

ORDINANCE 2017 - 02

AN ORDINANCE THAT AMONG OTHER THINGS RE-ENACTS ORDINANCES 95-6 and 95-7 WHERE APPROPRIATE TO PROVIDE STANDARDS FOR THE BUILDING, REBUILDING OR ALTERING OF STRUCTURES, FENCES AND SWIMMING POOLS; TO ESTABLISH A BUILDING AND HOUSING CODE FOR THE CITY OF CAMMACK VILLAGE; PROVIDING FOR THE ISSUANCE OF A BUILDING PERMIT TO BUILD, REBUILD OR ALTER A STRUCTURE, FENCE OR SWIMMING POOL; PROVIDING A PENALTY FOR VIOLATION THEREOF; PROVIDING A METHOD OF APPEALS; AND TO REPEAL ANY ORDINANCE IN CONFLICT THEREOF AS TO OBTAINING A PERMIT AND/OR FAILING TO OBSERVE MINIMUM BUILDING STANDARDS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Cammack Village previously enacted Ordinance 95-6 and Ordinance 95-7 providing standards and regulations for the building, rebuilding and/or altering of structures and fences within the City of Cammack Village, Arkansas, providing for the issuance of a building permit to build, rebuild and/or alter a structure or fence and providing a penalty for violation thereof; and

WHEREAS, the intent of Ordinance 2017-02 is to enhance the quality of life for the residents of Cammack Village by encouraging housing stock upgrades so as to attract new residents that can become lifelong residents of Cammack Village; and

WHEREAS, the City Council of the City of Cammack Village, Arkansas desires to reenact, revise and replace Ordinance 95-6 and 95-7 with this Ordinance 2017-02 so that it can be published and circulated to residents of the City of Cammack Village in the Cammack Periodical.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMMACK VILLAGE, ARKANSAS SO AS TO PROVIDE CLARITY, INCENTIVES AND ENCOURAGEMENT TO RESIDENTS (AND THEIR FAMILIES) THAT SEEK A HIGH QUALITY SAFE PLACE TO RAISE THEIR CHILDREN AND WANT A HIGH QUALITY HOME (THAT IS EITHER RENOVATED, UPGRADED AND/OR NEWLY BUILT) THAT FITS IN WITH EXISTING HOUSING STOCK AND IS MAINTAINED IN ACCORDANCE WITH ACCEPTABLE STANDARDS AS FOLLOWS:

ARTICLE I.

DEFINITIONS/PERMITS/BUILDING AND STANDARDS COMMISSION

Section 1.1. Definitions

Unless the context requires a different meaning, the following terms, when used in this ordinance, have the meanings indicated below:

Alter or Alteration: means any change or modification in construction or occupancy.

Applicable Governing Body: means any city, county, state, agency or other political government subdivision or entity authorized to administer and enforce the provisions of this ordinance, as adopted or amended.

Architectural Guidelines: means the Architectural Guidelines as adopted by the City Council and incorporated herein subsequent thereto by separate ordinance of which upon adoption by the City Council shall override Article VII of this Ordinance in the event there is a conflict between said Architectural Guidelines and Article VII of this Ordinance.

Building: means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The term “building” shall be constructed as if followed by the words “or part of.” In the event a brand new residence is constructed the minimum square footage of such a building shall be 1,500 square feet.

Building Official: means the officer or other person, charged with the administration and enforcement of this chapter or his duly authorized representative which shall include either a specific individual hired as an employee by the City and/or any outside third party that is hired by the City to carry out such functions.

Building Restriction Line: means a line established by a municipal authority to secure uniformity of appearance in the streets of the city, drawn at a certain uniform distance from the curb or from the edge of the sidewalk, and parallel thereto, upon which the fronts of all buildings on that street must be placed, or beyond which they are not allowed to project.

Deconstruction: means the systematic disassembly of a structure in reverse order of construction in a manner that maximizes the preservation of building materials for reuse and recycling purposes.

Demolish and Demolition: means the removal of a structure and all activity in preparation for removal, including, but not limited to:

- (1) Installing temporary fencing or other temporary facilities;
- (2) Clearing of vegetation or obstacles;
- (3) Removal or salvage of parts of the structure; and
- (4) Deployment of equipment, etc.

Dilapidated Dwellings or Structures: means a dwelling or structure including, among others, garages, sheds and similar accessory structures which by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are unsafe, unsanitary, or which constitute a fire hazard, or are otherwise dangerous to human life and are no longer adequate for the purpose for which they were originally intended. Such a dwelling and/or structure shall include any dwellings or structures in which the paint is peeling and/or there are broken windows that exist with respect to such dwelling and/or structure. It is the intent of this definition to

include any and all structures as may legally come within the scope of the definition of structures as set forth in this section.

Dwelling: means any building which is wholly or partly used for or intended to be used for living or sleeping by human occupants whether or not such building is occupied or vacant.

Extermination: means the control and extermination of insects, rodents or other pests by elimination their harboring places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods as approved by the Building Official.

Fee: means the amount as a percentage of the total cost for each structure, fence and/or swimming pool built, rebuilt or altered within the City of Cammack Village, Arkansas charged as a fee for the issuance of a permit. For purposes of any fee referenced throughout this ordinance the total cost shall mean the total retail sales price of the built, rebuilt or altered structure, fence and/or swimming pool including materials and labor as supported by one or more invoices or other separate documentation including any documentation that maybe provided at closing to the purchaser of any dwelling. However, in no event shall the fee be less than \$30.00 or more than \$10,000.00. For purposes herein, the amount of the fee shall be structured as follows:

<u>Price</u>	<u>Fee</u>
\$500.00 or less	No fee, unless an inspection is required, in which case the fee shall be \$30.00.
\$501.00 to \$50,000.00	\$30.00 for the first \$500.00 up to \$2,000 plus \$10.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$510.00 for the first \$50,000.00 plus \$8.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$910.00 for the first \$100,000.00 plus \$6.50 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up	\$3,510.00 for the first \$500,000.00 plus \$5.25 for each additional thousand or fraction thereof.

Fence means (i) a hedge, structure, or partition, erected for the purpose of inclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous estates; or (ii) an enclosure especially of wood, iron or other materials, intended to prevent intrusion from without or straying from within.

Garbage: means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Grade Raising: means work to raise a substantial area up to a level two inches or more above its level on May 1, 2017. A “substantial area” is any area or areas on a single site aggregating 500 square feet or more in any given 12-month period.

Habitable Rooms: means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes including bathroom, water closet compartments, laundry, pantries, foyers or communicating corridors, closets and interior storage.

Infestation: means the presence within or around a dwelling, of any termites, beetles, insects, rodents or other pests.

Large Portable Building: means a portable building with a gross floor area of 120 square feet or more.

Lot: means an improved or vacant lot along with any restrictions associated therewith as provided under the Zoning Regulations that currently exist within any of the four Zoning Districts within Cammack Village.

This ordinance does not address the ability to build a single residence on two or more lots nor does it address the ability to subdivide a single lot and build 2 or more houses on such single lot. Instead either of these events due to the procedures that must be observed shall be addressed by a separate ordinance.

Occupant: means any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

Owner: means the holder of the title in fee simple and any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. This shall include any person having charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee, or other person, firm or corporation, in control of a building, or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of any applicable rules and regulations adopted pursuant hereto, to the same extent as if he were the owner. It is his responsibility to notify the actual owner of reported infractions of those regulations pertaining to the property which apply to the owner.

Person: means a natural person, his heirs, executors, administrators or assigns and also includes a firm, partnership or corporation, its or their successors or assigns or the agent of any of the aforesaid.

Portable Building: means a trailer home, a mobile home, a HUD-code manufactured home, a manufactured home, any industrialized housing, an industrialized building or any other building or enclosure, other than a motor vehicle in operating condition, which is purposefully designed or constructed so that either:

- (1) It can be moved as one unit; or
- (2) It can be moved in parts, any one or more of which encloses 1,200 cubic feet or more.

Portable Storage Unit: means a shipping container, a storage container or similar box-like enclosure as set forth and more fully described in Ordinance 07-05 (of which said Ordinance shall control as to the use of a “Temporary Storage Unit” as it is defined within said ordinance) designed or constructed to:

- (1) Protect goods from the weather; and
- (2) Be moveable as a unit with (or without) goods enclosed.

Repair: means the replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas, piping, wiring or heating installation, or that would be in violation of law or any applicable City ordinance. The term “repair” shall not apply to any change of construction.

Rubbish: means combustible and noncombustible waste materials, except garbage and shall include the residue from the building of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery and dust.

Structure: means: (i) any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner; or (ii) a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

Walls: means as follows:

- (1) **Bearing Wall.** A wall which supports any vertical load in addition to its own weight.
- (2) **Exterior Wall.** A wall, bearing or nonbearing, which is used as an enclosing wall for a building, but which is not necessarily suitable for use as a party wall or fire wall.
- (3) **Foundation Wall.** A wall below the first floor extending below the adjacent ground level and serving as support for a wall, pier, column or other structural part of a building.

Writing: means and includes printing, typewriting and handwriting.

Written Notice as being Valid: means such Notice as delivered at, or sent by certified or regular mail to the last business or residential address known to the party giving the notice.

Vent Pipe: means a pipe for removing products of combustion from gas appliances.

Yard: means an open, unoccupied space on the same lot with a building extending along the entire length of a street, or rear or interior lot line.

Zoning Regulations: means the zoning regulations as prepared by Metroplan for the City of Cammack Village that were previously adopted by the City of Cammack Village in Ordinance 97-8 a copy of which is attached hereto.

Section 1.2 Permits.

- (b) **Permits, when required.** Except to the extent expressly authorized by an effective permit issued by the building official, it shall be unlawful for any person to:
- (1) Erect, move, improve, remove, construct, enlarge, repair, convert, demolish or alter any structure;
 - (2) Engage in any grade raising;
 - (3) Engage in any pre-development activity; or
 - (4) Cause or allow any such activity at a place the person owns or controls.
- (c) **When effective.** A permit is effective only if it has been duly issued in accordance with this Code and has not:
- (1) Expired;
 - (2) Been revoked; or
 - (3) Been suspended.
- (d) **Certain defenses.** It is an affirmative defense to prosecution under this section that:
- (1) The work in question consists of nothing more than ordinary maintenance activities on private property, such as painting, wall papering, replacing windows or siding;
 - (2) In the case of roof repair or replacement, the area of roof affected is less than 200 square feet;
 - (3) In the case of a fence, the work consists of repairs affecting not more than ten feet of the fence on the owner's property, and there is no change in location, height or materials;
 - (4) The work involves only an alarm system on private property for which a permit is neither allowed nor required under Arkansas law, provided

that the provisions of any Arkansas Code applicable to alarm systems are followed;

- (5) The work includes nothing more than replacing worn-out or obsolete items on private property (other than a roof, a fence or an alarm system), and there is no structural alteration, no new wiring, no work involving concealed plumbing or gas facilities and no potentially dangerous conditions;
- (6) Another ordinance specifically provides that no permit is required for the activity in question; or
- (7) In the case of development, the work in question involves an area on private property not larger than ten square feet, and any structures involved are readily moveable at a cost not exceeding \$300.00.

Section 1.3 Registration of Contractors.

- (a) **When required.** It shall be unlawful for any person to perform any work for which a permit is required under this chapter (or to offer to perform it) in exchange for money or other substantial consideration, unless such person is registered as a contractor as required by this chapter. It is an affirmative defense that one or more of the following four sets of circumstances is present:
 - (1) The work in question is completely authorized by one or more licenses issued by or under the authority of the city (for example, an electrician's license).
 - (2) The work in question is completely authorized by a license issued by the state (for example, a plumber's license), and the license is registered with the city.
 - (3) The work in question is performed by the owner of the site in question without the involvement of any contractors.
 - (4) The person is a regular employee of a contractor who is registered as required by this subsection and the person does the work (or offers to do it) strictly as a servant or agent of the registered contractor.
- (b) **Application.** A person desiring to register as a contractor with the building official must:
 - (1) Fill out and file with the building official the standard contractor's registration form prescribed by the building official (which shall include names, addresses, telephone numbers, driver's license numbers, business structure information, proof of insurance required by this section and other relevant data);

- (2) Submit a new registration form on or before the tenth day following the day that any of the information in current form changes; and
 - (3) Submit, prior to expiration, proof that each insurance policy in the current registration is duly extended or replaced upon expiration.
- (c) **Insurance coverage.** Registrants are required to have and maintain public liability insurance with a combined single limit per occurrence no less than \$300,000.00 (or with separate limits each no less than this amount), or higher limits if required by applicable state law.
- (d) **Insurance criteria.** All insurance policies must meet all of the criteria regularly required for contractors on city construction jobs as it may be amended from time to time), except:
- (1) The city need not be named as an additional insured; and
 - (2) There need not be a waiver of subrogation.

The building official may require that registrants submit a properly signed city form or other documents, as proof of insurance.

- (e) **Expiration, etc.** A contractor’s registration becomes ineffective if:
- (1) It is not renewed prior to the time that any of the insurance policies mentioned in the registration is reduced, canceled or allowed to expire; or
 - (2) It is suspended.
- (f) **Suspension.** The building official may suspend a registration for failure to maintain required insurance coverage, subject to the same procedures applicable to the revocation of permits. If requested by the building official, and after notice to the registrant and an opportunity for a hearing, the BSC may suspend a registration, if:
- (1) The BSC determines that the registrant is responsible for three or more building violations within any 12-month period. “Building violations” include all violations of this Code arising out of, or relating to, building or development activity.
 - (2) The BSC determines that the registrant is responsible for any aggravated violation.
 - a. A building violation is aggravated if:
 - 1. It is committed knowingly or intentionally after a specific warning or admonishment; or

2. It is committed knowingly or intentionally and clearly causes harm to a person or property.
- b. Registrants are responsible for all of the following:
3. Building violations committed by the registrant's officers, agents, employees or subcontractors; and
 4. Building violations occurring in connection with activities under a permit for which the registrant is a permittee.
- c. Registrants are not responsible for violations if the registrant demonstrates, as an affirmative defense and by clear and convincing evidence, that the registrant could not reasonably prevent them.
- (g) **Nature of suspension; proof.** Suspension is a noncriminal administrative remedy, and registrants are responsible for the indicated violations regardless of whether criminal convictions are, or could be, obtained. However, evidence of a criminal conviction may be used to prove that an indicated violation occurred. The burden is on the building official to prove violations by clear and convincing evidence. Exception: The registrant has the burden on defensive issues.
- (h) **Length of suspension; effect, etc.**
- (1) The suspension period shall be set in proportion to the severity of the violations involved, but an initial suspension may not exceed 90 days. Any subsequent suspension of the same registrant shall be in effect until reinstated. When a registration is suspended, neither the registrant nor any "alter ego entity" is eligible for new permits.
 - (2) The term "alter ego entity" includes:
 - a. Any proprietorship, joint venture or partnership that includes the registrant;
 - b. Any person under common ownership, management or control with the registrant; and
 - c. Any other person acting in concert with the registrant.

Any current permits held by a suspended registrant may be revoked or suspended by separate proceedings.

- (i) **Reinstatement after suspension.** Upon application by a person with a suspended registration, the BSC may reinstate the registration if either of the following sets of circumstances is present:
 - (1) The applicant demonstrates clearly that the violations causing the revocation or suspension did not, in fact, occur, or that the applicant was not actually responsible for the violations.
 - (2) The applicant has taken effective corrective action and has made all changes necessary to prevent similar violations from occurring in the future. Reinstatement shall be conditioned upon compliance with the then-current application requirements and payment of required fees.

Section 1.4 Permit applications.

- (a) **Who must apply.**
 - (1) An application for a permit, whether original or renewal, must be made to the building official by the general contractor.
 - (2) Exceptions:
 - a. If there is no general contractor, the application must be made by the owner, lessee or other person controlling the site who is acting as the general contractor; and
 - b. Applications for permits under specific ordinances requiring a specially licensed or regulated person to perform the work (e.g., plumber, electrician, HVAC, street facilities, etc.) must be made by the licensed person.
- (b) **Contents.** The building official shall prescribe the content of applications and permits, including all matters necessary to carry out the intent of this chapter and to assist in enforcement. The building official may require that the application include plans and specifications and may require that they be previously submitted to and checked by city staff. Plans and specifications prepared by an architect, engineer or other designer must be signed by that person, or by another person with similar qualifications. The architect's and engineer's plans must also be sealed. The building official may promulgate a short form application for small scale projects, and the short form need not include all of the items required for applications generally. Applications must be accompanied by the applicable fees. The building official may require that applications be verified.
- (c) **Master permits.** The building official must require a master permit in the following circumstances:

- (1) All the work is proposed to be done by a prime contractor and its subcontractors. In this case, the prime contractor must apply for a master permit to cover all the work, even if there are separate, subordinate permits for part of the work.
- (2) There are two or more permits in effect for the same premises at the same time. In this case, one person must apply for a master permit to cover all the work. The applicant may be a contractor or the owner, lessee or other person controlling the site who is acting as the general contractor. The applicant for a master permit must affirm that the applicant will direct all activities under the master permit and each subordinate permit. Each holder of a master permit is deemed to be a permittee not only on the master permit, but also on each subordinate permit, regardless of what the permits themselves say. Each holder of a master permit is responsible for, and strictly liable for, any violations of this Code arising out of, or relating to, the master permit or any of the subordinate permits, or any activities under those permits.

Section 1.5 Permits, issuance or denial.

- (a) **Who issues.** The issuing official for permits under this chapter is the building official.
- (b) **Time for action.** The issuing official shall act upon each complete permit application within a reasonable time. If an applicant who believes a reasonable time has expired files a written request for a decision, the issuing official shall provide the decision within seven days thereafter.
- (c) **Standards for issuance.** The issuing official shall approve the application and issue the permit if the official:
 - (1) Believes the application is complete, including all required forms, signatures, fees, plans, specifications, surveys, certificates, information and related matters;
 - (2) Believes the applicant neither gave materially false or misleading information nor omitted any material information necessary to avoid misleading the city;
 - (3) Believes that no similar type of permit issued to the same applicant was revoked for violation of a city ordinance within the preceding 180 days (unless the applicant has demonstrated that changes have been made to prevent another violation);
 - (4) With reference to the application and the proposed activity, the issuing official does not detect any significant noncompliance with:
 - a. The chapter of this Code that authorizes the permit;

- b. Any other applicable chapters of this Code;
 - c. The zoning ordinance; or
 - d. Any other applicable regulations; and
- (5) The permit contains or incorporates all conditions required by applicable regulations.
- (d) **Conditions.** The issuing official may insert special conditions into a permit, if reasonably necessary to meet a standard for issuance.
- (e) **Denial.** If the standards for issuance are not met, the issuing official shall deny the permit and notify the applicant.
- (f) **Finality; review.** Decisions of the issuing official which are subject to review by a hearing board (see below), or by another official, do not become final until reviewed.

Section 1.6 Permits, revocation and suspension.

- (a) **Who may act.** The issuing official may revoke or suspend permits. The issuing official for permits under this chapter is the building official.
- (b) **Notice; response.** Before revoking or suspending a permit, the issuing official shall make a reasonable attempt to:
- (1) Contact at least one of the permittees;
 - (2) Describe the allegations; and
 - (3) Provide the permittee(s) an opportunity to respond. This may be done informally.
 - (4) In this regard email is an acceptable means of contacting one or more of the permittees.
- (c) **Temporary stop orders.** The issuing official may issue a temporary “Stop” order if the official determines that:
- (1) Activity under a permit violates applicable regulations;
 - (2) Immediate action is necessary to protect life or property; and
 - (3) It is not prudent to delay action.

A stop order may only be valid for five days, and it is immediately reviewable by the BSC. The issuing official shall take all reasonable steps to arrange an emergency review by the

board, if review is requested. It shall be unlawful for any person with knowledge of the stop order to continue activity under a permit in violation of the order.

- (d) **Circumstances for revocation or suspension.** The issuing official may revoke or suspend a permit if the official determines that any of the following circumstances is present:
 - (1) Activity covered by the permit violates applicable regulations, or any condition of the permit, regardless of whether the violation was shown in an application or otherwise known to the city.
 - (2) Activity under a permit is abandoned or ceased for 60 days or more, except for causes beyond the permittee's control under circumstances where the permittee is diligently attempting to resume the activity.
 - (3) The permit shall not have been issued under the criteria in effect at that time based upon either information known at the time or information later acquired.
 - (4) Any fee or charge is unpaid, or any check or instrument of payment is returned unpaid.
 - (5) A change in applicable regulations requires the action.
 - (6) City representatives are denied access to any activity site covered by the permit.
- (e) **Decision; notice.** If the issuing official revokes or suspends a permit, the official shall notify at least one permittee. Notice may be given by delivery, by facsimile transmission, by posting at the activity site, by mail, email or by any other method reasonably calculated to come to the attention of the permittee. Notice by mail shall be sent to the permittee's last address known to the issuing official, and it is deemed to be received on the third day following the date of mailing.
- (f) **Finality; review.** Decisions of the issuing official which are subject to review by the BSC (see Section 1.7), or by another official, do not become final until reviewed.

Section 1.7 Review of decisions.

- (a) **Application.** When the issuing officer takes action on an application for a permit, or on a permit, an applicant or permittee who is directly and adversely affected may request a review. The application must:
 - (1) Be in writing;

- (2) Identify the parts of this Code or other applicable regulations which are involved;
- (3) State the action desired and the reasons why the action should be taken;
- (4) Respond to the decision of the issuing official, covering each reason cited by the issuing official;
- (5) Include any applicable fee for the cost of the review; and
- (6) Be filed with the issuing official.

If the application is filed more than 30 days following the action sought to be reviewed, the applicant or permittee must demonstrate good cause for the delay; otherwise the review may be dismissed by the hearing board.

- (b) **Referral to hearing board.** The issuing official shall refer all review applications to the appropriate hearing board which in all circumstances shall be the BSC.
- (c) **Interim orders.** A review application does not automatically change or supersede a decision of the issuing official, but the issuing official or the hearing board may issue an interim order to apply while review is pending. Interim orders may be issued conditionally. They may postpone the time for compliance with any requirement the applicant may be challenging, but only if all of the following circumstances are present:
 - (1) Postponement is necessary to prevent substantial economic loss or other hardship;
 - (2) Postponement neither causes a significant threat to life, property or health nor disrupts orderly enforcement of applicable regulations;
 - (3) The applicant or permittee takes all reasonable and feasible steps to comply with the challenged requirement, or with substitute requirements specified by the order;
 - (4) The applicant or permittee provides all required insurance; and
 - (5) The applicant or permittee provides adequate security and documents to assure compliance with the challenged requirement if it is upheld.
- (d) **Proceedings of the hearing board.** The BSC shall hear applications for review. The BSC shall prescribe rules consistent with the nature of the proceedings. The rules shall, to the extent practicable, ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel.

- (e) **Decisions.** The BSC may reverse, affirm or remand the decision of the issuing official, except as otherwise prescribed by state law. The decision of the BSC shall be in writing and shall become the city's final decision when 30 days elapse after it is signed, if no re-hearing is pending, unless otherwise prescribed by state law.

Section 1.8 Permit transfers.

A permit is personal to the permittees, provided that it may be transferred pursuant to this section. A permittee may be added or dropped by signing and filing the appropriate form promulgated by the building official. This would not excuse any obligations or violations occurring before the transfer. Transfer applications shall be filed in the same place and at the same time as original applications, and the prescribed transfer fee shall be payable. Transfers shall be reviewed, issued and subject to appeal in the same manner as original applications.

Section 1.9 Certificates of occupancy.

- (a) **Generally.** A certificate of occupancy is a type of permit. All of the provisions of this chapter pertaining to permits apply with respect to certificates of occupancy, including, without limitation, the provisions relating to temporary or conditional permits and appeals to the BSC.
- (b) **When required.** Unless a certificate of occupancy authorizing the conduct in question is in effect (and not revoked, canceled or suspended), it shall be unlawful for any person to:
 - (1) Occupy any new structure;
 - (2) Change the occupancy of any structure, whether by changing ownership, changing tenancy or otherwise (Exception: this paragraph does not apply to single-family detached dwellings);
 - (3) Change the use of any structure; or
- (c) **Application; contents.** To obtain a certificate of occupancy, a person must apply to the building official. A certificate of occupancy, to be valid, must name a specific person as the holder of the certificate. The certificate shall only authorize that person and that person's spouse, dependents, invitees and licensees to use or occupy the property described.
- (d) **Conditions for issuance.** The building official shall not issue a certificate of occupancy unless it appears that there has been substantial compliance with:
 - (1) Permit requirements and conditions (e.g., installation of trees, sidewalks, or other equipment or facilities);
 - (2) Requirements for site clean-up; and

- (3) All other applicable regulations.
- (e) **Supporting certificates.** The building official may require the filing of sworn supporting certificates touching upon the matters in this section as a condition of issuing a certificate. The supporting certificates may be required of the proposed certificate holder as well as architects, engineers, contractors and others involved in the work (any or all).
- (f) **Posting.** A certificate of occupancy for any nonresidential building shall be continuously posted at a place to which the public has free access (during normal business hours) and such that it is visible from the principal entrance to such building.

Section 1.10 Permit term, renewal.

- (a) **Term.** Each permit shall be effective for a term beginning upon its issuance and ending at noon on the appropriate day indicated below, unless it is sooner revoked, canceled or suspended:

<u>Type of Permit</u>	<u>Day When Term Ends</u>
Building moving	60th day following day of issuance
Demolition	60th day following day of issuance
Remodeling or additions smaller than 485 sq. ft. of gross floor area	180th day following day of issuance
Swimming pools, spas and accessory structures	180th day following day of issuance
Mechanical, electrical or plumbing	180th day following day of issuance, unless associated with a master permit with a term ending later, in which case the term ends with the term of the master permit.
Fence	90th day following day of issuance
Driveway or sidewalk	90th day following day of issuance
Occupancy certificates	Indefinite term: valid until revoked, canceled or suspended, unless a specific temporary term is included in the permit
All other types	360th day following day of issuance

- (b) **Renewal.** Each permit shall be subject to one renewal as of its expiration by the filing of a renewal application with the building official. To be effective, renewal applications must be filed on or before the fifth day preceding the day of expiration of the permit to be renewed and must be accompanied by all required and supporting materials called for by the application form, which shall be promulgated by the building official. Failure to complete said chore within the allocated time (including any one time renewal if timely applied for and granted) shall result in a penalty payable to the City in the amount of \$100.00 per day until such action for which the permit was granted has been completed.
- (c) **Partial renewal.** When part of the activity of an original permit has been completed, the renewal permit may be limited to that part of the activity that remains to be completed, but only if such a limitation is feasible, not likely to interfere with enforcement procedures and approved by the building official.
- (d) **Temporary, conditional permits.** The building official may issue temporary or conditional permits if the building official determines that:
 - (1) Appeal or enforcement proceedings are pending or contemplated;
 - (2) The permit helps to reconcile two or more applicable regulations;
 - (3) In the case of a project including major development, it appears that the work has been completed in compliance with applicable regulations, and the permittee is diligently pursuing the preparation of an “as built” site plan; or
 - (4) The permit helps achieve compliance with an applicable regulation. The building official may cause a notice of such a temporary or conditional occupancy permit to be recorded in the real property records of the county.

Section 1.11 Posting of permits.

- (a) **Required.** It shall be unlawful for any permittee to fail or refuse to keep the permit continuously posted at all times required by this Code. In addition to all other posting requirements, any permit authorizing any type of work shall be posted continuously beginning when work commences under the permit and continuing until the earlier of the following:
 - (1) Completion of the work; or
 - (2) Expiration or revocation of the permit.
- (b) **Where to post.** The permit shall be posted at a place to which the public has free access at the principal entrance to the work area in such a manner that a person entering the work area can see the permit and read it.

Section 1.12 Miscellaneous provisions.

- (a) **Location.** A permit is valid only at the location for which it is issued.
- (b) **Maintenance.** It shall be unlawful for any person owning or controlling any property to fail or to refuse to maintain, in good working order, any equipment, facilities or structures required to obtain a permit or to comply with this chapter with respect to such property. This obligation applies not only to original permittees but also to each owner and person in control of the site thereafter.
- (c) **Forgery, etc.** It shall be unlawful for any person to counterfeit, forge, change, deface or alter a permit.
- (d) **Cancellation by surrender.** A permit may be canceled at the written request of the permittees upon surrender of the permit itself to the building official. No fees are refunded.
- (e) **Permittees must comply, rulings, etc.** Permit applicants and permittees remain fully responsible at all times for complete compliance with all applicable regulations, notwithstanding the issuance of a permit and notwithstanding any other action or inaction on behalf of the city. The city does not represent, guarantee or warrant that any of the activities mentioned in a permit complies with any applicable regulations, regardless of whether plans are checked, written documents are reviewed or oral discussion is had. Neither the building official nor any other officer, agent or employee of the city has any power or authority to change or vary any applicable regulations or to waive compliance. A person who desires a ruling, interpretation or variance for any applicable regulations must seek and obtain it from the appropriate hearing board. Only the hearing board has the power to make an authoritative ruling or interpretation or to issue variances, and this power is limited.
- (f) **No vested right.** A permit is only a conditional license to carry on the authorized activity, and only if the activity is done in compliance with applicable regulations. No permit shall ever be or represent a vested right or property right of any kind, and all permits are subject to amendment, cancellation, revocation or suspension at any time, with or without notice.
- (g) **Plans, deviations, etc.** All activities under a permit shall comply with all plans, specifications and information submitted to or imposed by the building official in connection with the permit. It shall be an affirmative defense to prosecution under this subsection that:
 - (1) The building official was notified of a deviation at the earliest practicable time; and
 - (2) The building official subsequently approved the deviation.

- (h) **Compliance with conditions.** It shall be unlawful for any person who applies for such a permit to fail or to refuse to comply with a condition of the permit. Any occupancy permit for the building site in question may be withheld until the condition is complied with.
- (i) **No personal liabilities.** No officer, agent or employee of the city shall ever be personally liable for any damage that may accrue to any person or property as a result of any act required or permitted in the discharge of his duties under this chapter.
- (j) **Not a bar.** A permit is not a bar to any proceedings to enforce any applicable regulations.
- (k) **Cost of Issuance of a Permit.** The cost to obtain a permit issued by the City shall be paid by the person and/or entity obtaining the permit and shall be calculated by the City in accordance with the Fee structure outlined in Section 1.1 above.

Section 1.13 Interpretation of multiple ordinances.

Where provisions of this chapter, provisions of any standard code adopted by this Code and provisions of other ordinances apply to a given circumstance, all such provisions shall apply and shall be given effect, unless they are in direct conflict, where it is not possible to comply with one without violating another. In case of such a direct conflict, the more specific provision shall control.

Section 1.14 Responsibility not shifted to city.

This Code does not lessen the responsibility of any party owning, operating or controlling any premises, apparatus, devices, appliances, fixtures, or equipment for any damages to persons or property caused by any defect therein or any use thereof. None of such responsibility shall be shifted to the city because of regulations, inspections, certifications or any other regulatory measures. The city, by regulating or attempting to regulate, neither assumes any such responsibility nor makes any guarantee or representation to any party with respect to such regulatory activity or the subjects thereof.

Section 1.15 Building official, generally.

- (a) **Office created.** The office of building official is hereby created. The building official shall be appointed by the City Council. The building official may designate persons who may exercise functions of the building official under the general direction and control of the building official, and such designations may be revoked or amended by the building official at any time.
- (b) **Qualifications.** To be eligible for appointment, the candidate for building official must have experience as an architect, structural engineer, building inspector or superintendent of building construction or otherwise have a general knowledge of construction as so determined to be adequate by the City Council.

The candidate must be otherwise capable of performing the essential duties of the position.

- (c) **Duties.** The building official as directed by the City Council shall oversee duties of the office and shall perform the duties required by applicable regulations. The building official may, as a discretionary matter, examine premises and make inspections to see that applicable regulations are complied with. Such inspections shall be made on behalf of the city, only, and not for the benefit of any other person or entity. The building official shall enforce all provisions of this chapter and shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in this chapter and render written reports on the same. To carry out such duties, the building official may issue such notices or orders as may be necessary. Such actions are generally reviewable by the City Council, as provided for in this chapter.
- (d) **Inspections and certificates.** Inspections may be made by the building official or his duly appointed assistant. The building official may accept affidavits of inspectors, design professionals and other qualified persons, after investigation of their qualifications and reliability. No certificate or permit shall be issued on the strength of such an affidavit unless the affidavit is formally signed, verified and filed with the building official.
- (e) **Recordkeeping.** The building official shall keep comprehensive records of applications of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. The building official shall retain on file copies of required plans and all documents relating to building work for the time required by the city's general records retention policies.
- (f) **Reports.** The building official shall make written reports to the immediate superior once each month, or more often if requested, including statements of permits and certificates issued and orders promulgated.
- (g) **Cooperation.** The building official may request and shall receive, so far as may be necessary in the discharge of the building official's duties, the assistance and cooperation of other officials of the city.
- (h) **Right of the City to Contract Out the Duties to be Performed by the Building Official.** The City may contract out the duties to be performed by the building official.
- (i) **No Personal Liability.** The building official in the discharge of his duties shall not thereto render himself personally liable and is hereby relieved of liability for any damage that may accrue to persons or property as a result of any act required or permitted by the building official in the discharge of his duties. Any suit brought against the building official because of his efforts herein shall be defended by the City until the final termination of the proceeding.

Section 1.16 Building and Standards Commission (BSC).

- (a) **Creation.** There is hereby created the Building and Standards Commission, or “BSC” (which previously was referred to by the City as the “Planning Commission”).
- (b) **Composition.** The BSC consists of 5 regular members plus 4 alternate members, all appointed by the City Council (if in fact 4 alternate members can be located within the City). The alternate members shall serve in the absence of one or more regular members when requested to do so by the mayor. Each member of the BSC shall be appointed to one of the following specific positions: positions 1 through 5 (for regular members and positions) and A through D (for alternate members).
- (c) **Removal.** The City Council may remove a member of the BSC in the manner provided under Arkansas law.

Section 1.17 BSC jurisdiction, powers, duties.

- (a) **Types of jurisdiction.** The BSC has four types of jurisdiction, each more fully described in this chapter:
 - (1) Reviews of administration actions;
 - (2) Quasi-judicial enforcement;
 - (3) Variances; and
 - (4) Advisory opinions.
- (b) **Consolidation.** The BSC may consolidate related matters for common notice and hearing, even though they may arise under separate jurisdictions. For example, an appeal from the building official’s decision might be consolidated with a request for an advisory opinion and a request for a variance. However, the BSC must observe all notice and procedural requirements and shall separately state the decision reached on each separate matter.
- (c) **Interpretation; advice; limitations.** The BSC has final authority subject to review by the City Council to interpret the ordinances, related Zoning Regulations and any applicable Architectural Guidelines as they currently exist in Cammack Village with respect to which it is authorized to act. The BSC may advise the building official and make recommendations to the City Council or other city officials as to any matters related to the BSC. The BSC shall have no power to make any contract, lease or other agreement on behalf of the city, or to employ any person to be an employee of or to be paid by the city or to incur any debt or liability whatsoever on behalf of the city. The BSC has only those specific powers granted by ordinance of the city or by state law.

- (d) **Rules.** The BSC shall adopt such rules covering meetings of the board and other matters related to its organization and functions as it deems proper.

Section 1.18 Appeals to BSC from administrative actions.

The BSC shall hear and determine appeals from all actions of the building official. In addition, the BSC shall hear and determine appeals from other administrative actions where an ordinance authorizes the BSC to do so.

Section 1.19 Quasi-judicial enforcement

The BSC has exclusive authority with respect to quasi-judicial enforcement of health and safety ordinances, to the full extent prescribed by Arkansas law (The city hereby adopts and implements existing Arkansas law as it relates relating to quasi-judicial Arkansas law enforcement of health and safety ordinances). The procedures and remedies prescribed by said statute shall be in addition to, and not in lieu of, all others prescribed by this Code or the laws of the state. Said statute shall apply to and govern those proceedings expressly commenced under said statute by the filing of an appropriate written pleading with the BSC. The building official is hereby designated as the appropriate official of the city to present cases to the BSC under said statute. The city attorney may assist the building official and may designate other attorneys to assist the building official. Only the BSC, and not another board or commission, may exercise authority under said statute.

Section 1.20 Variances.

- (a) **Generally.** The BSC has limited authority to issue variances from ordinances subject to its appellate authority or quasi-judicial enforcement authority.
- (b) **Applications.** Any person who is restricted or regulated by a provision of the ordinance in question may apply for a variance. However, the application must either be signed by the owner of the property involved or must be accompanied by written proof that the person who does sign has specific authority from the owner to apply for the variance sought. Applications for variance must be made upon forms prescribed by the building official, must be complete, must be signed under oath, must be accompanied by the fee prescribed by the city and must be filed with the building official. The application must include the following:
 - (1) The particular requirement, cited by section and paragraph number, from which a variance is sought.
 - (2) The nature of the hardship imposed by the requirement.
 - (3) Any proposed condition, alternative method or procedure to be followed in lieu of the requirement.
 - (4) The effect of the requested variance, upon the city as a whole and upon nearby residents and properties.

- (5) The estimated cost, in dollars, of complying with the requirement.
 - (6) Other items required by the building official or the BSC.
- (c) **Handling; notice.** The building official shall transmit applications to the BSC which has sole authority to issue variances. If the building official determines that an application would possibly have a significant effect upon other properties or persons, the building official shall attempt to provide notice to such persons prior to the time when the BSC will consider the variance. Such notice may be given by publication, posting or mail, as the building official may determine.
- (d) **Permissive factors.** In considering a variance, the BSC may take the following into account:
- (1) Whether the variance will assist in the protection or preservation of historic structure or in the protection or preservation of old stock housing (as such housing then exists or as it may be proposed to be remodeled or expanded).
 - (2) Whether the application involves remedial work necessary to bring a structure into compliance with applicable ordinances.
 - (3) Whether there are other similar circumstances in existence.
- (e) **Mandatory factors.** In considering a variance, the BSC shall take the following into account:
- (1) Whether the applicant has made an earnest, good faith effort to comply with the requirement.
 - (2) Whether the applicant brought the matter to the attention of the city on his own motion, without intervention or enforcement action by any city official.
 - (3) Whether alternative methods or procedures will achieve the same, or substantially the same, result as literal compliance with the requirement.
- (f) **Required findings.** The BSC may not issue a variance unless it affirmatively finds all of the following:
- (1) The imposition of the requirement imposes an exceptional hardship upon the applicant. It is the general intent of this section that financial cost, alone, would not ordinarily constitute an exceptional hardship.
 - (2) No reasonable and feasible method or procedure is currently available to comply with the requirement.

- (3) The imposition of the requirement is unjustified because of good and sufficient cause demonstrated to the BSC.
 - (4) The variance will not introduce or increase any threat to public health or safety.
 - (5) The variance is consistent with the purpose and intent of the ordinance in question.
 - (6) The variance will not cause a nuisance and will not unreasonably interfere with the use of nearby property.
 - (7) The variance will not cause a fraud to be worked upon the public or any individual.
 - (8) The variance will not cause an increase in public expenditures or budgets.
 - (9) The variance will not create an irreconcilable conflict with any other ordinance, law, rule or regulation.
- (g) **Form of variances; conditions; recordation.** No variance is effective unless it is in writing and signed by the duly authorized officers of the BSC. The BSC may impose restrictions or conditions upon any variance and may require that notice of a variance be recorded in the real property records of the county, at the expense of the applicant.
- (h) **Effect of variance.** Variances do not create any property right or vested right. Variances remain subject to the regulatory control of the city. When a variance has been issued, the building official may not deny a permit because of noncompliance with the requirement affected by the variance, provided that all conditions are complied with. It shall be an affirmative defense, in any proceeding to enforce the requirement, that a variance was issued to authorize the conduct in question, that the variance has not been modified or revoked and that all applicable conditions have been fully observed and complied with.
- (i) **Revocation, modification.** The BSC may revoke or modify any variance previously issued, provided that a good faith attempt is first made to notify the person who applied for the variance.

Section 1.21 Advisory opinions.

The BSC may issue advisory opinions relating to any ordinance subject to its appellate authority or quasi-judicial enforcement authority, pursuant to such limitations and rules as it may prescribe.

Section 1.22 Enforcement of chapter provisions; permittee responsibility.

- (a) **Certain actions.** In addition to imposing those penalties by this Code, the city may also enforce the provisions of this chapter in any manner as prescribed or allowed by state law or the zoning ordinance. No enforcement action is a bar to any other, and the city may pursue some or all in any given case.
- (b) **Strict liability; duty of permittees.** It is the intent of this Code to impose strict liability upon all persons or entities violating this chapter. Each permittee has a duty to prevent violations of this Code arising out of, or relating to, the permit or activities under that person's permit.

Section 1.23 Right of entry.

- (a) **Request.** The building official (or an authorized deputy) may request the owner, occupant or person in control of any structure or premises to allow entry for inspection or enforcement purposes.
- (b) **Identification.** When requesting entry, city officials should identify themselves and present proper credentials, with a photograph.
- (c) **Warrant.** In the event entry is denied, or if no consent to enter is obtained, the building official may seek the issuance of a search warrant under the provisions of this Code or state law. For this purpose, the building official is designated as the code enforcement official.

Section 1.24 City activity.

In a proceeding to enforce this chapter, it is an affirmative defense that the activities involved are those of the city itself or of city officers, agents or employees (excluding independent contractors) in the course of their official duties.

Sections 1.25 - 1.51 - Reserved.

ARTICLE II.

GENERAL REGULATIONS/CODES/SITE PLANS

Section 1.52 Technical codes.

- (a) **Scope.** Every building used in whole or part as a dwelling unit shall conform to the requirement of the Codes referenced herein irrespective of when such building may have been constructed, altered or repaired. However, as to dwellings and structures existing at the time of enactment of Ordinance 2017-02, the requirements of subsection (b) below shall apply only in the event of remodeling of such dwelling or structure and shall have application only to the remodeled or rehabilitated portion thereof.

- (b) **Codes.** To facilitate uniformity of housing and structural standards in this metropolitan area, the City of Cammack Village does hereby adopt by reference as if set forth herein word for word those editions of Volume II of the Arkansas Fire Prevention Code (Standard Building Code), the National Electric Code, and the Arkansas State Plumbing Code as have been adopted by the City of Little Rock in its Ordinance Sections 8-28, 8-172 and 8/475, respectively. Further editions, supplements and amendments of these Codes as may be adopted by the City of Little Rock shall apply in the City of Cammack Village without necessity of any amendments to this subsection.

Volume I of the Arkansas Fire Prevention Code is hereby adopted by reference as if set forth herein word for word, and future editions, supplements and amendments thereto shall apply in the City without necessity of any amendments to this subsection.

To the extent that the provisions of any of the above Codes are in conflict with a provision of this Ordinance or any other Ordinance of the City of Cammack Village, then the provisions of these Ordinances of the City of Cammack Village shall apply. Notwithstanding any language in the above referenced Codes to the contrary, the City Council of the City of Cammack Village shall be vested with interpretative and enforcement authority regarding the above Codes, as well as this Ordinance.

Section 1.53 Building sites.

- (a) **Ownership.** The site upon which any development occurs after the effective date of the ordinance from which this section is derived must consist of one or more whole subdivided lots, all of which must be under common ownership not only at the time the development occurs but also continuing thereafter until such time as the site is lawfully divided, either by subdivision plat or other lawful procedure approved by the building official of which any such actions must comply with existing City Zoning Regulations and Architectural Guidelines. This does not prohibit development upon a subdivided lot which has been divided under circumstances where a plan, plat or replat is not required.
- (b) **Proof of ownership.** The building official may require proof of ownership for any permit application.

Section 1.54 Surveys; site plans.

- (a) **Basic survey.** For each development project for which a permit is required, the applicant must submit a boundary survey showing all existing and proposed structures. The building official may waive this requirement if substantially equivalent information is available from other sources.
- (b) **Forms survey.** For each major development project and each new foundation of a building, the applicant must submit an additional survey showing the actual location of all foundation forms or guides as set upon the ground. The survey must show them with respect to the boundaries of the building site. This additional survey must be delivered to the building official not later than noon

on the first city working day preceding the day on which the first part of the foundation is poured or affixed to the ground, and it shall be unlawful to proceed with such pouring or affixing before the building official makes a note on such survey to the effect that the proposed foundation appears to comply with applicable regulations, e.g., yard and site regulations.

- (c) **Drainage, elevation (surveys and drawings).** Additional surveys or drawings for drainage, in certain circumstances may be required. The zoning ordinance requires a survey to establish the standard base elevation.
- (d) **Standards.** All surveys, drawings and site plans (including their form, scope, media and certifications) must meet standards prescribed by the building official. The building official may require submission of site plans in reproducible form (e.g., mylar) and in electronic form.
- (e) **Site plans.**
 - (1) **Intent.** The intent of this subsection is to aid persons who must comply with applicable regulations - not only during construction but also thereafter - by assembling, coordinating, and recording important surveys, drawings and compliance data.
 - (2) **When required; “low impact” exception.** A site plan is required for projects involving major development or grade raising. Exception: No site plan is required for small-scale projects if the building official issues a low-impact certification after determining that the project will have no impact, or very minor impact, upon yards required by the zoning ordinance, neighboring property and drainage patterns.
 - (3) **Content.** Each site plan must clearly depict the following, as applicable:
 - a. Basic survey;
 - b. Forms survey (after it becomes available);
 - c. Drainage or topographic survey;
 - d. Standard base elevation survey;
 - e. Easements and plat restrictions;
 - f. Buildings and other major structures;
 - g. Open areas, pervious areas, landscaping strips, required trees and pervious areas for trees;
 - h. Yards or “setbacks”;

- i. Fences;
- j. Mechanical equipment;
- k. Garage openings, pavement, parking areas, driveways, emergency accessways, fire zones, sidewalks, loading areas, curb cuts, waste storage areas and special screens;
- l. Drainage facilities; and
- m. Other features and facilities required to comply with applicable regulations.

(4) **Preparation and processing (“as designed” site plans).**

- a. A preliminary version of the site plan (showing “as designed” conditions) must be filed with the building official before issuance of the initial permit for the project.
- b. The building official shall approve the “as designed” plan, unless the building official notices some noncompliance with this section or other applicable regulations.
- c. No permit may be issued until the “as designed” site plan is approved.

(5) **Preparation and processing (“as built” site plans).**

- a. Each permittee must certify and deliver the final version of the site plan (showing “as built” conditions) to the building official by the sooner of:
 - 1. The 30th day following completion of the project (including final ground cover and landscaping); or
 - 2. The 30th day following the expiration of the permit.
- b. The permittee must formally certify that:
 - 1. The “as built” site plan accurately depicts “as built” conditions; and
 - 2. Both the plan and the conditions comply with applicable regulations.

If the permittee is not the owner, the owner must acknowledge receiving the site plan and consenting to its filing and recordation.

- c. The “as built” site plan must include the “as built” drainage plan (if required) and any required supporting documents.
 - d. The building official shall approve the “as built” plan, unless the building official notices some noncompliance with this section or other applicable regulations.
 - e. Any review fee for the “as built” official site plan may be waived if the building official determines that the “as built” plan is not substantially different from the approved “as designed” plan and can be readily compared.
 - f. No final occupancy permit or similar approval may be issued (except a temporary certificate of occupancy) until the “as built” site plan is approved.
- (6) **Filing and recording.** The building official shall maintain files for site plans, as approved. The files may be electronic. The building official shall record “as built” site plans (or notices of same) in the county real property records.
- (7) **Amendments.** Amendments to site plans are handled in the same manner as original plans. Exception: The building official shall provide an expedited, low-cost procedure for amendments that, in the judgment of the building official, will have no impact, or very minor impact, upon yards required by the zoning ordinance, neighboring property and drainage patterns.
- (f) **Compliance required.** It shall be unlawful for any person to erect, construct, alter, use, own, possess or control any structure or grade-raising project without:
- (1) Providing the surveys and site plans required by this section; and
 - (2) Otherwise complying with this section.

Section 1.55 Contractor’s disclosure to neighbors.

- (a) **Disclosure.** For any project where a contractor will be responsible for a substantial part of the work, and either the value of the work exceeds \$10,000.00, or there is substantial outdoor activity contemplated, the building official shall require that the contractor:
- (1) Show, before a permit is issued, that a disclosure notice has been sent to the owners of all sites adjoining the site where the work will occur and to the owners of any sites in the city located directly across a street; or

- (2) Cause a sign to be continuously posted at the work site from the start of work until its completion which provides the required disclosure (such sign being plainly legible from the street area and also in compliance with all ordinances regulating signs and advertising if it contains anything other than the required disclosure).
- (b) **Form and content.** The required disclosure shall be in a form prescribed by the building official and include the identity, address, telephone number and responsible officer of the contractor as well as a description of ordinances and regulations that governing the control and clean-up of the site.

Section 1.56 Site drainage; drainage plans.

- (a) **Basic drainage requirements.** For each impact area (see definition in subsection (b)), the permittee must prepare a drainage plan and obtain the approval of the building official, as required by this section. Exception: No drainage plan is required for a project if the building official issues a “low impact” certification after determining that the project will probably have no drainage impact, or very low impact, upon neighboring property. In addition, each permittee, each successive owner and each successive person in control of an impact area has a continuing duty to:
 - (1) Provide basic site drainage (see definition below) at all times, unless otherwise specified in an approved drainage plan or an approved amendment; and
 - (2) Comply with the approved drainage plan (if the plan was required by this Code or any prior city ordinance) or an approved amendment at all times.
- (b) **Definitions.** In this section, the following terms have the meanings shown, unless the context clearly indicates a different meaning:
 - (1) Basic site drainage means drainage that:
 - a. Captures substantially all of the rainwater that would fall onto the impact area, assuming a rainfall of one inch in one hour; and
 - b. Causes that rainwater to be absorbed within the same building site or conveyed to a lawful receiving place for rainwater, without escaping onto any other site and without washing detectable quantities of soil or debris off the building site. Rainwater may be conveyed across another site, if properly authorized by perpetual, recorded easement or a similar interest in the land.

- (2) Impact area means the area where grade-raising or major development occurs. In the case of major development, the entire building site is included in the impact area.
- (c) **Drainage plans, content, types, etc.** The applicant must prepare each drainage plan in two versions: “as designed” and “as built.” The requirements are as follows:

As Designed Version

(1) A topographic survey drawing (with sufficient “spot” elevations and flow directions, as determined by the building official) showing -- the impact area and the receiving points for runoff, “as-is,” before work on the site begins
(2) Clear drawings and descriptions of temporary and permanent drainage measures “as designed” that – <ul style="list-style-type: none"> (i) provide basic site drainage (ii) minimize the amount of fill and tree damage (iii) provides drainage away from building foundations as required by applicable regulations (iv) mitigate significant interference with established drainage patterns across property lines toward the impact area (up to the capacity of a four-inch drain pipe-or its equivalent-from the rear of the site to the street) (v) provides for basic stormwater quality protection as may be required by applicable regulations
(3) A written certification, signed and sealed by the permittee that the “as-designed drainage” measures will meet the requirements set out above
(4) Additional information requested by the building official

“As Built” Version

(1) Clear drawings and descriptions of permanent drainage measures “as built” that- <ul style="list-style-type: none"> (i) substantially conform to the “as-designed” version of the drainage plan, including the topographic survey data (ii) provide basic site drainage (iii) minimize the amount of fill and tree damage

<p>(iv) provide drainage away from building foundations as required by applicable regulations</p> <p>(v) mitigate significant interference with established drainage patterns across property lines toward the impact area (up to the capacity of a four-inch drain pipe-or its equivalent-from the rear of the site to the street)</p> <p>(vi) provides for basic stormwater quality protection as may be required by applicable regulations</p>
<p>(2) A written certification that the “as-built” drainage measures meet the requirements set out above, signed by the permittee</p>
<p>(3) Additional information requested by the building official</p>

(d) **Drainage plans; preparation, etc.**

(1) Preparation and processing, “as designed” plans:

- a. The “as designed” version of the drainage plan must be filed with the building official before issuance of the initial permit for the project. As provided by this Code, the drainage plan may be submitted as a component of a site plan.
- b. The building official shall approve the “as designed” plan, unless the building official notices some non-compliance with this section or other applicable regulations.
- c. No permit may be issued until the “as designed” site plan is approved.

(2) Preparation and processing, “as built” plans:

- a. Each permittee must deliver the “as built” version of the drainage plan to the building official by the sooner of:
 1. The 30th day following completion of the project (including final ground cover and landscaping); or
 2. The 30th day following the expiration of the permit. As provided by this Code, the drainage plan may be submitted as a component of a site plan.

- b. The building official shall review and approve the “as built” plan, unless the building official notices some non-compliance with this section or other applicable regulations.
- c. Any fee charged by the city for reviewing the “as built” drainage plan may be waived if the building official determines that the “as built” plan is not substantially different from the approved “as designed” plan and can be readily compared.
- d. No final occupancy permit or similar approval (except a temporary certificate of occupancy) may be issued until the “as built” drainage plan is approved.

(3) Amendments.

Amendments to drainage plans are handled in the same manner as original plans. Exception: No amended drainage plan is required for a project if the building official issues a “low impact” certification after determining that the project will probably have no drainage impact, or very low impact, upon neighboring property.

- (e) **Drainage plans, implementation.** Either temporary or permanent measures to achieve basic site drainage must be put into effect before grade-raising work or major development starts. Any temporary measures must remain in effect until permanent measures are installed and are operating as designed. Temporary measures incorporate all or part of the permanent measures. Permanent measures must be installed and operating as designed as soon as practicable after grade-raising work or major development is completed.

(f) **Other rights and duties.** Some persons may have state-created or recognized rights and duties with respect to surface water and drainage. For example, under state water laws, a property owner may have the right to allow water to drain naturally onto neighboring property, and the owner of the neighboring property may have the duty to receive the water. Neither this Code nor any actions taken by city officials shall ever be interpreted to diminish any other rights or duties arising under state water laws. Any person receiving a city permit or other approval remains obligated to carry out all state-created duties and to respect all state-created rights, whether compelled to do so by the city, or not. Every property owner remains free to pursue all state-created rights and remedies against other property owners, and it is neither required nor appropriate to involve the city in any such proceeding.

Section 1.57 Trenching and excavations.

For any trench excavation exceeding a depth of five feet, each applicant for a permit must certify in writing that the applicable requirements of the Arkansas Health and Safety Code have been, and will be, satisfied. The applicable requirements including, but not limited to the following, are as provided by Arkansas law.

Section 1.58 Work site conditions; clean-up.

- (a) **Permittee's duties.** Each permittee shall perform all the following duties while the permit is in effect and for so long thereafter as the work area is affected by construction activity:
- (1) Immediately pick up and properly dispose of all material scraps, trash, urban debris that may be present at the work site or which may have been blown or transported from the site to nearby public or private property (if access is allowed to such private property for pickup activity);
 - (2) Maintain on the work site a dumpster, a penned enclosure or other receptacle sufficient to contain all scraps, trash and debris generated by the construction activity;
 - (3) Immediately stack, restack or otherwise secure all building materials, equipment and tools that may be present on or near the work site and not in actual use;
 - (4) Immediately clear and sweep all sidewalks and streets that may have been used or blocked for work activity, except for those places temporarily barricaded for excavation,
 - (5) Immediately cover all excavations and holes, mark and barricade any hazards and secure pouring of concrete or similar activities authorized by the permit; all windows, doors and other openings; and
 - (6) Immediately remove all mud, clay and debris that may have been deposited on any roadway or sidewalk in connection with, or as a result of, the work.
- (b) **Defense.** It is an affirmative defense to prosecution under this section that any failure to comply continues no longer than is reasonably necessary for the performance of the work.

Section 1.59 Portable buildings.

All federal, state and local requirements for construction, inspection, transportation, erection and installation must be complied with in connection with any portable building. Furthermore, as to any type of Portable Storage Unit (which is defined as a Temporary Storage Unit within Ordinance 07-05) the provisions of Ordinance 07-05 shall control.

Section 1.60 Address numbers.

It shall be the duty of each person who owns, occupies or controls any building within the city limits to post and maintain an address number on such building in accordance with this section.

- (a) The address number must be officially assigned or approved by the building official for the building.
- (b) The address number must be clearly visible and legible from the street to which the number was assigned. Each required number must face the street to which the address number is assigned.
- (c) Each address number must be:
 - (1) Permanently affixed to the building;
 - (2) Attached to the building either:
 - a. Within 24 inches (in whole or in part) of the principal entrance to the building at a height of at least five feet above standard base level; or
 - b. On the door of the principal entrance.
 - (3) Composed of Arabic numerals, and if applicable, one alphabet letter;
 - (4) At least four inches tall; and
 - (5) Of a color in sharp and direct contrast with the background.
- (d) **Exception.** The building official may approve an alternate location or design if the applicant demonstrates that the alternate location or design will not compromise the visibility or legibility of the address numbers.

Section 1.61 Temporary fencing.

Each permittee for any pre-development activity or major development must provide temporary fencing in accordance with this section during all times when the permit is in effect and for so long thereafter as the site is affected by construction activity only as to erosion control.

Section 1.62 Curbs, gutters, sidewalks.

It shall be the duty of each permittee to replace or repair all previously existing curbs and gutters along streets abutting the building site (front, side and rear) (including streets outside the city limits), so that, if practicable, such facilities will function like new facilities and will appear to be sound.

Section 1.63 Underground work; notifications.

It shall be the duty of each person who applies for a permit for work involving excavation, drilling or other underground work to:

- (a) Assure that notice is given to the underground construction and utility coordinating organizations specified by state law or the building official; and
- (b) Allow sufficient time after the notice and before the start of the work for all affected utilities (including the city) to mark the location of their facilities in the area of the work.

The building official may require that applicants certify or prove that they have given such a notice.

Section 1.64 Utility availability, major development.

No permit for a major development may be issued unless water, sewer and drainage facilities are available and have sufficient unused and unreserved capacity to serve the entire development. It shall be the duty of each applicant for a permit for any major development to submit written proof of such availability and capacity. The building official may waive the requirement for written proof in the case of a single-family residence not exceeding 5,000 square feet of gross floor area.

Section 1.65 Demolition.

- (a) **Duty to remove, restore.** It shall be the duty of each permittee on a demolition permit, at the time required by this section:
 - (1) To remove and properly dispose of each demolished structure and all equipment, slab, beams, porches, rubble, steps and other debris resulting from the work; and
 - (2) Grade the surface of all the ground affected by the work so that water will not accumulate and the ground can be mowed with ordinary lawnmowers.
- (b) **Demolition of principal building.** If a principal building is demolished, the permittee shall also demolish all other structures on or appurtenant to the site (including private driveways, sidewalks, curb cuts, etc., in the adjoining street area) and remove, dispose, grade, etc., as provided above. Exceptions:
 - (1) This subsection does not apply to existing structures that are proposed to be kept as accessory structures for a new principal building, if: (i) they comply with applicable regulations; (ii) a building permit for the new building is issued at or before issuance of the demolition permit; and (iii) the building is completed within the time allowed by that permit. If a swimming pool or similar impoundment is proposed to be kept under this subsection, it must be fenced, covered and maintained so that children cannot enter (and water cannot become stagnant or breed insects).

- (2) This subsection does not apply to a driveway between the curb and sidewalk in the street area, if the owner of the site: (i) declares an intent to re-use them to begin construction on a new principal building within one year; and (ii) submits a written request for the city to remove them (if not so re-used), together with a cash deposit to cover the estimated cost of removal, plus 50 percent.
- (c) **Notice, completion, etc.** Demolition permittees shall notify the building official before work begins, shall prosecute the work diligently to completion and shall complete the removal, disposal and grading on or before the tenth day following the day work begins. It is an affirmative defense in any proceeding to enforce this section that:
- (1) Inclement weather prevented completion and that diligence was used to complete the work at the earliest practicable time;
 - (2) If work occurred before the start of such ten-day period, it consisted of salvage operations only, it took place completely inside a building (without any outdoor storage, without any exterior changes on the site and without disturbing any window, outside door or other external part of the building), and it occurred during the term of the demolition permit; or

Section 1.66 Portable storage units.

- (a) **Permits.** Except to the extent expressly authorized by an effective permit issued by the building official, it shall be unlawful for any person to provide, deliver, move, install, erect, use, occupy or rent (as owner or as renter) any portable storage unit within the city, or to cause or allow any such activity at a place the person owns or controls. Permit regulations (and exemptions) shall be generally the same as for site-built buildings of similar size. However, it shall be an affirmative defense in any proceeding to enforce this section and no permit shall be required if:
- (1) The volume of the unit did not exceed 200 cubic feet, and no part of the unit was located in a front yard or side yard; or
 - (2) The volume of the unit did not exceed 1030 cubic feet, and:
 - a. The unit was located completely within a building site;
 - b. No part of the unit blocked any part of a public sidewalk, public easement or public way;
 - c. The unit was only used for loading or unloading goods;
 - d. There was no more than one unit on the building site at any given time; and

- e. During the preceding 365 days, portable storage unit(s) were on the site no more than ten days consecutively, and no more than 20 days in the aggregate; or
 - (3) the unit was only stored or used inside an enclosed building.
- (b) **Other regulations.** A portable storage unit must also comply with the zoning ordinance and other applicable building regulations (including Ordinance 07-05), if it:
 - (1) Is authorized by a permit, but left in place longer than allowed by that permit;
 - (2) Has a permanent foundation or is permanently affixed to the ground; or
 - (3) Has an electrical, plumbing or other utility connection.

Section 1.67 Zoning Regulations/Architectural Guidelines.

The construction of any structure, residence, fence and/or swimming pool shall be subject to the Zoning and Subdivision Regulations attached hereto as Exhibit A as well as any applicable Architectural Guidelines as may subsequently go into effect as approved by the City Council go into effect as approved by the City Council.

Sections 1.68 Electrical Systems.

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling unit or dwelling designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling building be permitted to continue in violation of this chapter which does not comply with the following requirements;

- (a) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used and installed and connected to the source of electrical power in accordance with the adopted electrical code of the City of Cammack Village as provided in Section 1.52 above.
- (b) The minimum capacity of the service and the main disconnect switch shall be sufficient to adequately carry the total load required in accordance with the electrical code of the City of Cammack Village as provided in Section 1.52 above.

Section 1.69 Exterior and Interior of Structures.

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling building be permitted to continue in violation of this chapter which does not comply with the requirements set forth below, but in

owner-occupied dwellings the owner of said dwelling may qualify for consideration of waiver from certain requirements of this section of the Code.

- (a) **Foundation and Underpinnings.**
 - (1) The building foundation walls, underpinning, piers, or other structural elements shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.
 - (2) Underpinning and foundation walls when present, must be constructed to allow adequate cross ventilation with proper vents and access door.
- (b) **Exterior Walls.** The exterior shall be substantially weathertight, watertight, and shall be made impervious to the adverse effect of weather and be maintained in sound condition and good repair.
- (c) **Roofs.** Roofs shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the wall or interior portion of the building.
- (d) **Means of Egress.** Every dwelling unit shall have a safe, unobstructed means of egress with minimum ceiling height as required by the building code leading to a safe and open space at ground level.
- (e) **Stairs, Porches and Appurtenances.** Every inside and outside stair, porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.
- (f) **Windows and Doors.** Every window, exterior door and basement or cellar door and hatchway shall be weathertight and rodent proof, and shall be kept in sound working condition and good repair and shall be provided with proper hardware and locking device.
- (g) **Windows.** Window sash shall be properly fitted and weathertight within the frame. Panes and an approved substitute shall be maintained without cracks or holes.
- (h) **Door Frames.** Every door shall fit reasonably well within its frame.
- (i) **Protective Treatment.**
 - (1) All exterior wood surfaces, other than decay resistant woods shall be protected from the elements and decay by painting or other protective covering or treatment.
 - (2) Garages, storage buildings and other accessory structures shall be maintained and kept in good repair and sound structural condition.

- (j) **Interior Floor, Walls and Ceiling.** Every interior floor, wall and ceiling shall be rodent proof and shall be kept in sound condition and good repair, and be properly covered or finished to allow adequate sanitary conditions and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (k) **Structural Support.** Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render it incapable of carrying loads which normal use may be caused to be placed thereon.

Section 1.70 Sanitation Requirements.

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, eating therein, nor shall any vacant dwelling building be permitted to continue in violation of this chapter which does not comply with the following requirements.

- (a) **Cleanliness.** Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he controls and occupies or which is provided for particular use.
- (b) **Garbage Disposal.** Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which provides food for rodents and all rubbish in a clean and sanitary manner by placing it in garbage disposal facilities or rubbish storage containers.
- (c) **Care of Premises.**
 - (1) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any ice box, refrigerator, abandoned motor vehicle, stove, glass, building material, building rubbish, trash, garbage or similar item. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such items as listed above, including but not limited to, weeds, dead trees, trash, rubbish, garbage, animal feces, etc. upon notice from the building official.
 - (2) For the purpose of this section, an abandoned motor vehicle is defined as one that is in a state of disrepair and incapable of being moved under its own power and/or does not have a current safety inspection and license plate.
 - (3) It shall be unlawful for the owner of any dwelling to fail to remove or have removed any dead or dying trees, or branches, or limbs of living,

dying or dead trees, or dead vegetation which in the judgment of the Building Official pose a danger to any person or property.

- (4) It shall be unlawful for any owner or occupant of any dwelling to permit grass and/or weeds in the area surrounding such dwelling to exceed a height of ten (10) inches. Upon failure of any owner or occupant to properly maintain such area in addition to other penalties provided in this Ordinance, the City of Cammack Village, shall have the right to take necessary action to remedy such condition, the cost of which shall be charged to the owner and occupant, and the said cost shall become a lien against the property until satisfied.
- (d) **Extermination.** Every owner and/or occupant of a dwelling unit or other structure shall be responsible for the extermination of any insects, rodents or other pests within the building or on the premises. No owner and/or occupant shall maintain any insects or undomesticated animals which in the discretion of the Building Official constitute a nuisance.
- (e) **Use and Operation of Supplied Plumbing Fixtures.** Every owner of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (f) **Precaution to Prevent Accumulation of Water.** Every yard shall be properly graded and the necessary precautions taken to prevent the accumulation of water under all structures located on the premises.

Sections 1.71 - 1.88 - Reserved.

ARTICLE III.

DANGEROUS AND HAZARDOUS BUILDINGS

Section 1.89 Resolution of conflicts and Unsafe Buildings, Dwellings and Structures in General and Procedures to be Observed

The provisions of this article shall control in case of any conflict with any other provisions of this Ordinance. All dwellings, buildings, structures, or premises whether occupied or not, which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, abandonment, or utilization of premises for an unsafe activity are deemed to be an unsafe building. All such unsafe buildings and premises are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedures.

- (a) Whenever the Building Official determines that there are reasonable grounds to believe that there has been a violation of any provision of this Section or of any

rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person responsible therefore, and such alleged violation shall constitute a nuisance. Such notice shall:

- (1) Be put in writing;
 - (2) Include a statement of the reasons why it is being issued and address of the property;
 - (3) Require that all necessary permits be secured and work commenced within thirty (30) days and continued to satisfactory completion within such time as the Building Official determines; however, the Building Official may, in his discretion, reduce said thirty (30) day period if in his opinion the violation presents an immediate danger to life or property;
 - (4) Said notice shall further state that, if such repairs, reconstruction, alterations, removal or demolition are not voluntarily completed within the stated time as set forth in the notice, the Building Official may institute legal proceedings, charging the person or persons, firm, corporation, or agent with a violation of this Code;
 - (5) State time an occupant must vacate the dwelling;
 - (6) Said notice shall advise the recipient of his/her right of appeal to the City Council;
- (b) In case the owner, agent or person in control cannot be found within the stated time limit, or if such owner, agent, or persons in control shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, secure or demolish and remove said building or structure or portion thereof, the Building Official, after having ascertained the cost, shall cause such building or structure or portion thereof, to be demolished or secured and required to remain vacant.
- (c) Costs incurred herein to correct any defects shall be charged to the owner of the premises involved, shall be collected in the manner provided by law and shall constitute a lien upon the property.
- (d) Failure to comply with the orders of the Building Official shall constitute a misdemeanor.
- (e) Service of notice shall be as follows:
- (1) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person above the age of 14 years; or
 - (2) If notice cannot be reasonably accomplished under subsection (e)(1) by posting and keeping posted for twenty-four (24) hours a copy of the notice in a conspicuous place on the premises to be repaired.

Section 1.90 Dangerous and/or Hazardous Building Defined.

Any building which has any one or more of the following defects shall be deemed dangerous:

- (f) A wall or other vertical member that lists, leans or buckles to such an extent that a plumbline passing through the center of gravity falls outside of the middle third of its base.
- (g) There is, exclusive of the foundation, 33 percent or more of damage or deterioration, of the supporting member or members or 50 percent or more damage or deterioration of the non-supporting enclosing or outside walls or coverings.
- (h) There is an improperly distributed load upon the floor or roof, or there is an overloaded floor or roof, or there is a floor or roof with insufficient strength to be reasonably safe for the purposes used.
- (i) There is a damage by fire, wind or other causes so as to be dangerous to life, safety, morals or the general health and welfare of the occupants or people of the city.
- (j) There is dilapidation or decay, or there are unsafe or unsanitary conditions; or the building, if used as a residence, so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those occupying such building.
- (k) There are light, air or sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings occupying the premises.
- (l) There are inadequate facilities for egress in case of fire or panic, or there are insufficient stairways, elevators, fire escapes or other means of communication.
- (m) There are parts which are so attached that they may fall or collapse. (9) There are fire hazards.
- (n) In the case of an unoccupied building, it is capable of being entered through unlocked doors or unsecured openings.
- (o) There are two or more violations of any provisions of this chapter or of other applicable regulations, or there is a single violation which poses an imminent threat to life or property.

Section 1.91 Nuisances; BSC authority; standards.

- (a) **Declared.** All dangerous buildings are hereby declared to be public nuisances and shall be repaired, vacated and repaired, or vacated and demolished as provided in this article.
- (b) **BSC quasi-judicial enforcement.** The BSC shall have authority to hear and decide cases filed by the building official. This authority shall extend not only to dangerous structures as herein defined but also to other structures which are substandard because of noncompliance with applicable regulations and to other violations and cases within the scope of this Ordinance.
- (c) **Standards.** The following standards shall be followed, in substance, by the BSC in ordering the repair, vacation or demolition of any structure:
 - (1) If the structure can reasonably and economically be repaired so that it will no longer exist in violation of the terms of the applicable regulations, it shall be ordered repaired.
 - (2) If the structure is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants or the public, it shall be ordered to be vacated and neither used nor occupied until repaired or demolished.
 - (3) In all cases where a structure cannot be reasonably and economically repaired, as a practical matter, so that it will no longer exist in violation of the applicable regulations, it shall be ordered demolished.

Section 1.92 Certain conduct prohibited.

- (a) **Compliance with BSC orders.** If the BSC issues any order with respect to a dangerous or substandard structure:
 - (1) It shall be unlawful for the owner of the structure to fail or to refuse to comply with the provisions of the order, if any, relating to repairs or demolition, within the time allowed by such order.
 - (2) It shall be unlawful for any person to use or occupy such structure in violation of the order, and it shall be unlawful for any person owning or controlling it to allow it to be so.
 - (3) The builder official may cause copies of the order and placards to be posted upon such used or occupied structure advising as to use or occupancy, as the case may be.
 - (4) The building official may cause a copy of the order to be acknowledged and filed in the real property records of the county.

- (b) **Removing placards, etc.** It shall be unlawful for any person to remove any order, placard or notice required or permitted to be posted pursuant to this article, unless the effective consent of the building official is first obtained.
- (c) **Notice of compliance.** Upon full compliance with an order, the building official may execute and acknowledge a notice to that effect.

Section 1.93 Vacating of Structure.

Any dwelling or dwelling unit which has been condemned as unfit for human habitation and so designated and placarded by the Building Official, shall be vacated within thirty (30) days after notice of such condemnation has been given by the building official to the owner and/or occupant of the building. This thirty (30) day time limit for vacation of premises may be shortened if, in the discretion of the building official, the premises are especially dangerous to the occupants and/or the public.

Section 1.94 Occupancy of Building.

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall be again be used for human habitation until approval is secured from and placard is removed by the building official. The building official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

Section 1.95 Violations and Penalties.

Any person, firm, corporation or agent, who shall violate a provision of this Ordinance, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, fail or maintain, alter, demolish or move any structure, or has erected, constructed, failed to maintain, altered, repaired, moved or demolish a building or structure in violation of any provision of this Ordinance shall be guilty of a misdemeanor upon failure to comply with the orders of the Building Official within the time limits stated in this Ordinance following due notice. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed, or continued. A prosecution shall be commenced by personal service upon the violator of a citation, which shall state the nature of the violation. Upon conviction of any such violation, such person shall be punished by fine of not more than five hundred dollars (\$500.00) for the first day of the offense and not more than two hundred fifty dollars (\$250.00) for each additional day of offenses of continuing nature. The first day of an offense shall be deemed to be the thirty-first day following receipt by the violator of the original notice of violation of the Ordinance, not to include the date of receipt of the notice; however, if the Building Official in his discretion reduces the thirty day period; then the first day of an offense shall be the first day following expiration of the reduced period of time, not to include the date of receipt of the notice. Assessment of a fine shall also constitute a personal judgement against the violator and a lien of any real or personal property upon recording of the judgment of conviction with the circuit clerk of any county in Arkansas shall be pursued and filed by the City as required under the terms of this Ordinance.

Section 1.96 Appeals.

- (a) Any person receiving written notice from the Building Official of deficiencies in his property under this Code may, within fifteen (15) days following the date of the notice, enter an appeal in writing to the Cammack Village City Council. Such appeal shall state the location of the property, the date of the notice of the violations and the number of such notice. The appellant must state the variance or modification requested, the reasons therefore, and the hardship or conditions upon which the appeal is made.
- (b) No appeal filed later than fifteen (15) days after the date of such notice shall be acted upon by the City Council, unless the Building Official shall consent thereto.
- (c) In case of a building or structure which, in the opinion of the Building Official, is unsafe or dangerous, the Building Official may, in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the Building Official.

Sections 1.97 - 1.168 - Reserved.

ARTICLE IV.

SWIMMING POOLS

Section 1.169 In general.

- (a) **Standard regulations.** The swimming pool regulations adopted in the standard codes schedule, the 2012 International Swimming Pool and Spa Code, are adopted, ordained and incorporated into this chapter by reference and shall apply to all swimming pools, both residential and nonresidential, but subject to the exceptions and amendments stated in standard codes schedule.
- (b) **Local Government Code.** This article establishes minimum standards for swimming pool fences and enclosures under and pursuant to Arkansas law.
- (c) **Penalty.** The penalty for a violation of this article is a fine not to exceed \$1,000.00, and each day a violation occurs is a separate offense. All city officials, agents and employees are granted authority to enter premises to the extent contemplated by such subchapter
- (d) **State law defense.** It shall be an affirmative defense in any proceeding to enforce this Code with respect to construction of a swimming pool enclosure, that:
 - (1) Applies to the enclosure; and

- (2) Because of the person charged is not required to construct the enclosure in the manner sought to be enforced.

Section 1.170 Engineers.

All structural calculations and details for swimming pool permit applications must be prepared and signed by a registered professional engineer.

Section 1.171 Setbacks, location, etc.

All outdoor swimming pools shall comply with the following regulations, which apply in lieu of other similar requirements elsewhere in this Code:

- (a) No part of the outside wall of any swimming pool may be closer than five feet to any property line.
- (b) Adjacent to at least 70 percent of the perimeter of each swimming pool, there must be a walkway, deck, apron or other footpath that is:
 - (1) Open and unobstructed;
 - (2) At least three feet wide; and
 - (3) Designed and maintained to allow rapid access to the water's edge for lifesaving, testing and maintenance.
- (c) A walkway, deck or apron around the perimeter of a pool may be constructed in the area within five feet of a property line that, if it is contiguous to the pool coping and designed to avoid water drainage to adjacent property.
- (d) No pool, pool apron, deck, walkway, pool equipment, or other appurtenances may be placed or constructed in or on any easement.
- (e) The owner must provide, with his application, an on-ground staked survey, by a registered professional engineer or licensed surveyor, of the lot locating the lot corners, all property lines, the utility or other easements and the pool location on the lot prior to a permit being issued for such construction.

Section 1.172 Plumbing matters.

- (a) **Generally.** All plumbing shall be installed according to the plumbing code and all other applicable regulations. The entire pool piping system shall be tested with a water test of 50 psi and proved tight before covering or concealing.
- (b) **Wastewater.** Wastewater shall be discharged to a storm sewer when such is available. If none is available, special permission is required to discharge into the sanitary sewer. Where space and conditions are such that no hazard, nuisance or unsanitary conditions may occur, swimming pool waste water may

be used for irrigation or subsurface spreading. In all cases, sufficient area shall be provided on the premises for the subsequent installation of disposal facilities. No other method shall be used unless specifically approved by the building official.

- (c) **Heating gear.** Swimming pool water heating equipment shall conform to the design, construction and installation requirements as set forth in applicable regulations for domestic water heaters. Gas piping used in the construction or maintenance of any swimming pool shall comply with applicable regulations.

Section 1.173 Electrical matters.

All electrical wiring shall be installed by an electrician, licensed according to applicable regulations, who shall supervise the installation of all electrical work and obtain all necessary permits and inspections during construction of the swimming pool. All electrical wiring, fixtures, motors, pumps or other necessary electrical equipment for use in proper operation of the swimming pool shall be installed according to applicable regulations.

Sections 1.174 - 1.199 - Reserved.

ARTICLE V.

FENCES

Section 1.200 Maximum height limits.

- (a) **Eight-foot limit.** No fence higher than eight feet may be constructed, improved or structurally altered on any private property.
- (b) **Six-foot limit.** No fence higher than six feet may be constructed:
 - (1) Closer than six feet from a wall of an existing principal building used as a single- family residence on any adjacent building site, if the proximity of the fence to the building would significantly and adversely affect the beneficial circulation of air around or through the building or the beneficial exposure of the building to direct or reflected sunlight. To make these determinations, the building official shall take into account the type and design of the fence and the following (if existing or proposed in the immediate vicinity of the fence): trees, other plants and other buildings and structures.
 - (2) Between buildings on separate building sites where the eaves are less than two feet apart.
- (c) **Height measurement.** Fence height shall be measured along each fence line on the side with the lowest grade level. If the fence is within three feet of a property line, the adjacent grade level of the adjacent property is used to

measure the height of the fence, if the adjacent grade level is lower than the grade level of the property where the fence is located.

- (d) **Gate height.** A gate may be no taller than may a fence at the same location, except that a gate which is not more than 40 percent opaque may extend to a height not greater than 12 inches above the maximum height of a fence at the same location.

Section 1.201 Property lines.

It shall be the responsibility of any person who constructs a fence, or causes it to be constructed, to locate the fence within the property lines.

Section 1.202 Prohibition in front or side.

- (a) **Prohibition.** No fence may be constructed, improved or structurally altered on the front yard (setback) of any building site. Exceptions: this restriction does not apply to low retaining walls, institutional security fences, fences owned by any governmental entity or fences or walls specifically required or allowed to be located in the front yard (setback) of a building site by this Code or the zoning ordinance.

(1) Reserved.

(2) Low retaining wall means a wall designed and used to hold earth or similar material in place, no part of which extends higher than the highest naturally occurring part of the ground in the front portion of the building site and no part of which is located outside of the building site.

(3) Institutional security fence means a fence which meets all of the following criteria:

a. The fence is located on a building site where there is a building or group of buildings specially constructed and used as an actual place of religious worship (including schools, parking lots, parsonages and other accessory buildings);

b. The fence is located along or generally parallel to a major thoroughfare, and only along side streets to the extent necessary to connect the main portion of the fence to side fences, rear fences or buildings; and

- (b) **Rotated corner lots.** This subsection only applies to a corner lot carved out of a larger corner site originally established by the first plat or map of the subdivision in question, where the front street line of the corner lot is on a different street from the street where the larger corner site had its front street line. On such a corner lot, no fence may be constructed, improved or structurally altered along the side street line of the corner lot (this would have

been the front street line of the original larger corner site) unless the fence is set back from the side street by at least one of the following two distances:

- (1) A distance equal to the depth of the front setback area of any adjacent building site which has a front setback area abutting the side street; or
 - (2) A distance equal to the depth of the side setback area of the corner lot, measured from the side street. If the BSC is requested to issue a variance to permit a fence on the corner lot closer to the side street than prescribed above, and if a petition signed by 20 percent or more of the persons owning property along the side street within 200 feet of the rear lot line of the corner lot (and on the same side of the side street) is presented to the BSC before it acts on the request, the requested variances shall not take effect unless approved by all members of the BSC qualified and serving. Under no circumstances, with or without a variance, is a fence allowed within five feet of the side street line.
- (c) **Street visibility at a major thoroughfare.** This subsection only applies to a corner lot adjacent to a major thoroughfare or roadway marked for four lanes or more. Any fence constructed, improved or structurally altered on any such lot shall require prior approval from the building official and/or a traffic study submitted by a licensed traffic engineer. Visibility will be determined in accordance with the guidelines of the American Association of State Highway Transportation Officials (AASHTO). The standard is a 15-foot curb setback from the major thoroughfare for the assumed eye of the approaching driver. The building official may reduce this setback to a minimum of ten feet if there is a natural obstruction.

Section 1.203 Distance from property line; common fences.

A boundary fence shall be constructed immediately along the property line or as close as practicable to the property line. Common fences may be constructed along the property line, if the written consent of the owners of both properties is submitted.

Section 1.203 Easements.

No brick, masonry or similar type of fence may be constructed, improved or structurally altered if it would interfere with the installation and maintenance of utility lines in any easement reserved therefor.

Section 1.204 Removal of debris.

It shall be the responsibility of each person who constructs or reconstructs a fence, or causes it to be done, to clean up and remove from the premises all debris, dirt, scrap and broken pieces of concrete caused by the construction of the fence.

Section 1.205 Nonconforming fences.

In cases where an existing fence erected contrary to the provisions of this Code is to be removed, improved or structurally altered, each new fence must conform to this Code.

Section 1.206 Facing of fences.

All fences abutting on a street area shall be constructed so that all supporting members, including posts and horizontal runners, shall not face the street. This provision shall apply to such portions of a fence that face the street on which the lot faces as well as a side street.

Section 1.207 Electricity, barbed wire prohibited.

It shall be unlawful for any person owning or controlling any property in the city to construct, maintain or permit to remain on such property any fence:

- (d) Charged with electricity; or
- (e) Containing any barbed wire, concertina wire or other sharpened or barbed projections.

Where chain-link fence is used, no twisting or barbing of wire is permitted at the top salvage. All wire on the top salvage shall be knuckled.

Section 1.208 Masonry construction.

Masonry fences must be made of brick, concrete masonry units, vitrified clay tile, concrete tile, or monolithic reinforced concrete. In addition, the fence and fence foundation must be approved by the city's urban forester for compliance with the tree preservation and protection regulations.

- (f) The masonry fence must be designed by a structural engineer, listed with the Arkansas State Board of Professional Engineers. The engineered design must be for the foundation and the fence wall and meet the windstorm requirements of the current adopted building code.
- (g) Emergency portals may be required.

Section 1.209 Fences on vacant lots.

Any fence construction or reconstruction on a site on which no building is located shall be constructed to comply with all of the setback requirements which apply to the location of a residence on such site. No building permit shall be issued for construction of improvements on a vacant lot, if there is a fence which does not meet all requirements of this Code.

Section 1.210 Maintenance.

Any person owning or controlling a fence shall maintain it in good repair so as not to endanger any person or property.

ARTICLE VI.

HOURS OF CONSTRUCTION

Section 1.211 General Hours of Construction.

Commercial and residential exterior and interior construction work including erection, excavation, demolition, or repair of any building and its components shall be allowed between the hours of 6:00 a.m. to 6:00 p.m., Monday through Friday; 7:00 a.m. to 6:00 p.m. on Saturday; and 1:00 p.m. to 6:00 p.m. on Sunday. Additional interior construction work shall be allowed to be performed between the hours of 6:00 p.m. to 10:00 p.m. Monday through Saturday provided that all exterior openings are completely covered. These construction hours shall be adhered to except in the case of an urgent emergency in the interest of public health and safety and then only with written permission from the BSC which permission may be granted for a period not to exceed thirty (30) days while the emergency continues. If an emergency arises when permission is not obtainable, the necessary work may be done and reported to the BSC at the earliest date that the BSC is available after the emergency arises and the BSC may grant permission retroactively to the beginning of the emergency. If the BSC should determine that the public health and safety will not be impaired by the erection, demolition, excavation, alteration or repair of any building within the designated hours and if they shall further determine that loss of inconvenience would result to any party in interest, they may grant permission for such work to be done within such hours upon application being made at the time permission for the work is obtained. The BSC may stop construction work at anytime when the work disrupts or causes excessive disruptions of residential occupancies or is found to be detrimental to the health, safety and welfare of citizens.

ARTICLE VII.

MINIMUM STANDARDS UNTIL ARCHITECTURAL GUIDELINES ARE ADOPTED

Section 1.212 Electrical Systems.

All fixtures, receptacles, equipment and wiring shall maintained in a state of good repair, safe, capable of being used and installed and connected to the source of electric power in accordance with the adopted electrical code of the City of Cammack Village. The minimum capacity of the service and the main disconnect switch shall be sufficient to adequately carry the total load required in accordance with the electrical code of the City of Cammack Village.

Section 1.213 Exterior and Interior of Structures.

- (a) **Foundation and Underpinnings.** The building foundation walls, underpinnings, piers or other structural elements shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon. Underpinnings and foundation walls, when present, must be constructed to allow adequate cross ventilation with proper vents and access door.

- (b) **Exterior Walls.** The exterior shall be substantially weathertight, watertight, and shall be made impervious to the adverse effect of weather and be maintained in sound condition and good repair.
- (c) **Roofs.** Roofs shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the wall or interior portion of the building.
- (d) **Means of egress.** Every dwelling unit shall have a safe, unobstructed means of egress with minimum ceiling height as required by the building code leading to a safe and open space at ground level.
- (e) **Stairs, porches and appurtenances.** Every inside and outside stair, porch or any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.
- (f) **Windows and doors.** Every window, exterior door and basement or cellar door and hatchway shall be weathertight, and rodent proof, and shall be kept in sound working condition and good repair; and shall be provided with proper hardware and locking device.
- (g) **Windows.** Window sash shall be properly fitted and weathertight within the frame. Panes or an approved substitute shall be maintained without cracks or holes.
- (h) **Door frames.** Every door shall fit reasonably well within its frame.
- (i) **Protective treatment.** All exterior wood surface, other than decay resistant woods, shall be protected from all the elements and decay by painting or other protective covering or treatment. Garages, storage buildings, and other accessory structures shall be maintained and kept in good repair and sound structural condition, and shall have protected treatment as may be required to maintain said structure.
- (j) **Interior floor, walls and ceiling.** Every interior floor, wall and ceiling shall be rodent proof and shall be kept in sound condition and good repair, and be properly covered or finished to allow adequate sanitary conditions, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (k) **Structural Support.** Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render it incapable of carrying loads which normal use may be caused to be placed thereon.

ARTICLE VIII.

SANITATION REQUIREMENTS

Section 1.214 General Care of Premises.

- (a) **Cleanliness.** Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof, which he controls and occupies or which is provided for particular use.
- (b) **Garbage disposal.** Every occupant of a dwelling or dwelling until shall dispose of all his garbage and any other organic waste which provides food for rodents and all rubbish in a clean and sanitary manner by placing it in garbage disposal facilities or rubbish storage containers.
- (c) **Care of premises.**
 - (1) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any ice box, refrigerator, abandoned motor vehicle, stove, glass, building material, building rubbish, trash, garbage or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such items as listed above, including but not limited to, weeds, dead trees, trash, rubbish, garbage, animal feces, etc. upon notice from the building official or such other enforcement official.
 - (2) For the purpose of this section, an abandoned motor vehicle is defined as one that in a state of disrepair and incapable of being moved under its own power and/or does not have a current safety inspection and license plate.
 - (3) It shall be unlawful for the owner of any dwelling to fail to remove or have removed any dead or dying trees, or branches, or limbs of living, dying or dead trees, or dead vegetation which in the judgment of the building official or such other enforcement official pose a danger to any person or property.
 - (4) It shall be unlawful for any owner or occupant of any dwelling to permit grass and/or weeds in the area surrounding such dwelling to exceed a height of ten (10) inches. Upon failure of any owner or occupant to properly maintain such area, in addition to other penalties provided in this Ordinance, the City of Cammack Village shall have the right to take necessary action to remedy such condition, the cost of which shall be charged to the owner and occupant, and the said cost shall become a lien against the property until satisfied.

- (d) **Extermination.** Every owner and/or occupant of a dwelling unit or other structure shall be responsible for the extermination of any insects, rodents or other pests within the building or on the premises. No owner and/or occupant shall maintain any insects or undomesticated animals which, in the discretion of the Building Official, constitute a nuisance.
- (e) **Use and operation of supplied plumbing fixtures.** Every owner of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (f) **Precaution to prevent accumulation of water.** Every yard shall be properly graded and the necessary precautions taken to prevent the accumulation of water under all structures located on the premises.

Section 1.215 Penalties for Failure to Observe the Sanitation and General Care of the Premises. Guidelines of Article VIII.

A prosecution shall be commenced by personal service upon the violator of Section 1.214 which shall state the nature of the violation. Upon conviction of any such violation such person shall be punished by fine of not more than five hundred dollars (\$500.00) for the first day of the offense and not more than two hundred fifty dollars (\$250.00) for each additional day of said offense (or offense) of a continuing nature. The first day of an offense shall be deemed to be the thirtieth day following the receipt by the violator of the original notice of violation of Section 1.214 of the Ordinance, not to include the date of receipt of the notice; however, if the building official and/or other enforcement official in his discretion reduces the thirty day period, then the first day of an offense shall be the first day following expiration of the reduced period of time, not to include the date of receipt of the notice. Assessment of a fine shall also constitute a personal judgment against the violator and a lien on any real or personal property upon recording of the judgment of conviction with the circuit clerk of any county in Arkansas may be filed by the City to protect the City's interests and well being.

ARTICLE IX.

REPEAL OF OTHER ORDINANCES

Ordinances 95-6 and 95-7 are hereby specifically repealed.

ARTICLE X.

ADOPTION OF ORDINANCE FOR THE PUBLIC GOOD AND WELFARE

The Council of the City of Cammack Village, Arkansas, finds and declares that the setting of certain standards for the building, rebuilding, and altering of structures, fences and/or swimming pools affects the public interest, public welfare, and helps maintain the aesthetics of Cammack Village, any delay in the effectiveness of this Ordinance could result in non-uniform compliance with the intent of this Ordinance as well as uncertainty in its applicability. The City Council of the City of Cammack Village accordingly finds and declares that an emergency does

exist, and this Ordinance shall be in full force and effect from and after its passage and approval by the Council of the City of Cammack Village, Arkansas as of the ____ day of _____, 2017.

ADOPTED:

APPROVED:

Date _____

David M. Graf, Mayor

ATTEST:

Date _____

Pam D. Stewart, Recorder