of facilitating correct numbering a plat book of all streets, avenues, and public ways within the city and county service area showing the proper numbers of all houses or other buildings fronting upon all streets, avenues, public or private ways shall be kept on file in the office of the Building Inspector. These plats shall be open to inspection of all persons during the office hours of the Building Inspector. Duplicate copies of such plats shall be furnished to the city engineer and other appropriate officers or persons of the city's office staff. (Ord. No. 1714, Sec. 7, 11-26-96)

11.48.08 Information on numbers It shall be the duty of the Building Inspector to inform any party applying for address numbers of the numbers belonging to or embraced within the limits of any lot or property as provided in this article. In case of conflict as to the proper number to be assigned to any buildings, the Building Inspector shall determine the number of such buildings. (Ord. No. 1714, Sec. 8, 11-26-96)

11.48.09 Application for numbers

- A. The owner or agent proposing to locate any house, building or structure in need of an address in the service area of the city shall apply to the Building Inspector for the assignment of the correct numbers.
- B. Regarding building permits, no building permit shall be issued for structures in need of an address and no mail shall be delivered until the owner or agent has been assigned the correct address. The applicant is encouraged to post a temporary sign displaying the assigned address number at the construction site until such time as the permanent number can be displayed. (Ord. No. 1714, Sec. 9, 11-26-96)

11.48.10 Change of number If any owner, occupant or agent of the owner of an affected house or building desires to have a different number assigned instead of the number assigned in accordance with this article, he may make a request to the Building Inspector to have a different number and state his reasons for the change, and the Building Inspector will consult with the Chief of Police and the Fire Chief and a decision will be made on the request. If the owner, occupant or agent of the owner of the affected house or building is not satisfied with the decision of the Building Inspector, Police Chief and Fire Chief, he may formally request that the City Council consider the matter, and the request will be placed on the agenda for the next regularly scheduled Council meeting for the final decision. (Ord. No. 1714, Sec. 10, 11-26-96)

CHAPTER 11.52

RETAINING WALLS

Sections:

11.52.01	Definitions
11.52.02	Maintenance
11.52.03	Notice
11.52.04	Refusal to comply
11.52.05	Lien
11.52.06	City participation
11.52.07	Penalty
11.52.08	Board of Appeals

11.52.01 Definitions

Nuisance means that a retaining wall has deteriorated or is in a state of disrepair to the extent that it is a hazard to vehicular and/or pedestrian traffic on any public right-of-way.

Public right-of-way means a path or thoroughfare owned by the city that is intended for public use.

Repair means to maintain or to reconstruct in a safe or better condition, and in accordance with all city ordinances, using the same or similar materials in such a manner as to not alter the former appearance.

Retaining wall means a wall built to resist lateral pressure other than wind pressure, especially one to prevent an earth slide. (Ord. No. 1648, Sec. 1, 9.22.01, 4-11-95)

11.52.02 Maintenance All property owners in the city who have a retaining wall that abuts or is adjacent to any public right-of-way shall maintain the wall in such a state of good repair as to keep public rights-of-way open and free from the nuisance of unsafe retaining walls. (Ord. No. 1648A, Sec. 9.22.02, 4-11-95)

11.52.03 Notice

- A. If the Building Inspector, after consultation and in agreement with the Director of Public Works, determines that a retaining wall is unsafe and creating a hazard, he shall serve notice upon the property owner that the retaining wall is unsafe and is creating a nuisance, and it shall be the responsibility of the property owner to repair the retaining wall.

- B. If the Building Inspector and Director of Public Works cannot agree, as per subsection A of this section, the City Council shall make a determination.
- C. Whenever any retaining wall shall become unsafe or otherwise be in a state of disrepair so as to create a nuisance, the Building Inspector shall cause a printed or written notice to be served upon the owner of the property, and the notice will indicate what repairs are to be made and the time within which such improvements are required to be completed. The notice may be served by registered mail, or by the Building Inspector, whose endorsement upon the notice shall be sufficient evidence of his action in the premises, or in any manner provided by law. (Ord. No. 1648, 9.22.03a-c, 4-11-95)

11.52.04 Refusal to comply If the property owner shall fail or refuse to comply with the provisions of this article, the city shall take whatever steps it deems necessary to abate the nuisance so that the public right-of-way can be kept open and free from nuisance. (Ord. No. 1648, Sec. 9.22.05, 4-11-95)

11.52.05 Lien If the city causes the nuisance to be abated, all costs incidental to the abatement of the nuisance shall constitute a charge against the owner of the property and shall be a lien on the property from the date of the commencement of the work. Notice of the lien and enforcement of the lien shall be given in any manner provided by law. (Ord. No. 1648, Sec. 9.22.06, 4-11-95)

11.52.06 City participation

- A. If the city is the entity that constructed or caused to be constructed the retaining wall, the city shall be solely responsible for repairing the retaining wall and the payment of all costs incidental to the repair.
- B. If the city and the property owner constructed the retaining wall, each shall be responsible for half of all costs incurred in its repair.
- C. If the city did not cause the retaining wall to be constructed or did not participate in its construction, the property owner shall be responsible for its repair without any participation by the city. (Ord. No. 1648, Sec. 9.22.07 a-c, 4-11-95)
- D. If after reasonable effort it is not possible to determine which party caused the retaining wall to be constructed, the primary purpose of the wall shall be the determining factor on participation in maintenance and repairs as follows:
 - 1. If a retaining wall supports a public right-of-way or a city-owned property, the city shall be solely responsible for maintaining the retaining wall and for payment of all repair costs.

2. If a retaining wall supports privately owned property, the property owner shall be solely responsible for maintaining the retaining wall and payment of all repair costs.
3. If a retaining wall supports privately owned property and city-owned utilities, the property owner and the city may mutually agree to maintain the retaining wall and to share repair costs. Such mutual agreement shall specify the terms of the agreement in written form and be signed by the parties. (Ord. No. 1706, Sec. 1, 9.22.07, 6-11-96)

11.52.07 Penalty Any property owner who shall fail to repair a nuisance in the manner and within the time prescribed in the notice shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred and Fifty Dollars (\$250.00) for each offense, and each day said nuisance is allowed to continue after the time prescribed in the notice shall be deemed as a separate and distinct offense. (Ord. No. 1648A, Sec. 9.22.04, 4-11-95)

11.52.08 Board of Appeals

- A. Before an appeal can be filed with regard to retaining walls, the applicant must have applied to the Public Works Director by written application for relief. The Public Works Director shall have twenty days (20) from the receipt of the application in order to make a decision. Notice of the decision shall be made in writing by first class mail, mailed to the applicant and filed with the office of the Public Works Director. If the Public Works Director fails to make a decision within the twenty (20) days allowed, such failure shall be treated as a denial of the application. (Ord. No. 1989, Sec. 1, 4-25-05)
- B. Every decision of the Public Works Director shall be final unless appealed within twenty (20) days of the Public Works Director's decision. Appeals shall be made in writing to the Board of Appeal as set out below. (Ord. No. 1989, Sec. 2, 4-25-05)
- C. The Board of Appeal shall consist of City Council meeting as a committee of the whole with the Mayor presiding. (Ord. No. 1989, Sec. 3, 4-25-05)
- D. The Board of Appeal shall meet from time to time as necessary after an appeal has been filed in writing by an applicant with the City Clerk. The City Clerk shall promptly notify the Board of Appeal that an appeal has been filed. The Mayor shall then place the item on the next regularly scheduled meeting of the City Council of Eureka Springs, Arkansas, after five (5) days have expired from the filing of the appeal. The applicant and/or his representative as well as the Public Works Director may be present at the meeting to offer evidence, both in documentation and oral form. (Ord. No. 1989, Sec. 4, 4-25-05)

- E. The Board of Appeal shall meet in an open meeting and only act when at least a quorum of its members are present. The Board shall apply the Eureka Springs Municipal Code as amended in order to make its decisions. The Board shall announce all decisions within seven (7) days of the hearing by first class mail, mailed to the applicant and filed with the office of the Public Works Director and the City Clerk. (Ord. No. 1989, Sec. 5, 4-25-05)
- F. Appeals from the Board of Appeal may be made to the Circuit Court of the Western District of Carroll County, Arkansas. (Ord. No. 1989, Sec. 6, 4-25-06)

CHAPTER 11.56

EXCAVATION AND LAND FILL

Sections:

- 11.56.01 General requirements
- 11.56.02 Permits required; exceptions
- 11.56.03 Minimal erosion control requirements
- 11.56.04 One time approvals
- 11.56.05 Land alteration requirements
- 11.56.06 Grading plan specification
- 11.56.07 Grading plan submittal
- 11.56.08 Minor modifications
- 11.56.09 Approval
- 11.56.10 Discovery of historic resources
- 11.56.11 Certificate of occupancy
- 11.56.12 Owner responsibility

11.56.01 General requirements

- A. **Protection** Persons engaged in land alteration activities regulated by this article shall take measures to protect public and private properties from damage by such activities.
- B. **Site conditions** Development shall generally conform to the natural contours of the land, natural drainage ways, and other existing site conditions.
- C. **Adjacent properties** Developments shall be constructed and maintained so that adjacent properties are not burdened with significant changes in surface water runoff as a result of the development.

- D. Restoration Land shall be re-vegetated and restored as close as practically possible to its original condition so far as runoff and erosion are concerned. (Ord. No. 1946, Sec. 1, 1.14.94 a-d, 3-22-04)

11.56.02 Permits required; exceptions

- A. Permit required No grading, filling, excavation or land alteration of any kind shall take place without a grading permit.
- B. Exceptions Grading permits are not required for the following:
1. Excavation below finished grade Excavation below finished grade for basements, footings, swimming pools, hot tubs, septic systems, retaining walls, and like structures authorized by a valid building permit.
 2. Cemetery graves.
 3. Refuse disposal Refuse disposal sites controlled by other regulations.
 4. Single family residence or duplex Construction of one (1) single family residence or duplex where the average slope across the site is 20% or less or where no portion of the planned grading activities is contained within the 100 Year Flood Plain.
 5. Building additions Building additions of 2,000 square feet or less (i.e. 50' x 40' = 2,000 square feet) where associated land alteration activities are not beyond the scope of what is necessary to construct said addition.
- C. The following shall require a grading permit without exception:
1. Development activities within a 100 year flood plain.
 2. On a slope greater than 20%.
 3. Any excavation site requiring fill to be exported or imported.
- D. Grading Permit Application and approval No grading permit shall be issued until a grading plan, endorsed by an architect, landscape architect, or engineer registered to perform design work in the state of Arkansas, is reviewed by the Public Works Director, the City Planner, the Fire Marshal, and the Chief of Police, and is approved by the Building Official. A separate permit shall be required for each site it may cover both excavations and fills. In the case of construction of one (1) single family residence or duplex requiring a grading

permit, the Building Official may determine that the grading plan submitted must meet only the requirement of the Preliminary Grading Plan.

- E. Permit posted A copy of the Grading Permit cover page shall be posted at or near the street right-of-way and shall be clearly visible from the street. (Ord. No. 1946, Sec. 1, 14-95 a-e, 3-22-04)

11.56.03 Minimal erosion control requirements Exempt, as well as non-exempt activities shall be subject to the following;

- A. Natural vegetation The potential for soil loss shall be minimized by retaining natural vegetation wherever possible.
- B. Stabilization All graded and otherwise disturbed areas shall be stabilized within fifteen (15) days. Stabilization methods such as baled straw, filter fabric, ditch checks, diversions ditches, brush barriers, sediment basins, matting, mulches, grasses and ground cover shall be used.
- C. Intermittent/perennial streams No intermittent or perennial stream, shall be graded, developed, channeled or physically altered UNLESS adequate provisions are made for erosion and sedimentation control. Likewise, cuts or fills shall be set back a minimum of fifteen (15) feet from the center line of intermittent or perennial streams, and other storm water drainage systems to protect against damage from erosion or sedimentation, unless otherwise determined by the Building Official.
- D. Excavation material Excavation material shall not be deposited in or so near streams and other storm water drainage systems that it may be washed downstream by high water or runoff.
- E. Fording streams Fording of streams with construction equipment or other activities which destabilize stream banks shall not be permitted.
- F. Removal of mud/dirt from public street Any debris, soil or mud from development sites reaching a public street shall be immediately removed from said street by the permit holder or contractor. (Ord. No. 1946, Sec. 1, 14-96 a-f, 3-22-04)

11.56.04 One time approvals

Utilities Public and private utility organizations may obtain a one (1) time approval from the Building Official for all routine underground electric, water, sewer, natural gas, telephone or cable facilities. The approval will include a utility organization and its contractors, or agents, and will be permanent in nature as long as the approved procedures are followed. (Ord. No. 1946, Sec. 1, 3-22-04)

Stockpiling materials One (1) time approval may be obtained by public or private entities for the stockpiling of fill material, rock, sand, gravel, aggregate or clay at particular locations, subject to Zoning. (Ord. No. 1946, Sec. 14-97, 3-22-04.)

11.56.05 Land alteration requirements

- A. Grading plan evaluation Grading plans shall be evaluated by the Building Official for conformance with the Minimal Erosion Control Requirements of 11.56.03 and the following requirements.
- B. Requirements varied Requirements may be varied by the Building Official with the approval of the Planning Commission. The extent to which variances may be made will depend on the soil types encountered, planned slopes, planned vegetation, and investigative engineering reports. In no case shall be the Building Official waive or modify any of the Minimal Erosion Control Requirements as stated in 11.56.03.
- C. Cut or fill slopes
 - 1. Finish grade Cut or fill slopes shall have a finish grade no steeper than 33% (3.00 horizontal to 1 vertical), UNLESS approved by the Building Official. Refer to Appendix A.
 - 2. Maximum length The maximum length of any cut or fill slope without a terrace shall be one hundred (100) feet as measured along the ground. Minimum terrace width shall be six (6) feet. Refer to Appendix A.
 - 3. Existing topography Cut or fill slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured to blend with the existing topography. Refer to Appendix A.
 - 4. Setback guidelines The following setback guidelines shall be reviewed by the Building Official for purposes of assessing safety, stability, and drainage problems:
 - a. Top or toe of cut or fill Buildings shall be set back from the top or toe of a cut or fill in accordance with Title 14 or the approved grading plan, whichever is greater.
 - b. Setbacks from property lines Property lines may be filled over or cut if a grading plan for the cut or fill is submitted jointly by the owners of both properties and if no utility easements are involved. If utility easements are involved, approval is required as given in

(c) immediately below in addition to the joint submittal requirements.

- c. Setbacks from the edge of an easement Where no utilities are present in an easement, or where utilities are planned to be relocated, and where such action is approved by all utilities, then easements may fall within a cut or fill section.
 - d. Setbacks from structures If a structure forms an integral part of the retaining wall, then the setbacks do not apply to that structure. Setbacks required by other chapters still must be observed, however.
 - e. Public rights-of-way Cuts adjacent to public rights-of-way shall be set back a minimum of fifteen (15) feet, excluding driveways or access roads.
 - f. Calculating setbacks For the purpose of calculating setbacks, any cut or fill section which is on a slope of 1:1 or steeper shall be considered a retaining wall.
 - g. Administrative variance Setbacks from easement lines and structures may be varied administratively by the Building Official if geotechnical and/or structural information is provided that, in the opinion of the Building Official, justifies the variance.
 - h. Additional information required The Building Official may require further geotechnical and/or structural information as needed to protect property, utilities, or the integrity of the property line.
5. Tree protection No cuts or fills are allowed within the drip line of trees with a diameter of greater than four (4) inches, unless approved by the Planning Commission.

D. Cuts

- 1. Vertical height Cuts shall be limited to ten (10) feet in vertical height, UNLESS information demonstrating slope stability, erosion control and drainage control is provided by a registered Civil Engineer together with a re-vegetation plan. For non-solid rock cuts, terraces shall be required for cut and fill slopes greater than ten (10) feet in height. It is recommended that terracing be at a ratio of one (1) foot of horizontal terrace for every foot of vertical cut.

2. Maximum vertical cut In solid rock, as determined by geotechnical and engineering data approved by the Building Official, the maximum vertical cut shall be thirty (30) feet.
3. Fill material In no case shall a cut be allowed primarily for the purpose of obtaining fill material for export to a different site, without approval of the Building Official.
4. Tree protection See (C)5 above

E. Fills

1. Rocks/fill All imported fill shall be free of rocks greater than twelve (12) inches in diameter and any detrimental material or refuse debris.
2. Compaction Fill shall be placed and compacted so as to minimize sliding or erosion of soil. Fill compaction shall equal the compaction of undisturbed, adjacent soil, except fills covered by Building Regulations, or other structural fills. The Building Official may require soil tests during compaction work, or upon its completion, at the expense of the permittee.
3. Grade Fill shall not be placed on existing slope with a grade steeper than 20% (5 horizontal to 1 vertical) UNLESS keyed into steps in the existing grade and then thoroughly stabilized by mechanical compaction.
4. Tree protection See (C) 5 above.

F. Erosion and sedimentation control

1. Permanent improvements Permanent improvements such as streets, storm sewers, curb and gutters and other features for control of runoff shall be scheduled coincidental to removing vegetative cover from the area so that large areas are not left exposed beyond the capacity of temporary control measures.
2. Top soil Top soil shall be stockpiled and protected for later use on areas requiring landscaping. If top soil or other soil is to be stockpiled for more than thirty (30) days, a temporary cover of annual rye or other suitable grass shall be planted.
3. Existing vegetation Every means shall be taken to conserve and protect existing vegetation.
4. Re-vegetation Re-vegetation shall be required to meet the following performance standards:

- a. 0 to 10% grade Re-vegetation shall be a minimum of seeding and mulching. Said seeding shall provide complete and uniform coverage that minimizes erosion and runoff in no more than two (2) growing seasons.
 - b. >10% to 15% grade Re-vegetation shall be a minimum of hydroseeding with mulch and fertilizer, staked sod and/or ground cover. Said plantings shall provide complete and uniform coverage in no more than two (2) growing seasons.
 - c. >15% to 20% grade The slope shall be covered with landscape fabric and planted with ground cover as set forth in b above.
 - d. More than 20% grade Any finish grade over 20% shall be stabilized with retaining walls, cribbing, terraces, landscape fabric, vegetation, or riprap. If riprap is used the slope's stability must be equivalent to or better than its pre-developed state.
5. Plant/water Plant materials shall be watered or irrigated and tended. Where irrigation or regular watering is not available, only native or acclimated plant species shall be used. If the soil cannot properly sustain vegetation, it must be appropriately amended. If re-vegetation is not firmly established and health after one (1) year, the Building Official shall require that it be redone in part or total.
 6. Plant/terrace bench Plant materials shall be planted along terrace benches. Said planting shall be spaced as necessary to thoroughly stabilize the terrace bench. The remainder of the slope shall be re-vegetated and stabilized according to above.
 7. Permanent erosion control The developer shall incorporate permanent erosion control features at the earliest practical time. Temporary erosion control measures shall be used to correct conditions that develop during construction that were unforeseen during the design stage, that are needed prior to installation of permanent erosion control features, or that are needed temporarily to control erosion that develops during normal construction projects, but are not associated with permanent control features on the project.

G. Required retaining wall and cut rock design

1. Design/inspection Any retaining wall more than four (4) feet in height shall be designed by a registered professional engineer and shall be field inspected by the design engineer. The Building Official may require

retaining walls less than four (4) feet in height to be designed by a professional engineer.

2. Investigation/report All proposed rock cuts ten (10) feet or greater in vertical height will require a geotechnical investigation and a formal report submitted by a registered professional engineer qualified to make such investigations.
3. Safety railings Safety railings may be required on any retaining wall 2.5 feet or higher. The decision as to whether to require safety railings shall be based on potential pedestrian and public access to the retaining wall, and applicable building codes. This requirement for safety rails shall also apply to vertical or near vertical rock cuts, and to steep cut or fill slopes. (Ord. No. 1946, Sec. 14-98, 3-22-04.)

11.56.06 Grading plan specification

A. The applicant shall prepare a grading plan as follows:

1. Site plan Site plan at a scale no smaller than one (1) inch equal fifty (50) feet, showing property lines, vicinity map, name of owner, developer and adjacent property owners.
2. Existing grades Existing grades shall be shown with dashed line contours (proposed grades with solid line contours). Contour intervals shall be a maximum of two (2) feet; spot elevations shall be indicated. At least one (1) bench mark shall be shown in a location that will remain undisturbed by proposed development.
3. Designation of grade Areas of 0 to 10%, >10% to 15%, >15% to 20%, and more than 20% slopes shall each be identified in a distinguished manner.
4. Identifying land to be disturbed Land areas to be disturbed (limits of disturbance) shall be clearly identified.
5. Engineer/architect Seal of a registered engineer, architect, or landscape architect certifying that the plan complies with this chapter.
6. Cuts and fills All cuts and fills, including height and slope, shall be clearly shown on the plan.
7. Streets, rights-of-way, easements Location and names of all existing or platted streets or rights-of-way within or adjacent to subject tract, and

location of all utilities and easements within or adjacent to the property shall be indicated.

8. Lot/building identification The location of existing and proposed lots, buildings, streets, parking lots, parks, playgrounds or green space shall be indicated. Also to be indicated is any existing or proposed building within 100 feet of the site.
 9. Soil type Soil types shall be identified according to the United Soil Classification System.
 10. Natural features Location of natural features such as drainage ways, ponds, rock outcroppings, and tree cover. Indication of 100 year flood plains as defined by FEMA.
 11. Streets and drainage ways Profiles and cross sections for proposed streets and drainage ways.
 12. Acreage/zoning Total acreage for subject tract; existing zoning classification for subject tract and for adjacent and confronting tracts.
 13. Surface water runoff Provisions for collecting and discharging surface water.
 14. Underground utilities Profiles and cross sections of underground utilities, if they are necessary to clarify the grading plan in terms of potential erosion or runoff, or if the grading on site has the potential of disturbing the utility line or rendering the utility inaccessible.
 15. Treatment of slopes and terraces The method of treatment for all slopes and terraces shall be indicated.
 16. Trees Location and diameter of existing trees with driplines within the designated "limits of disturbance," as shown on the grading plan.
- B. Preliminary grading plan The preliminary grading plan shall include all the above items except 5,7,11,13 and 14, above. In addition to the above items, the city may require a cross section through the property showing existing and proposed grades as part of the preliminary submission.

The following additional required information may be reported in text rather than shown on the grading plan:

1. Work schedule A time schedule indicating the anticipated starting and completion dates of the development sequence, and time of exposure of each area prior to stabilization measures.
2. Description of fill material compaction Description of quantity (in cubic yards), source, and composition of imported fill material and compaction specifications. Also, note the quantity (in cubic yards) and destination of excavation material to be removed from the site.
3. Natural vegetation preservation Proposals for preserving natural vegetation, description and timing of re-vegetation or other permanent erosion control strategy.
4. Runoff/sedimentation Description of the plan to control runoff and sedimentation during construction indicating what measures and devices will be used such as straw bales, silt dams, brush check dams, lateral hillside ditches, catch basins, and the like.
5. Dust Where excessive dust may become a problem, a plan for spraying water on heavily traveled dirt areas shall be addressed.
6. Soils engineering study The Building Official may require a soils' engineering study or soil loss calculations if site conditions so warrant. (Ord. No. 1946, Sec. 14-99, 3-22-04)

11.56.07 Grading plan submittal

- A. Preliminary grading plan A preliminary grading plan shall be submitted at the time of preliminary plat submission for subdivisions, submission for commercial development, or for application for a grading permit, whichever is applicable.
- B. Final grading plan No subdivision may be finalized nor commercial development plan approved before a final grading plan has been submitted to the city, reviewed by the Building Official, City Planner, Public Works Director, Fire Marshal, Chief of Police, and approved by the Building Official.
- C. In cases where neither subdivision plat nor development plan is applicable, the grading plan must be submitted simultaneously with the application for a grading permit. (Ord. No. 1946, Sec. 14-100, 3-22-04)

11.56.08 Minor modifications Finish grades shall be allowed no more than an 0.5 foot tolerance from the grading plan. However, the Building Official may authorize in writing minor modifications so long as they do not alter the direction of run-off nor cause the plan to be in conflict with the intent of this chapter. When applicable, and determined by the Building

Official, major modifications must be brought before the Planning Commission for approval. (Ord. No. 1946, Sec. 14-101, 3-22-04)

11.56.09 Approval Approval of a grading plan is contingent on meeting all the requirements of this chapter plus any set of varied requests approved by the Planning Commission. (Ord. No. 1946, Sec. 14-102, 3-22-04)

11.56.10 Discovery of historic resources Whenever, during the conduct of grading, any historical, pre-historical, or paleontological materials are discovered, grading shall cease and the Building Official shall be notified. (Ord. No. 1946, Sec. 14-103, 3-22-04)

11.56.11 Certificate of Occupancy All re-vegetation and grading plan improvements shall be in place before a certificate of occupancy shall be issued. When a property owner has finished building construction, but has yet to install plant material, said owner may apply for a temporary Certificate of Occupancy. In evaluating whether or not to grant a temporary Certificate of Occupancy, the Building Official shall consider weather conditions and temporary stabilization measures. (Ord. No. 1946, Sec. 14-104, 3-22-04)

11.56.12 Owner responsibility The property owner shall be responsible both for his or her employees and for all contractors and subcontractors from the onset of development until the property is fully stabilized. If property ownership is transferred anytime between the onset of development and the time it is fully stabilized, all responsibility and liability for meeting the terms of this chapter shall be likewise transferred to the new property owner. (Ord. No. 1946, Sec. 14-105, 3-22-04)