TITLE 11

BUILDINGS AND CONSTRUCTION

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CHAPTER 11.04

BUILDING PERMIT

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11.04.01 Required The owner of any land situated within the incorporated limits of the city shall neither construct nor allow construction or placement, on such land, of any building or structure of a type set forth in the sub-paragraphs (a) through (c) below, without having obtained a building permit from the city. The aforementioned permit will likewise be required in event of remodeling or repair of such structure.

A. Single-family residence.
B. Multiple-family residence.

C. Any building in which, or from which, any business, commercial enterprise, or manufacturing process is to be conducted,
or which is to be used for related storage or warehousing purposes.

11.04.02 Application The application for any building permit by this chapter will be submitted by the land owner concerned to the Mayor, at City Hall, in duplicate copy, and shall contain at a minimum the following:

A. Name, mailing address, and telephone number of the applicant;

B. Type building to be constructed or repaired (as listed in Section 11.04.01 of this chapter);

C. Location of the building site;

D. Outside dimensions of the proposed building or addition;

E. Construction materials to be used for the foundation, floor, and exterior walls;

F. Manner in which the proposed building will be anchored to the foundation;

G. Height of the first floor level above the ground level, as measured from the highest point of the ground level:

1. Prior to any grading or leveling
2. After grading and leveling; and

H. Date on which construction is proposed to begin.

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

11.04.04 Issuance The Planning Commission of the city of Sherwood will adopt rules and regulations for the issuance of building permits within the city of Sherwood. (Ord. No. 729, Sec. 13.)

11.04.05 Adoption of various standard codes by reference

A. The following codes are hereby adopted by reference as though they were copied herein fully:

Standard Amusement Device Code (1985 Edition)
Standard Building Code (1991 Edition with Appendix C, D, E, H, I,K)
Standard Existing Building Code (1988 Edition with 1991 Revisions)

Standard Fire Prevention Code (1991 Edition with Appendix A)
Standard Housing Code (1991 Edition)
Mechanical Code Standard (1991 Edition)
Standard Swimming Pool Code (1991 Edition)
Standard Unsafe Building Abatement Code (1991 Edition)
NFPA-Life Safety Code (1991 Edition)
NFPA National Fire Code (1991 Edition)
Standard Plumbing Code (1991 Edition)
Arkansas State Gas Code

B. Said codes shall prevail when there is conflict between existing ordinances of the city of Sherwood and the Code, and that any part or parts of ordinances in conflict herewith are hereby repealed in that respect only.

C. Within said Codes when reference is made to the duties of certain officials named therein that designated official in the city of Sherwood, who has duties corresponding to those of the named official in said Codes shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned.

D. Any person, firm or corporation that violates this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than $50.00 nor more than $250.00. Each day that this offense is committed shall be deemed a separate offense. (Ord. No. 1028, Secs. 1-4.)

11.04.06 Code Enforcement Officer in Permits & Planning Department A new position of Code Enforcement Officer is hereby created in the Permits & Planning Department. The budget ordinance of the city of Sherwood General Fund for the calendar year 2001 is hereby amended. (Ord. No. 1542, Secs. 1-2.)

11.04.07 New home permit fees Amendments:

Section 5: That, pursuant to Vol. 2 – Building, section 108.2, the attached building permit fee schedule is adopted and incorporated into this ordinance word for word as if set forth therein, except for new homes.

Section 5.1: That building permit fees for new homes will be calculated at the rate of $.16 per sq. ft. under roof. (Ord. No. 1675, Sec. 1.)

CHAPTER 11.08

PLUMBING CODE

Sections:

11.08.01	Adopted
11.08.02	Enforcement
11.08.03	Appeal
11.08.04	Definitions
11.08.05	State code
11.08.06	Inspection and supervision
11.08.07	Applications, permits
11.08.08	Bond required
11.08.09	Street openings
11.08.10	Penalties
11.08.11	Miscellaneous
11.08.12	Plumbing inspection

11.08.01 Adopted

A. There is hereby adopted by the city of Sherwood the *2006 Arkansas Plumbing Code*, save and except such portions as amended in Section (B) below. These rules and regulations are adopted in an attempt to ensure safe plumbing installations including alteration, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and the public welfare.

B. Permit fees for this code are hereby amended and regulated by the city of Sherwood, Ord. No. 1600 instead of the schedule of permit fees (Appendix B), found in this code.

C. Three (3) copies of this code have been and are now on file in the office of the Clerk and/or Building Official of the city of Sherwood, Arkansas, and the same are hereby adopted and incorporated, as amended, as if set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling the construction of all buildings and other structures within the corporate city limits of the city of Sherwood, Arkansas, except as regulated by other ordinances of the city of Sherwood Municipal Code.

D. A.C.A. 15-55-102 empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violations of the Mechanical Code shall be considered a violation of this

ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the Mechanical Code adopted as a result of this ordinance or other provisions of this ordinance shall be punishable by a fine up to Two Hundred Fifty Dollars ($250.00). Each day that said violation continues shall be a separate offense and each day subsequent to the first day of the violation shall be punishable by a fine of up to Two Hundred Fifty Dollars ($250.00) per day. (Ord. No. 1812, Secs. 1-4.)

11.08.02 Enforcement That in all instances where said code refers to an enforcing officer or official, the same shall be the Mayor of the city of Sherwood, Arkansas, or his designated representative or officer.

11.08.03 Appeal That in all provisions concerning appeal from the decision of the enforcing officer or official, the Board of Appeals of said code shall be the Planning Commission of the city of Sherwood, Arkansas.

11.08.04 Definitions Plumbing for the purposes of this ordinance is hereby defined as follows:

A. All piping, fixtures, appliances and appurtenances in connection with the water supply, drainage within a building and to a point from three to five feet outside of the building.

B. The construction and connection of any drain or waste pipe carrying domestic sewage from a point within three to five feet outside of the foundation walls of any building with the sewer service lateral or other disposal terminal, including private domestic sewage treatment and disposal systems and the alteration of any such system, drain or waste pipe, except minor repairs to faucets, valves, pipes, appliances and removing stoppages.

C. The water service piping from a point within three to five feet outside of the foundation walls of any building to the water meter or other water utility property or other terminal and the connecting of domestic hot water storage tanks, water softeners and heaters within the water supply system.

D. Water pressure systems other than public utility systems.

E. A plumbing and drainage system so designed and vent piping so installed, as to keep the air within the system in free circulation and movement, and to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or effect trap seals or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building.

11.08.05 State code The provisions and regulations of the Standard Plumbing Code, and amendments thereto, adopted by the State Board of Health of Arkansas are hereby made a part of this ordinance by reference three copies of which shall be on file in the office of the City Recorder, and shall extend over and govern the installation of all plumbing installed, altered or repaired in the city of Sherwood, Arkansas.

11.08.06 Inspection and supervisions

A. There is hereby created the position of Plumbing Inspector who shall be appointed by the Mayor, subject to the confirmation of the Council, who shall receive such compensation as shall be set from time to time by the City Council.

B. The Plumbing Inspector shall have sufficient experience or training in the plumbing business to enable him to know when plumbing is installed in accordance with the provisions of the codes. He shall not be connected in any way with any person, firm or corporation directly or indirectly engaged in the business of plumbing or plumbing supplies.

C. It shall be the duty of the Plumbing Inspector to enforce all provisions of this ordinance and the Plumbing Inspector is hereby granted authority to enter all buildings in the City of Sherwood, in the performance of his duties between the hours of 8:00 a.m. and 5:00 p.m. daily.

D. It shall be the duty of the Plumbing Inspector to inspect and test all plumbing work for compliances with the codes.

11.08.07 Application, permits

A. Before beginning any plumbing work in the city of Sherwood, the person installing same shall apply to the City Recorder and obtain a permit to do such work. A permit shall be issued to home owners to do plumbing work in their own home providing the individual does the work himself, which work must comply with the requirements of the codes.

B. Applications for permits shall be made on suitable forms provided by the City Recorder. The applications shall be accompanied by fees in accordance with Exhibit "A" incorporated herein by reference. Three (3) copies of said exhibit shall be kept on file in the office of City Clerk. (Ord. No. 87, Sec. 4 as amended by Ord. No. 542, Sec. 1.)

11.08.08 Bond required Every master plumber doing business in the city of Sherwood shall execute and deliver to the City a bond with a surety bonding company in the sum of $2,000.00 to indemnify the city or any citizen from any damage caused by the failure of such master plumber to comply strictly with the ordinances of the City of Sherwood. No plumbing permit shall be issued to any master plumber unless the bond has been delivered to the city and is in full force and effect. (Ord. No. 87, Sec. 5 as amended by Ord. No. 792, Sec. 1.)

11.08.09 Street openings Before making any openings in the public streets the plumber will comply with the provisions of Ordinance No. 18.

All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property.

11.08.10 Penalties Any person, firm or corporation found guilty of violating any of the provisions of this Ordinance shall be subject to a fine of not less than Twenty-Five Dollars nor more than One Hundred Dollars, and each day during which a violation continues shall be construed to be a separate offense.

11.08.11 Miscellaneous The City Recorder may delegate the issuance of permits and collection of fees to the Plumbing Inspector or one of this appointed deputies.

11.08.12 Plumbing inspection Exhibit "A"

Item	Each
Water Closets	4.00
Bath Tubs	4.00
Wash Basins	4.00
Sinks (Kitchen, Bar, Shop)	4.00
Washer Connections	4.00
Sprinkler Systems (Lawn or Fire)	10.00
Drains (Floor, Roof, Refrig.)	4.00
Drinking Fountains	4.00
Showers	4.00
Urinals	4.00
House Piping (5 outlets or less)	10.00
Gas Outlets (above 1)	2.00 each
Hot Water Heater	5.00
Floor Furnace, Wall and Unit Heater	4.00
Boilers	5.00
Sill Cocks, Hose Racks	4.00
Cooling Tower	4.00
Water Service	10.00
Sand and Grease Trap	4.00
Dishwasher	4.00
Garbage Disposal	4.00
Swimming Pools	10.00
Under Slab Inspection	10.00
Rough Inspection	10.00
Final Inspection	10.00

All new residential construction will be $.05 per square foot under roof.
(Ord. No. 1601.)

CHAPTER 11.12

ELECTRICAL CODE

Sections:

11.12.01	Electrical Code adopted
11.12.02	Administration and enforcement
11.12.03	Fee schedule
11.12.04	Restrictions
11.12.05	Ordinances repealed
11.12.06	Filing
11.12.07	Administration and enforcement – scope
11.12.08	Definitions
11.12.09	Purpose; adoption ; title
11.12.10	Application
11.12.11	Occupancy of building or structure
11.12.12	Authority
11.12.13	Records and reports
11.12.14	Permits and approvals
11.12.15	Plans review
11.12.16	Notice of violations; penalties
11.12.17	Connection to electricity supply
11.12.18	Inspector's qualifications
11.12.19	Liability for damages

11.12.01 Electrical Code adopted There is hereby adopted by the city of Sherwood the 2008 edition of the National Electrical Code as published by the National Fire Protection Association, save and except such portions as amended in 11.12.02 – 11.12.04 below. These rules and regulations are adopted in an attempt to ensure safe electrical wiring installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and the public welfare. (Ord. No. 1814, Sec, 1.)

11.12.02 Administration and enforcement Article 80, Administration and enforcement, as amended, is adopted and incorporated into this ordinance word for word as if set forth therein. (Ord. No. 1814, Sec. 2.)

11.12.03 Fee schedule Section 80-19, item E, the electrical permit fee schedule is adopted and incorporated into this ordinance word for word as if set forth therein. (Ord. No. 1814, Sec. 3.)

11.12.04 Restrictions The following restrictions be applied to the National Electrical Code:

Article 310.2, B, shall henceforth read as follows: **Conductor material.** Conductors in this article shall be of aluminum, copper-clad aluminum, or copper, for any conductor of 4/0 or greater diameter. Conductors in this article shall be of copper for any conductor less than 4/0 or greater diameter. (Ord. No. 1814, Sec. 4.)

11.12.05 Ordinances repealed Ordinances 166, 244, 245, 246, 2267, 289, 302, 387, 537, 561, 686, 787, 937, 938, 1065, 1099, 1223, 1412, 1423, 1463, 1474, 1600, 1644 and all ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. No. 1814, Sec. 5.)

11.12.06 Filing Three (3) copies of this code have been and are now on file in the office of the Clerk and/or Building Official of the city of Sherwood, Arkansas, and the same are hereby adopted and incorporated, as amended, as if set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling the construction of all buildings and other structures within the corporate city limits of the city of Sherwood, Arkansas. (Ord. No. 1814, Sec. 6.)

11.12.07 Administration and enforcement – scope The following functions shall be covered:

A. The inspection of electrical installations as covered by 90-2.
B. The investigation of fires caused by electrical installations.
C. The review of construction plans, drawings, and specifications for electrical systems.
D. The design, alteration, modification, construction, maintenance, and testing of electrical systems and equipment.
E. The regulation and control of electrical installations at special events including but not limited to exhibits, trade shows, amusement parks, and other similar special occupancies.

11.12.08 Definitions

Authority having jurisdiction The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure.

Chief Electrical Inspector An electrical inspector who either is the authority having jurisdiction or is designated by the authority having jurisdiction and is responsible for administering the requirements of this code.

Residential Electrical Inspector An individual meeting the requirements of 80.27 and authorized to perform electrical inspections, working under the supervision of the Chief Electrical Inspector.

11.12.09 Purpose; adoption; title

The purpose of this article shall be to provide requirements for administration and enforcement of the National Electrical Code.

Article 80 shall not apply unless specifically adopted by the local jurisdiction adopting the National Electrical Code.

The title of this code shall be NFPA 70, National Electrical Code, of the National Fire Protection Association. The short title of this code shall be the NEC.

11.12.10 Application

A. **New installations** This code applies to new installations. Buildings with construction permits dated after the adoption of this code shall comply with its requirements.

B. **Existing installations** Existing electrical installation that do not comply with the provisions of this code shall be permitted to be continued in use unless the authority having jurisdiction determines that the lack of conformity with this code presents an imminent danger to occupants. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

C. **Additions, alterations, or repairs** Additions, alterations, or repairs to any building, structure, or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of this code. Additions, alterations, installations, or repairs shall not cause an existing building to become unsafe or adversely affect the performance of the building as determined by the authority having jurisdiction. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions are made.

11.12.11 Occupancy of building or structure

A. **New construction** No newly constructed building shall be occupied in whole or in part in violation of the provisions of this code.

B. **Existing buildings** Existing buildings that are occupied at the time of adoption of this code shall be permitted to remain in use provided the following conditions apply:

1. The occupancy classification remains unchanged.

2. There exists no condition deemed hazardous to life or property that would constitute an imminent danger.

11.12.12 Authority Where used in this article, the term authority having jurisdiction shall include the chief Electrical Inspector or other individuals designated by the governing body. This code shall be administered and enforced by the authority having jurisdiction designated by the governing authority as follows:

A. The authority having jurisdiction shall be permitted to render interpretations of this code in order to provide clarification to its requirements, as permitted 90.4.

B. When the use of any electrical equipment or its installations is found to be dangerous to human life or property, the authority having jurisdiction shall be empowered to have the premises disconnected from its source of electric supply. When such equipment or installation has been so condemned or disconnected, a notice shall be placed thereon listing the causes for the condemnation, the disconnection, or both and the penalty under 80.23 for the unlawful use thereof. Written notice of such condemnation or disconnection and the causes therefore shall be given within 24 hours to the owners, the occupant, or both, of such building, structure, or premises. It shall be unlawful for any person to remove said notice, to reconnect the electric equipment to its source of electric supply, or to use or permit to be used electric power in any such electric equipment until such causes for the condemnation or disconnection have been remedied to the satisfaction of the inspection authorities.

C. The authority having jurisdiction shall be permitted to delegate to other qualified individuals such powers as necessary for the proper administration and enforcement of this code.

D. Police, fire, and other enforcement agencies shall have authority to render necessary assistance in the enforcement of this code when requested to do so by the authority having jurisdiction.

E. The authority having jurisdiction shall be authorized to inspect, at all reasonable times, any building or premises for dangerous or hazardous conditions or equipment as set forth in this code. The authority having jurisdiction shall be permitted to order any person(s) to remove or remedy such dangerous or hazardous condition or equipment. Any person(s) failing to comply with such order shall be in violation of this code.

F. Where the authority having jurisdiction deems that conditions hazardous to life and property exist, he or she shall be permitted to require that such hazardous conditions in violation of this code be corrected.

G. To the full extent permitted by law, any authority having jurisdiction engaged in inspection work shall be authorized at all reasonable times to enter and examine any building, structure, or premises for the purpose of making electrical inspections. Before entering a premise, the authority having jurisdiction shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection except in those instances where an emergency exists. As used in this section, emergency means circumstances that the authority having jurisdiction knows, or has reason to believe, exist and that reasonably can constitute immediate danger to persons or property.

H. Person authorized to enter and inspect buildings, structures, and premises as herein set forth shall be identified by proper credentials issued by this governing authority.

I. Persons shall not interfere with an authority having jurisdiction carrying out any duties or functions prescribed by this code.

J. Persons shall not use a badge, uniform or other credentials to impersonate the authority having jurisdiction.

K. The authority having jurisdiction shall be permitted to investigate the cause, origin, and circumstances of any fire, explosion, or other hazardous condition.

L. The authority having jurisdiction shall be permitted to require plans and specifications to ensure compliance with this code.

M. Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspection and shall conduct the inspection within two business days.

N. The authority having jurisdiction shall be permitted to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants.

O. The authority having jurisdiction shall be permitted to waive specific requirements in this code or permit alternate methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety. Technical documentation shall be submitted to the authority having jurisdiction to demonstrate equivalency and the system, method, or device is approved for the intended purpose.

P. Each application for a waiver of a specific electrical requirement shall be filed with the authority having jurisdiction and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required justifying the request. The authority having jurisdiction shall keep a record of actions on such applications, and a signed copy of the authority having jurisdiction's decision shall be provided for the applicant.

11.12.13 Records and reports The authority having jurisdiction shall retain records as follows:

A. **Retention** The authority having jurisdiction shall keep a record of all electrical inspections, including the date of such inspections and a summary of any violations found to exist, the date of the services of notices, and a record of the final disposition of all violations. All required records shall be maintained until their usefulness has been served or as otherwise required by law.

B. **Availability** A record of examinations, approvals, and variances granted shall be maintained by the authority having jurisdiction and shall be available for public review as prescribed by law during normal business hours.

11.12.14 Permits and approvals Permits and approvals shall conform to the following:

A. **Application**

1. Activity authorized by a permit issued under this code shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this code applicable thereto and in accordance with the approved plans and specifications. No permit issued under this code shall be interpreted to justify a violation of any provision of this code or any other applicable law or regulation. Any addition or alteration of approved plans or specifications shall be approved in advance by the authority having jurisdiction, as evidenced by the issuance of a new or amended permit.

2. A copy of the permit shall be posted or otherwise readily accessible at each work site or carried by the permit holder as specified by the authority having jurisdiction.

B. **Content** Permits shall be issued by the authority having jurisdiction and shall bear the name and signature of the authority having jurisdiction or that of the authority having jurisdiction's designated representative. In addition, the permit shall indicate:

1. Operation or activities for which the permit is issued.
2. Address or location where the operation or activity is to be conducted.
3. name and address of the permittee
4. Permit number and date of issuance
5. Period of validity of the permit
6. Inspection requirements

C. **Issuance of permits** The authority having jurisdiction shall be authorized to establish and issue permits, certificates, notices, and approvals, or orders pertaining to electrical safety hazards pursuant to 80-23, except that no permit will be required to execute any of the classes of electrical work specified in the following:

1. Installation or replacement of equipment such as lamps, and electric utilization equipment approved for connection to suitable permanently installed receptacles. Replacement of flush or snap switches, fuses, lamp sockets and receptacles, and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device.
2. The process of manufacturing, testing, servicing, or repairing of electric equipment or apparatus.

D. **Annual permits** IN lieu of an individual permit for each installation or alteration, an annual permit shall, upon application, therefore, be issued to any person, firm or corporation regularly employing one or more employees for the installation, alteration, and maintenance of electric equipment in or on buildings or premises owned or occupied by the applicant for the permit. Upon application, an electrical contractor as agent for the owner or tenant shall be issued an annual permit. The applicant shall keep records of all work done and such records shall be transmitted periodically to the Electrical Inspector.

E. **Fees** Any political subdivision which has been provided for electrical inspection in accordance with the provisions of Article 80 may establish fees which shall be paid by the applicant for a permit before the permit is issued.

F. **Inspection and approvals**

1. Upon the completion of any installation of electrical equipment, which has been made under a permit other than an annual permit, it shall be the duty of the person, firm or corporation making the installation to notify the Electrical Inspector having jurisdiction, who shall inspect the work within a reasonable time.

2. Where the Inspector finds the installation to be in conformity with the statutes of all applicable local ordinances, and all rules and regulations, the Inspector shall issue to the person, firm or corporation making the installation a certificate of approval, with duplicate copy for delivery to the owner, authorizing the connection to the supply of electricity and shall send written notice of such authorization to the supplier of electric service. When a certificate of temporary approval is issued authorizing the connection of an installation, such certificates shall be issued to expire at a time to be stated therein and shall be revocable by the Electrical Inspector for cause.

3. When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector or until two business days have elapsed from the time of such notification; provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm or corporation installing the equipment shall give the Electrical Inspector due notice in advance, and inspections shall be made periodically during the progress of the work.

4. At regular intervals, the Electrical Inspector having jurisdiction shall visit all buildings and premises where work may be done under annual permits and shall inspect all electric equipment installed under such permits since the date of the previous inspection. The Electrical Inspector shall issue a certificate of approval for such work as is found to be in conformity with the provisions of Article 80 and all applicable ordinances, orders, rules and regulations, after payments of all required fees.

5. If, upon inspection, any installation is found not be fully in conformity with the provisions of Article 80, and all applicable ordinances, rules and regulations, the Inspector making the inspection shall at once forward to the person, firm or corporation making the installation a written notice stating the defects which have been found to exist.

G. **Revocation of permits** Revocation of permits shall conform to the following:

1. The authority having jurisdiction shall be permitted to revoke a permit or approval issued if any violation of this code is found upon inspection or in case there have been any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.

2. Any attempt to defraud or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by this code shall be a violation of this code. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates, or permits issued by this jurisdiction. In addition, any such violation shall be subject to any other criminal or civil penalties as available by the laws of this jurisdiction.

3. Revocation shall be constituted when the permittee is duly notified by the authority having jurisdiction.

4. Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefore has been suspended or revoked pursuant to the provisions of this code, and before such suspended permit has been reinstated or a new permit issued, shall be in violation of this code.

5. A permit shall be predicated upon compliance with the requirements of this code and shall constitute written authority issued by the authority having jurisdiction to install electrical equipment. Any permit issued under this code shall not take the place of any other license or permit required by other regulations or laws of this jurisdiction.

6. The authority having jurisdiction shall be permitted to require an inspection prior to the issuance of a permit. A permit issued under this code shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

H. **Applications and extensions** Applications and extensions of permits shall conform to the following:

1. The authority having jurisdiction shall be permitted to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit.

2. Applications for permits shall be made to the authority having jurisdiction on forms provided by the jurisdiction and shall include the applicant's

answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the authority having jurisdiction, such as plans and specifications, location, etc. Fees shall be determined as required by local laws.

3. The authority having jurisdiction shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the authority having jurisdiction, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.

11.12.15 Plans review Review of plans and specifications shall conform to the following:

A. **Authority** For new construction, modification, or rehabilitation, the authority having jurisdiction shall be permitted to review construction documents and drawings.

B. **Responsibility of the applicant** It shall be the responsibility of the applicant to ensure that:

1. The construction documents include all of the electrical requirements.
2. The construction documents and drawings are correct and in compliance with the applicable codes and standards

C. **Responsibility of the authority having jurisdiction** It shall be the responsibility of the authority having jurisdiction to promulgate rules that cover the following:

1. Review of construction documents and drawings within established time frames for the purpose of acceptance or providing reasons for non-acceptance.
2. Review and approval by the authority having jurisdiction shall not relieve the applicant of the responsibility of compliance with this code.
3. Where field conditions necessitate any substantial change from the approved plan, the authority having jurisdiction shall be permitted to require the corrected plans be submitted for approval.

11.12.16 Notice of violations; penalties Notice of violations and penalties shall conform to the following:

A. **Violations**

1. Whenever the authority having jurisdiction determines that there are violations of this code, a written notice shall be issued to confirm such findings.
2. Any order or notice issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner, occupant, or both.

B. **Penalties**

1. Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant of this code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by this jurisdiction.

2. Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction shall result in each day that such violation continues being regarded as a new and separate offense.

3. Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred dollars ($500.00) for each offense, together with the costs of prosecution and/or imprisonment for not more than thirty (30) days. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof. Shall be deemed a separate offense, which is subject to a fine not less than Fifty Dollars ($50.00) for each day that the violation continues unabated.

<u>11.12.17 Connection to electricity supply</u> Connections to the electric supply shall conform to 80.25 (A) through (D).

A. **Authorization** Except where work is done under an annual permit and except as otherwise provided in 80-25, it shall be unlawful for any person, firm or corporation to make connection to a supply of electricity or to supply electricity to any electric equipment installation for which a permit is required or which has been disconnected or ordered to be disconnected.

B. **Special consideration** By special permission of the authority having jurisdiction, temporary power shall be permitted to be supplied to the premises for specific needs of the construction project. The Board shall determine what needs are permitted under this provision.

C. **Notification** If, within two (2) business days after the Electrical Inspector is notified of the completion of an installation of electric equipment, other than a temporary approval installation, the Electrical Inspector has neither authorized connection nor disapproved the installation, the supplier of electricity is authorized to make connections and supply electricity to such installation.

D. **Disconnection** Where a connection is made to an installation that has not been inspected, as outlined in the preceding paragraphs of this section, the supplier of electricity shall immediately report such connection to the authority having jurisdiction. If, upon subsequent inspection, it is found that the installation is not in conformity with the provisions of Article 80, the authority having jurisdiction shall notify the person, firm, or corporation making the installation to rectify the defects and, if such work is not completed within fifteen (7) business days or a longer period which may be specified by the authority having jurisdiction, the authority having jurisdiction shall have the authority to cause the disconnection of that portion of the installation that is not in conformity.

11.12.18 Inspector's qualifications

A. **Certificate** All Electrical Inspectors shall be licensed as a Journeyman or Master Electrician, or, shall have a current applicable Inspector Certification through the International Code council (ICC), the National Fire Protection Association (NFPA), or the International Association of Electrical Inspectors (IAEI). The certification program shall specifically qualify the inspector in electrical inspections.

B. **Eligibility** Candidates for Electrical Inspector positions must have the minimum levels of education, licensure, certification, or experience:

1. **Residential Electrical Inspector:**

*High school diploma or GED, and
*have a demonstrated knowledge of the standard materials and methods used in the installation of electric equipment, and
*ICC Residential Electrical Inspector Certification, or
*NFPA Certified Electrical Inspector – Residential (CEIR) Certification, or
*IAEI Certified Electrical Inspector – Residential (CEIR) Certification, or
*Completion of Registered Electrical Apprenticeship Training Program, or
*Associate Degree in Electrical Construction Technology, (or equivalent), or
*Journeyman Electrician License, or
*2000 hours as an Electrical Inspector.

2. **Chief Electrical Inspector:**

*High school diploma or GED, and
*have a demonstrated knowledge of the standard materials and methods used in the installation of electric equipment, and
*4000 hours within last three years as an Electrical Inspector, and
*4000 hours within last three years as a licensed Master Electrician, or
*ICC Residential Electrical Inspector, Commercial Electrical Inspector, and Electrical Plans Examiner Certifications, or
*NFPA Certified Electrical Inspector – Master (CEIR) Certification, or
*IAEI Certified Electrical Inspector – Master (CEIR) Certification, or
*Associate Degree in Electrical Construction Technology, (or equivalent), or
*BS in Electrical Engineering or PE in Electrical Engineering

C. **Re-certification** Electrical Inspectors shall be re-certified as established by provisions of the applicable certification programs.

11.12.19 Liability for damages Article 80 shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the city of Sherwood nor any of its employees beheld as assuming any such liability by reason of the inspection, re-inspection, or other examination authorized.

CHAPTER 11.16

FIRE PREVENTION CODE

Sections:

11.16.01 Adoption of fire prevention code
11.16.02 Amendments
11.16.03 Building permit fee
11.16.04 Ordinances repealed
11.16.05 Filing

11.16.01 Adoption of fire prevention code There is hereby adopted by the city of Sherwood, the 2007 and subsequent editions, of the Arkansas Fire Prevention Code, Volumes 1, 2, & 3, save and except such portion as amended, in sections below. These rules and regulations are adopted, regulating and governing:

A. the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises;

B. the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures;

C. the proper inspection activities relating to the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of one and two-family dwellings and townhouses, and other buildings, structures and premises; providing for the issuance of permits and collections of fees therefore;

D. and, the minimum requirements to safeguard the public health, safety and general welfare, the structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, workmanship, and safety to life and property from fire and other hazards attributed to the built environment. (Ord. No. 1811, Sec. 1.)

11.16.02 Amendments

Volume 1 – Fire

Section 101.1: Insert (The city of Sherwood)

Section 108: Replace with:

Section 112: Appeals In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, appeals must be submitted in writing stating the specific items, orders, decisions, or determinations in dispute. Appeals will be formally submitted to the Arkansas State Fire Marshall or his assigns to obtain a ruling.

Section 109.3: Replace with:

Section 109.3 Violation penalties

(1) Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant of this code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by this jurisdiction.

(2) Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction shall result in each day that such violation continues being regarded as a new and separate offense.

(3) Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense, together with the costs of prosecution and/or imprisonment for not more than thirty (30) days. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof shall be deemed a separate offense, which is subject to a fine not less than Fifty Dollars ($50.00) for each day that the violation continues unabated.

Section 111.4: Insert: ($100.00), ($500.00).

Volume 2 – Building

Section 101.1: Insert: (The city of Sherwood)

Section 105.2: Omit: Items 1 & 2. Permit is required for storage buildings and fences.

Section 112: Replace with:

Section 112: Appeals In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, appeals must be submitted in writing stating the specific items, orders, decisions, or determinations in dispute. Appeals will be formally submitted to the Arkansas State Fire Marshall or his assigns to obtain a ruling.

Section 113.4: Replace with:

Section 113.4 Violation penalties

(1) Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant of this code or violates any

condition attached to a permit, approval, or certificate shall be subject to the penalties established by this jurisdiction.

(2) Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction shall result in each day that such violation continues being regarded as a new and separate offense.

(3) Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense, together with the costs of prosecution and/or imprisonment for not more than thirty (30) days. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof. Shall be deemed a separate offense, which is subject to a fine not less than Fifty Dollars ($50.00) for each day that the violation continues unabated.

Section 1612.3: Insert: (The city of Sherwood), (August 16, 1995.)
Section 3410.2: Insert: (March 27, 1967)

Volume 3 – Residential

Section R101.1: Insert: The city of Sherwood)U
Section R105.2: Omit: Items 1 & 2. Permit is required for storage buildings and fences.
Section R105.5: Replace with:

R105.5 Expiration Any residential building permit that is issued by the city of Sherwood shall become invalid after 12 months from the date of issuance. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Extensions not exceeding 180 days each may be granted if said request is made in writing to the Sherwood Planning commission for good cause.

Section R112: Replace with:

Section R112: Appeals In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, appeals must be submitted in writing stating the specific items, orders, decisions, or determinations in dispute. Appeals will be formally submitted to the Arkansas State Fire Marshall or his assigns to obtain a ruling.

Section R113.4: Replace with:

Section R113.4 Violation penalties

(1) Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant of this code or violates any

condition attached to a permit, approval, or certificate shall be subject to the penalties established by this jurisdiction.

(2) Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction shall result in each day that such violation continues being regarded as a new and separate offense.

(3) Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense, together with the costs of prosecution and/or imprisonment for not more than thirty (30) days. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense, which is subject to a fine not less than Fifty Dollars ($50.00) for each day that the violation continues unabated. (Ord. No. 1811, Secs. 2-4.)

11.16.03 Building permit fee Pursuant to Volume 2 – Building, Section 108.2 the attached building permit fee schedule is adopted and incorporated into this ordinance word for word as if set forth therein.

Section 5.1: That the building permit fee for new homes will be calculated at the rate of $.16 per square foot under roof. (Ord. No. 1811, Sec. 5.)

11.16.04 Ordinances repealed Ordinances 164, 165, 249, 250, 536, 539, 569, 706, 881, 915, 939, 1028, 1599, 1643 and all ordinances or parts of ordinances in conflict herewith are herby repealed. (Ord. No. 1811, Sec. 6.)

11.16.05 Filing three (3) copies of this code have been and are now on file in the office of the Clerk and/or Building Official of the city of Sherwood, Arkansas, and the same are hereby adopted and incorporated, as amended, as if set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling the construction of all buildings and other structures within the corporate city limits of the city of Sherwood, Arkansas. (Ord. No. 1811, Sec. 7.)

CHAPTER 11.20

HOUSING CODE

Sections:

11.20.01	Adoption of
11.20.02	Housing Official
11.20.03	Board of Appeals
11.20.04	Duties of Housing Official
11.20.05	Right of entry
11.20.06	Public Facilities Board - created
11.20.07	Membership of the board
11.20.08	Organization of the board
11.20.09	General powers of the board
11.20.10	Additional authority of the board
11.20.11	Use of funds and revenues
11.20.12	Authority with respect to bonds
11.20.13	Meetings
11.20.14	Records
11.20.15	Annual reports
11.20.16	Automatic amendment

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

11.20.02 Housing Official.

A. The office of Housing Official is hereby created.

B. The Housing Official, appointed by the Mayor, shall be responsible for the enforcement of this chapter.

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

Housing Official in the enforcement of this chapter.

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

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

11.20.06 Public Facilities Board - created There is hereby created a Public Facilities Board pursuant to the provisions of Act 142 of the Acts of the General Assembly of Arkansas for the year 1975, as amended, referred to as the Public Facilities Board Act (A.C.A. 14-137-101 through 123.). That said Board shall be known as the Public Facilities Board of the City of Sherwood, Arkansas. That said Board shall have the powers provided for by Act 142. The governing body of this city may at its sole discretion, and at any time, alter or change the structure, organization, programs or activities of the Board, including the power to terminate the Board; but no such valid action shall be effective to alter or impair contracts entered into by the Board prior to the effective date of such action. (Ord. No. 380, Sec. 1. as amended by Ord. No. 493, Sec. 1.)

11.20.07 Membership of the board The Board shall consist of five members who shall be appointed by the Mayor of this City, subject to confirmation by the Sherwood City council. The initial Board shall serve for terms of one, two, three, four and five years respectively. The Mayor shall nominate and the City Council shall confirm any successor members for terms of five years each. Each member shall qualify by taking and filing with the Clerk of the municipality his oath of office in which he shall swear to support the Constitution of the United States and the Constitution of the State of Arkansas and to discharge faithfully his duties in the manner provided by law. Each member shall serve until his successor is elected and qualified. In the event of a vacancy in the membership, however caused, the Mayor shall appoint and the City Council shall confirm a successor member to serve the unexpired term. A member shall be eligible to succeed himself. Ord. No. 380, Sec. 2.)

11.20.08 Organization of the Board. The members of the Board shall meet and organize by electing one of their members as chairman, and one as vice-chairman, one as secretary and one as treasurer, and such officers shall be elected annually thereafter in like manner. The duties of the secretary and treasurer may be performed by the same member. The Board may also appoint an Executive Director, to be confirmed by the City Council, who shall not be a member of the Board and who shall serve at the pleasure of the Board and receive such compensation as shall be fixed by the City Council. The members of the Board shall receive no compensation for their services but shall be entitled to reimbursement of expenses incurred in the performance of their duties. Any member of the Board may be removed for misfeasance, malfeasance, or willful neglect to duty by the Mayor of this City after reasonable notice of and an opportunity to be heard concerning the alleged grounds for removal. (Ord. No. 380, Sec. 3.)

11.20.09 General powers of the Board The Board is hereby empowered:

A. To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell lease, contract concerning or otherwise deal in or dispose of any one of more public facilities authorized in Act 142 (A.C.A. 14-137-101 through 123), or any interest in such facilities, including, without limitation, leasehold interests in and loans evidences by promissory notes and secured by real estate mortgages and/or security interest in personal properties of such facilities from the owners thereof and to make loans to mortgage lenders (as defined in Act 142) to provide financing for such facilities;

B. To issue bonds through a licensed bond broker, to obtain funds and revenues for the accomplishment of any of the public facilities projects herein authorized, either alone or together with other available funds and revenues thereof. (Ord. No. 380, Sec. 4. as amended by Ord. No. 493, Sec. 2.)

11.20.10 Additional authority of the Board The Board is hereby additionally authorized and empowered:

A. as a body politic and corporate to have perpetual succession and to adopt bylaws, not in conflict with this ordinance or the Public Facilities Board Act as it may, from time to time be amended, for the regulations of its affairs and the conductor its business;

B. to maintain an office at such place or places in Sherwood, Arkansas, as the Board may designate, from time to time;

C. to sue and be sued in its own name;

D. to fix, charge and collect rents, fees, loan repayments interest and charges for the use of any public facilities project or loan made in connection therewith;

E. to employ and pay compensation to such employees and agents including attorneys, consulting engineers, architects, my surveyors accountants, financial experts and others as it in its judgment find necessary for the accomplishment of the, purposes and objectives for which it has been created and to fix their compensation;

F. to do any and all other acts and things to accomplish the public facilities projects for which it is authorized by this ordinance and all other acts and things authorized or required by the Public Facilities Board Acts as it may, from time to time be amended, except as may be specifically limited herein and any and all other things necessary or convenient to accomplish the purpose for which the Board has been created.
(Ord. No. 380, Sec. 5.)

11.20.11 Use of funds and revenues This Board is hereby authorized to use any available funds and revenues for the accomplishment of the public facilities projects which it is authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning or otherwise deal in or to give or take leasehold interests in and to fund loans with respect thereto in exchange for promissory notes secured by real estate mortgages and/or security agreements in personality from owners, users or others in connection with any such public facilities projects. Bonds may be issued by the Board in such principal amounts as shall be sufficient to pay the cost of accomplishing the public facilities projects involved; the cost of issuing the bonds, the amount necessary for reserves, if deemed desirable; the amount necessary to provide for debt service on the bonds until revenues for the payment thereof are available from other sources; and any other costs and expenditures of whatever nature incidental to the accomplishment of the public facilities involved and the placing of its in operation. Any net earnings of the Board (beyond that necessary for retirement of the indebtedness or to implement any public facilities project) shall not inure to the benefit of any person other than to the City of Sherwood, Arkansas. (Ord. No. 380, Sec. 6.)

11.20.12 Authority with respect to bonds This Board shall have, with respect to the issuance of bonds authorized to be issued by it, the authority and power with respect thereto set forth and contained in A.C.A. 14-137-116 and 120 and 121 and 117 and 122., inclusive, which terms and provisions are hereby incorporated in this ordinance as though herein expressly set forth, word for word, except to the extent of changes required for the provisions thereof to be consistent in the context of this ordinance, and such additional authority as may be granted in similar provisions by amendment of the Public Facilities Board Act from time to time hereafter, except within 60 days prior to the date of each issue of obligations of the Bond, the Board shall obtain the approval of the governing body of the city of Sherwood, Arkansas.

All bonds of the Public Facilities Board shall be special obligation revenue bonds which shall be obligations only of the Public Facilities Board and shall not constitute an indebtedness for which the faith and credit of the City or any of its revenues are pledged, and the principal of and interest on the bonds shall be payable from and secured by a pledge of revenues derived from the residential housing projects financed, in whole or in part, from bond proceeds and as authorized by, and in accordance with the provisions of Act 142. (A.C.A. 14-137-101 through 123 of 1975, Ord. No. 380, Sec. 7.)

11.20.13 Meetings The Board shall meet upon the call of its chairman or a majority of its members, and at such times as may be specified in the bylaws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by resolution and such resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership in the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board. (Ord. No. 380, Sec. 8.)

11.20.14 Records The secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book of journal of the Board and its official seal, if any shall be adopted. The secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates. (Ord. No. 380, Sec. 9.)

11.20.15 Annual reports Within the first 90 days of each calendar year, this Board shall make a written report to the Mayor and to the Sherwood City Council, concerning its activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operation during the year. (Ord. No. 380, Sec. 10.)

11.20.16 Automatic amendment To accomplish the specific public facilities objectives set forth above, the Board shall have such additional authority and power as may, from time to time, hereafter be authorized for Public Facilities Boards by amendments to the Public Facilities Act without additional action by this Council. (Ord. No. 380, Sec. 11.)

CHAPTER 11.24

CONDEMNED STRUCTURES

Sections:

11.24.01	Definitions
11.24.02	Nuisance buildings
11.24.03	Authorized
11.24.04	Description
11.24.05	Notification of owner
11.24.06	Removal by city
11.24.07	Notices
11.24.08	Disposition of building
11.24.09	Disposition of proceeds
11.24.10	Lien on property for net costs plus applicable administration fees
11.24.11	Penalty
11.24.12	Court action authorized
11.24.13	Restrictions on renting condemned property
11.24.14	North Hills Country Club

11.24.01 Unlawful The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Removal means and includes, but is not limited to, removing all material and debris whenever it becomes necessary to demolish any building that has been condemned and found to be a nuisance by resolution of the City Council. (Ord. No. 1531, Sec. 1.)

11.24.02 Nuisance buildings It shall be and it is hereby declared to be unlawful for any person to own, keep or maintain any house, building and/or structure within the corporate limits of the city which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 1531, Sec. 2.)

11.24.03 Authorized Any house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to ensure the removal thereof as provided in this article. (Ord. No. 1531, Sec. 3.)

11.24.04 Description The resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in such resolution an adequate description of the house, building and/or structure; the name or names, if known, of the owner or owners thereof; and shall set fort the reason or reasons such house, building and/or structure is or has been condemned as a nuisance. (Ord. No. 1531, Sec. 4.)

11.24.05 Notification of owner After the house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as provided in this article, a true or certified copy of such resolution will be mailed to the owners thereof, if the whereabouts of such owners be known or if their last known address be known; and a copy thereof shall be posted at a conspicuous place on the house, building and/or structure. If the owners of such house, building and/or structure be unknown or if their whereabouts or last known address be unknown, posting of the copy of the resolution as provided in this article will suffice as notice. At least two weeks prior to any City Council meeting wherein condemnation will be considered the following notices shall be given:

A. A written notice shall be posted on the structure that advises that the City Council will consider condemnation of the structure at a particular time and place.

B. Notification by first class mail to last known address and by certified mail restricted delivery returned receipt to any entity or individual having an interest in the property of the time and place that the City Council shall meet.

C. Run a legal notice in a publication having county-wide distribution advising any and all interested parties of the meeting date, place and time.

Subsequent to the resolution to condemn, said resolution shall be filed with the Pulaski County Circuit Clerk. (Ord. No. 1531, Sec. 5.)

11.24.06 Removal by city If the house, building and/or structure constituting a nuisance has not been torn down and removed, or such nuisance otherwise abated within 30 days after posting the true copy of the resolution condemning such house, building and/or structure at a conspicuous place thereon, then the house, building and/or structure constituting the nuisance will be torn down and/or removed by the Building Inspector or his duly designated representative. (Ord. No. 1531, Sec. 6.)

11.24.07 Notices The city's Code Enforcement Officers shall be responsible for publication, mailing and delivery of all notices required to condemn structures as public nuisances.

The city's Code Enforcement Officers are hereby required to list each individual code violation for which a particular property is being condemned, to provide a copy of the list to the property owner, and to keep a copy of the list in the Code Enforcement Officer's files. (Ord. No. 1531, Sec. 7.)

11.24.08 Disposition of building The Building Inspector or any other person designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will ensure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may if the house, building and/or structure shall have a substantial value, sell such house, building and/or structure, or any saleable material hereof, by public sale to the highest bidder for cash, ten days notice thereof being first given by one publication in some newspaper having a general circulation in the city, to ensure its removal and the abatement of the nuisance. (Ord. No. 1531, Sec. 8.)

11.24.09 Disposition of proceeds All proceeds of the sale of any condemned house, building and/or structure, or the proceeds of the sale of saleable materials there from, and all fines collected from the provisions of this article shall be paid by the persons collecting the same to the City Clerk. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance, including the cleaning up of the premises by the city, plus any fines imposed, the balance thereof will be returned by the City Clerk to the former owners of such house, building and/or structure constituting the nuisance. (Ord. No. 1531, Sec. 9.)

11.24.10 Lien on property for net costs plus applicable administration fees If the city has any net costs for the condemnation or removal of any condemned house, building or structure, the city shall have a lien on the property for net costs plus applicable administrative fees of One Hundred Dollars ($100.00) plus ten percent (10%) of said net costs. (Ord. No. 1681, Sec. 1.)

11.24.11 Penalty A penalty of $50.00 per day is hereby imposed against the owners of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council 30 days after such house, building, and/or structure has been found and declared to be a nuisance; and each day thereafter such nuisance be not abated constitutes separate and

distinct offense, provided the notices as provided in Section 7 has been given within ten days after such house, building and/or structure has been by resolution found and declared to be a nuisance. (Ord. No. 1531, Sec. 11.)

11.24.12 Court action authorized If it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for such purpose in the name of the city; and the only notice to be given to the owners of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or chancery court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a penalty as provided in section is hereby imposed against the owners thereof from the date such finding is made by the court; and each day thereafter such nuisance is not abated constitutes a separate and distinct offense. If the owner of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Building Inspector or other persons referred to in section eight will take such action as provided in Section 8, and Section 8 will be applicable to such owner. The provision contained in the immediately preceding sentence does apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 1531, Sec. 12.)

11.24.13 Restrictions on renting condemned property After a house, building, or structure has been declared unfit for human habitation by a housing official, the owner or manager of the house, building or structure shall obtain a letter of compliance from the housing official of the city prior to renting, leasing or leasing with option to purchase, the subject property to any other individual or entity. (Ord. No. 1531, Sec. 13.)

11.24.14 North Hills Country Club

A. It has been determined that the area of the city commonly known as North Hills Country Club should be preserved as a public part, including green space, and for other public purposes to be developed, including without limitation park(s) recreational facilities, hiking/biking trails, and other purposes for the betterment of the city.

B. The City Attorney is authorized and directed to commence condemnation of the real property commonly known as North Hills Country Club in the name of the city or alternatively in the name of the Sherwood Public Facilities Board on behalf of the city.

C. The Council authorizes the retention of Quattlebaum, Grooms, Tull and Burrow PLLC to provide assistance to the City Attorney in the condemnation of the real property commonly known as North Hills County Club.

D. This action is deemed necessary for the interests of the citizens in the surrounding areas of the subject property as well as the city as a whole. (Ord. No. 1767, Secs. 1-4.)

CHAPTER 11.28

BUILDING CODE

Sections:

11.28.01	Adoption of code
11.28.02	Effective date
11.28.03	Effect of repeal
11.28.04	Amendments
11.28.05	Inspection by public
11.28.06	Unauthorized alteration
11.28.07	Permit fee schedule for structures
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11.28.01 Adoption of code There is hereby adopted, for the purpose of securing and preserving public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, that certain Building Code promulgated by the Standard Building Code Congress International Inc., known as the Standard Building Code, being more particularly the 1994 edition together with the 1996 revisions thereof, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which public notice has been given as required by Act. No. 267, Acts of Arkansas of 1949, and not less than three (3) copies of which have been and are now filed in the Office of the Clerk of the City of Sherwood, Arkansas, and from the date on which this Ordinance shall take effect the provisions thereof and herein shall be controlling within the limits of the city of Sherwood, repealing and superseding Ordinance No. 164, and all amendments thereto. Further, the Code herein adopted shall be known as "The Standard Building Code of the city of Sherwood, Arkansas." (Ord. No. 536, Sec. 1.)

11.28.02 Effective date This code shall be in full force and effect thirty (30) days from and after the passage and publication of this Ordinance in accordance with law; and no ordinance or resolution except Ordinance No. 164 and amendments thereto as aforementioned shall be deemed repealed hereby except to the extent of any conflict herewith. (Ord. No. 536, Sec. 2.)

11.28.03 Effect of repeal The repeal provided for in Section 1 and referred to in Section 2 hereof shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract of right established or accruing before the effective date of this ordinance, nor shall such repeal affect any construction, alteration, repair or other activity conducted pursuant to a building permit or other permit of franchise issued prior to the effective date hereof or to any extension of the term of any such permit. (Ord. No. 536, Sec. 3.)

11.28.04 Amendments Any and all additions or amendments to such Building code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such Building Code, so that by reference to the "Building Code of the city of Sherwood, Arkansas," it shall be understood and intended to include such additions and amendments as a part thereof. (Ord. No. 536, Sec. 4.)

11.28.05 Inspection by public Three (3) copies of such Building Code shall be kept on file in the Office of the City Clerk in looseleaf form. It shall be the express duty of the City Clerk, or someone authorized by the City Clerk, to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make same a part of such Building Code when the same have been printed or reprinted in page form, and to extract from such Building Code all provisions which may be from time to time repealed by the City

Council. These copies of such Building Code shall be available in the Office of the City Clerk for all persons desiring to examine the same. (Ord. No. 536, Sec.5.)

11.28.06 Unauthorized alteration It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part of portion of such Building Code, or to insert or delete pages or portions thereof, or to alter or temper with such Building Code in any manner whatsoever which will cause the law of the city of Sherwood to be misrepresented thereby. Any person, firm, or corporation violating this Section shall be, upon conviction thereof, punished by a fine of not less than $100.00 and not more than $500.00 for each separate offense. (Ord. No. 536, Sec.6.)

11.28.07 Permit fee schedule for structures

A. The building permit fee schedule is adopted and incorporated into this ordinance by reference as if word for word.

B. Ord. No. 569 is hereby repealed

C. This ordinance shall become effective January 1, 2003.
Ord. No. 1599, Secs. 1-3.)

11.28.09 Energy efficiency standards - new buildings The City Council hereby finds that it is in the best interests of the citizens of Sherwood to formally adopt the 1979 ARKANSAS RULES AND REGULATIONS FOR ENERGY EFFICIENCY STANDARDS FOR NEW BUILDING CONSTRUCTION, as adopted by the Arkansas Department of Energy (Ord. No. 459, Sec. 1.)

11.28.10 Standard for overhand and guttering There is hereby established standards for overhangs and/or guttering for the city of Sherwood. (Ord. No. 651, Sec. 1.)

11.28.11 Guttering - when required Guttering shall be provided on front, back and sides on all buildings when the following conditions are present:

Roof overhangs are less than 12 inches in width for one story or 24 inches in width for two story. (Ord. No. 651, Sec. 2.)

11.28.12 Erection, maintenance, etc., of hospitals It shall be unlawful for any person, firm, association, or corporation to build, construct, open, conduct, manage or maintain a hospital within the corporate limits of the City without first obtaining a permit from the City. Any hospital in the city limits of Sherwood presently operating under a permit from the State or any health facility which obtains a permit under Act 593 of 1987 to construct a hospital in Sherwood is hereby exempted from the requirements of this ordinance pertaining to a permit. (Ord. No. 783, Sec. 1.)

11.28.13 Application for permit under 11.28.14 To obtain a permit, a person, firm, or corporation shall first file an application and proposed plan with the Mayor of Sherwood. The Mayor is hereby authorized to investigate the applicant and the proposed plan to determine whether it will adequately meet the needs of the City. After completion of the investigation, the Mayor will present the application, the proposed plan and his recommendation to the City Council. It will be the Council who determines whether to grant or deny the application. (Ord. No. 783, Sec. 2.)

11.28.14 Hospital shall comply with all ordinances The building or buildings used or to be used as a hospital shall in all respects comply with all ordinances of the City relation thereto. (Ord. No. 783, Sec. 3.)

11.28.15 Hospital shall conform to state health laws Each hospital shall be in conformance with State health laws and regulations. (Ord. No. 783, Sec. 4.)

11.28.16 Penalty - 11.28.14 through 11.28.17 Any person, firm, or corporation violating any provision of this ordinance shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues, and any health facility operated or conducted without complying with the provisions of this ordinance is hereby declared to be a public nuisance. (Ord. No. 783, Sec. 5.)

11.28.17 Revocation of permit The Council reserves the power to revoke any permit where the applicant does not meet the provisions of this ordinance or the proposed plan submitted to the Mayor and Council at the time of application. If a permit is revoked, the applicant has thirty (30) days to comply with this ordinance and the proposed plan or cease operation. (Ord. No. 783, Sec. 6.)

11.28.18 Building contractors must furnish surety Every building trade contractor or builder, who shall make contracts for the erection or construction or repair of buildings for which a permit is required, and every building trade contractor or builder making such contracts and subletting the same, or any part thereof, doing business in the city of Sherwood shall execute and deliver to the city a bond with a surety bonding company in the sum of Ten Thousand Dollars ($10,000.00) to indemnify the city or any citizen from any damage caused by the failure of such contractor to comply strictly with the ordinances of the city of Sherwood. No building permit shall be issued to any building contractor unless the bond has been delivered to the city and is in full force and effect. (Ord. No. 1645, Sec. 1.)

11.28.19 Act 859 of 1987 incorporated by reference Act 859 of the 1987 Session of the Arkansas General Assembly is hereby wholly incorporated into this ordinance by reference. (Ord. No. 800, Sec. 1.)

11.28.20 Homebuilder must furnish proof of registration It shall hereinafter be necessary, before being entitled to the issuance of a building permit or other related permit from the city of Sherwood that any person, limited or general partnership, association, home builder, corporation or other organization or entity, or any combination thereof must first furnish satisfactory proof of registration as a homebuilder with the Secretary of State's office to the proper agent with the city of Sherwood. (Ord. No. 800, Sec. 2.)

11.28.21 Penalty under 11.28.22 Should any person, limited or general partnership, association, homebuilder, corporation or other organization or entity, or any combination thereof be found not to be in compliance with this ordinance, the non-complying part, parties, corporation or entity will be subject to a fine in the amount of Five Hundred Dollars ($500.00). (Ord. No. 800, Sec. 3.)

STATE LAW REFERENCE - A.C.A. 17-47-101 through 17-47-109.

11.28.22 Building Code Board of Appeals created There is hereby created a Board of Appeals for the Standard Building Code of the Southern Building Code Congress International,

Inc. In accordance with State laws and Sherwood City ordinances. (Ord. No. 915, Sec. 1.)

11.28.23 Building permits (residential) invalid after 12 months Any residential building permit that is issued by the City of Sherwood shall become invalid after 12 months from the date of issuance. Work must commence within six months from the date of the residential building permit being issued or said building permit shall be invalid. (Ord. No. 939, Sec. 1.)

11.28.24 Time extensions under 11.28.25 An extension to either time period referred to in 11.28.25 may be granted if said request is made in writing to the Sherwood Planning Commission for good cause. (Ord. No. 939, Sec. 2.)

11.28.25 Facade requirements on metal buildings It shall hereinafter be necessary, before being entitled to the issuance of a building permit, that any metal building constructed in a commercial area along Brookswood, Brockington, Kiehl Avenue Highway 107 or North Hills Boulevard shall have a facade of masonry, wood or stucco applied to exterior surfaces visible from a public street. (Ord. No. 957, Sec. 1.)

11.28.26 Not applicable to existing This Ordinance shall not apply to any existing metal structure that exists at this time. (Ord. No. 957, Sec. 2.)

11.28.27 Further inapplicability This Ordinance will not effect nor apply to existing buildings or any subsequent modification to same. (Ord. No. 957, Sec. 3.)

11.28.28 Standards - PC concrete pavement The City of Sherwood adopts the following standards for thickness of P C concrete pavement:

A. The thickness of P C Concrete pavement shall be a minimum of six (6) inches except on collector streets, whereby there shall be a minimum of seven (7) inches of P C concrete.
B. The concrete mix shall contain a standard synthetic fiber reinforcing material added at the rate per cubic yard recommended by the manufacturer.
C. The compressive strength of this concrete shall be 3500 PSI at 28 days.
D. Transverse joints shall be at 12 foot spacing and longitudinal joints shall be at the center and quarter points of the streets. (Ord. No. 1013, Sec. 1.)

11.28.29 Horizontal vinyl siding - facade permitted Ordinance 957 is hereby amended to permit horizonal vinyl siding to be used as a facade in addition to the other facades contained in 11.28.27. There are no other changes to said ordinance contemplated in this ordinance. (Ord. No. 1170, Sec. 1., See also Ord. No. 957.)

11.28.30 Requirements - storm drainage pipe

A. The following minimum requirements are applicable to all city easements and rights-of-way for storm drainage pipes. Said pipe shall have a minimum of 15-inch

inside diameter. Where used, polymer-coated corrugated metal pipe sizes shall be hydraulically equivalent to the required pipe size.

B. The acceptable materials for storm drains shall be reinforced concrete pipe, hydraulically equivalent polymer-coated corrugated metal pipe, or smooth liner for polyethylene pipe (conform to AASHTO M294, Standard Specification for Corrugated Polyethylene Pipe).

C. The City Engineer shall inspect and accept the storm drain installed before the City will accept and maintain responsibility for maintenance. Any variances must be approved by the City Engineer or his designated representative.
(Ord. No. 1220, Sec. 1.)

11.28.31 Screen or veneering of building An ordinance providing five years until July 31, 2002, to meet requirements of Ord. No. 957 by either screen or veneering of the side of a building of Friends of His Church located in the middle of a block on Kiehl Avenue.(Ord. No. 1352, Sec. 1.)

CHAPTER 11.32

NATURAL GAS CODE

Sections:

11.32.01	Specifications and standards shall be met
11.32.02	Gas inspector
11.32.03	Permits and certification of approval required
11.32.04	Duties of gas inspector
11.32.05	Upon finding of unsafe conditions
11.32.06	Inspection fees
11.32.07	Gas inspector - right of entry
11.32.08	Surety required
11.32.09	Contractor shall notify inspector to inspect
11.32.10	Definitions
11.32.11	Conversion to natural gas from other
11.32.12	Specifications - service lines
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11.32.14	Use of copper pipe regulated
11.32.15	Specifications - appliance installation
11.32.16	Prohibitions
11.32.17	Penalty

11.32.01 Specifications and standards shall be met From and after the passage of this Ordinance, all occupants of structures desiring gas from utility supply, shall have gas service lines, house piping and appliances connected according to the specifications of construction and standards herein fixed. Structures which heretofore have been piped for the use of Butane or other liquefied gas fuels shall be altered according to the methods of construction and the requirements as hereinafter provided for under Section 11 of this Ordinance. (Ord. No. 14, Sec. 1.)

11.32.02 Gas inspector A gas inspector to be appointed by the City Council of Sherwood, Arkansas, shall discharge the duties of gas inspector as provided herein and, for the purposes of this Ordinance, shall be referred to as Gas Inspector. (Ord. No. 14, Sec. 2.)

11.32.03 Permits and certification of approval required Before any person, firm or corporation shall engage in the occupation or business of installing gas service lines, house piping or connecting gas appliances, they, shall first secure a permit from the City Clerk and upon completion of the work shall secure from the Gas Inspector a Certificate of Approval certifying that the work performed conforms to the specifications and construction standards as hereinafter fixed. (Ord. No. 14, Sec. 3.)

11.32.04 Duties of gas inspector It is hereby made the duty of the Gas Inspector to inspect gas appliances, gas house piping and gas service lines after such have been installed but before the gas supply has been turned on and, if found by him to conform to the provisions of this Ordinance, to issue a certificate approving the installation and authorizing the gas supplier to turn the gas on. Such certificate shall be issued in quadruplicate, one copy being furnished to the gas fitter in charge of the work, one copy to the supplier of gas, one copy to the applicant for gas service and one copy filed in the office of the Gas Inspector. No certificate shall be required for the installation of gas appliances where the house piping and service line have been previously inspected and approved by the Gas Inspector, except that a new certificate shall be required before the gas supply is reconnected for a structure in which no gas has been used for a period of twelve consecutive months or more. (Ord. No. 14, Sec. 4.)

11.32.05 Upon finding of unsafe conditions When the Gas Inspector is notified, or finds that gas appliances, house piping or service lines in use by any person, firm or corporation, are in a dangerous and unsafe condition, he shall immediately notify the person, firm or corporation owning or controlling such gas appliances, house piping or service lines of their dangerous and unsafe condition and shall shut off or cause to be shut off all gas service to the premises involved when in his judgment the gas appliances, house piping or service lines are unsafe, and it shall be unlawful to use said gas appliances, house piping or service lines after such notice has been given until repairs are made and the same has been inspected and approved by the Gas Inspector. Where repairs are found necessary and an inspection is made after repairs are completed, the inspection fee provided for herein shall be collected. (Ord. No. 14, Sec. 5.)

11.32.06 Inspection fees Prior to issuance of an approval certificate by the Gas Inspector, an inspection fee, as follows, shall be paid to the City Clerk:

8 gas outlets, or less, two dollars	($2.00)
9,10, or 11 outlets, three dollars	($3.00)
12,13 or 14 outlets, four dollars	($4.00)
15,16, or 17 outlets, five dollars	($5.00)
18,19 or 20 outlets, six dollars	($6.00)

If any appliance or piping does not, in the opinion of the Gas Inspector at the time of initial inspection, meet the specifications as herein provided and an additional trip or trips has to be made to the premises involved by the Gas Inspector, an additional fee of fifty cents ($.50)for each such additional trip shall be collected. (Ord. No. 14, Sec. 6.)

11.32.07 Gas Inspector - right of entry The Gas Inspector shall at any time have authority to enter any building where gas is used for the purpose of making an inspection of the gas burning equipment herein. (Ord. No. 14, Sec. 7.)

11.32.08 Surety required

A. It shall be unlawful for any person, firm or corporation to engage in the business of gas fitting or connecting gas appliances, house piping or service lines to a gas supply in the city of Sherwood, Arkansas, until such person, firm or corporation shall have first procured and deposited with the Clerk of the city of Sherwood, Arkansas, a good and sufficient bond in the sum of Five Hundred and No/100 Dollars ($500.00) having as surety thereon a corporate surety company duly authorized to do business in the State of Arkansas, and acceptable to the City Council of the Town of Sherwood, Arkansas, conditioned that such person, firm or corporation shall faithfully comply with the terms and provisions of this Ordinance and all the rules and regulations made in pursuance thereof, and shall indemnify and hold the city of Sherwood., Arkansas, and any and all persons interested, harmless against all costs, expenses, damages and injuries sustained by the city of Sherwood, Arkansas, or any other person interested by reason of failure to comply with the ordinances, rules and regulations of the city of Sherwood, Arkansas, or by any negligence of said gas fitters in operating under this Ordinance and the rules and regulations made in pursuance thereof.

B. The individual, firm or corporation desiring to engage in the business of gas fitting shall, after approval of said bonds, procure a license from the Recorder of the city of Sherwood, Arkansas, which license shall run for a period of one year from the date of its issuance, unless sooner revoked, and shall not be transferable.

C. The City Council reserves the right to require the applicant to furnish satisfactory references as to his ability and experience as a gas fitter, and shall be the sole judge of the

applicant's qualifications for such a license. (Ord. No. 14, Sec. 8.)

11.32.09 Contractor shall notify inspector to inspect The contractor, plumber, or gas fitter shall, upon completion of work, cap all outlets and notify Inspector that it is ready for inspection. Pressure tests shall be made of the service line and house piping separately. The service line shall be tested before the trench is backfilled. The pressure testing device used in the test shall be a sensitive spring type gauge or a sensitive mercury column, The service line and house piping shall be required to hold ten pounds (10#) (or twenty inches (20") mercury column of air pressure for a period of fifteen (15) minutes without a detectable drop in pressure. Care shall be used to see that the work is properly completed before the Inspector is notified so as to avoid unnecessary trips. Gas fitter or contractor shall supply testing apparatus. (Ord. No. 14, Sec. 9.)

11.32.10 Definitions The following terms shall, for purposes of this Ordinance, have the respective meanings indicated in this Section:

Service Line: The gas pipe extended by owner or occupant of structure from connection to utility supply in street or alley to the meter location on premises.

House Piping: The system of gas piping, either exposed or concealed, which conveys gas from the outlet of the service meter to appliances at various places on the customer’s premises.

Service Stub: The gas piping from the supply’s main to the point of connection with customer's service line. (Ord. No. 14, Sec. 10.)

11.32.11 conversion to natural gas from other Structure converting from Butane or other liquefied petroleum gases to natural gas shall be altered as follows before a Certificate of Approval to connect to a supplier's gas distribution pipes by the Gas Inspector is issued:

A. A service line one inch (1") in size shall be installed according to Section 12 of this Ordinance which details specifications and construction standards.

B. Sizes of house piping shall be altered so that one and one-fourth inch (1 1/4") pipe shall extend direct from outlet connection of utility meter to first active gas opening. Pipe sizes should be increased where more than two active appliances are supplied from a one-half inch (½) pipe, All piping previously installed for distribution of liquefied petroleum gases shall otherwise conform to specifications and construction standards hereinafter fixed.

C. Before a gas supply is furnished by the supplier, the orifices of all liquefied petroleum gas appliances shall be changed or altered to the sizes and methods of use recommended by the manufacturer of the appliance. Verit pipes, heater connections or any other appurtenances to gas appliances in use prior to conversion from liquid gas to natural gas shall be altered or replaced in a manner that will conform to the specifications

and construction standards hereinafter fixed.(Ord. No. 14, Sec. 11.)

11.21.12 Specifications - service lines Specifications for material and rules governing installation of Service Lines:

A. All pipe shall be new, standard, full weight, wrought iron or steel, free from defects.

B. All fittings shall be of best quality malleable iron. No cast iron fittings shall be used.

C. No bushings, union globe bulbs or all-brass stop cocks shall be used.

D. The Service Line shall be at least one-inch (1") in diameter if supplier’s system to which it is connected is a medium pressure system, requiring use of service regulator on service riser and at least one and one-quarter inches (1 1/4") in diameter if supplier’s system to which it is connected is a low pressure system not requiring use of service regulator on service riser. If customers’ gas requirements will be greater than that of an ordinary domestic consumer, the Service Line shall be of the same size as supplier’s service stub.

E. Wherever possible the line shall be laid in a trench sloping from the meter loop to the street, and at no point shall it be lower than the connection with the supplier's line. It shall not contain any traps or unnecessary risers, tees or elbows. In the event that customers' premises are lower than the point of connection with supplier's line, a properly constructed and equipped drip shall be installed at the bottom of the riser below the meter loop or at the lowest point on customer's Service Line.

F. When the meter is to be located more than one hundred feet (100 ft.) from the curb line of a street, the loop shall be installed at the property line and in a protected location. Curb meters will be installed for only business structures occupying entire land on which located.

G. Meter loops shall be installed according to the following standards:

1. When the structure or consumer to be supplied requires an extraordinary amount of gas, the standard specifications of the utility supplying the gas for the installation of the meter loop shall be used and complied with.

2. When required for a residential structure or a consumer using an equivalent amount of gas, the meter loop shall be installed in accordance with the following standards:

a. Meter loops shall be installed outside the structure to be supplied. When more then one meter is required for a structure, loops shall be constructed in manifold. When more than two meters are required, the header for loops shall be not less than two inches (2") in size. All meter loops shall be constructed with the outlet for meter to be located not less than two feet (2 ft.) above a permanent ground level surrounding the meter loop. The meter riser shall be located not less than twelve inches (12") from the outside of the wall of structure.

b. Meter riser shall be connected to service with a swing joint, consisting of two street ells and to be located at a point not less than twelve inches (12") below the permanent ground level. riser shall be equipped with a lock wing master cock located not less than eighteen inches (18") above permanent ground level. Service regulators are furnished by supplier of gas and, when required, shall be installed from outlet of lock wing master cock on service riser. When manifold meter loops are constructed, a master cock shall be installed on both service riser and for each meter loop, The service riser and house line connection pipe shall be constructed on eighteen inch (18") centers, When one meter is required to supply a structure, the meter loop connecting fittings consisting of two - one inch (1") street ells, shall be constructed on exact six inch (6") centers and the outlet of fittings shall be exact level and not less than twenty-four inches (24") above the permanent ground level surrounding meter.(Ord. No. 14, Sec. 12.)

11.32.13 Specifications - house piping Specifications for material and rules governing installation of House Piping:

A. All pipe shall be standard, full weight, wrought iron or steel free from defects.

B. All fittings shall be best quality malleable iron. No cast iron fittings shall be used.

C. No bushings, gasket unions, globe valves or all-brass stop cocks shall be used.

D. No rubber hose and no non-metallic connections shall be used.

E. No valves or unions shall be placed in any inaccessible place.

F. The following table shows the minimum pipe size to be installed from meter to appliance riser for supplying heating and cooking stoves, ranges, hot water heaters, gas logs and other appliances of the ordinary and usual type and size:
For one appliance, one and one-quarter (1 1/4") inch for the first, and one inch (1") for the second.

For three and/or four appliances, one and one-quarter (1 1/4") inch to the first and second, and one (1") inch to third, and three-quarters (3/4") inch to fourth.

For five and/or six appliances, one and one-quarter (1 1/4") inch to first, second and third, and one (1") inch to fourth and fifth, and three-quarters (3/4") inch to sixth.

For seven and/or eight appliances, one and one-quarter (1 1/4") inch to first, second, third and fourth, and one (1") inch to fifth and sixth, and three-quarters (3/4") inch to seventh and eighth.

If more than eight openings are required or if furnaces, small boilers or other large or unusual appliances are to be installed, the supplier shall be requested to furnish piping requirements specifications.

Risers or ceiling drops to appliances or fixtures shall be not less than one-half (½") inch except that the riser to a range shall be three-quarters (3/4") of an inch.

G. All outlets or risers for connections of appliances must project beyond the surface of the wall, ceiling, floor or baseboard at least two inches (2") and must be securely fastened. Where appliances are not connected, said outlets or risers shall be left securely capped.

H. No house piping shall be installed in, or in the soil immediately under, concrete floors or walls where it can be avoided. If it is unavoidable, the house piping shall be installed in a suitable casing,, properly sealed, which will permit it to be readily removed for repairs in case leakage develops.

I. All house piping shall be rigidly fastened to the building to prevent their being moved or broken.

J. All pipe and pipe fittings must be made up tight with an approved pipe joint cement or white lead. (Ord. No. 14, Sec. 13.)

<u>11.32.14 Use of copper pipe regulated</u>

A. When a service is extended from the utility supply to a structure with copper pipe, hard copper (Type “K”) is to be installed in the following manner:

1. The pipe shall be laid according to the sizes and standards required for steel pipe. Particular attention shall be given to eliminating an traps or sags and the use of soft copper pipe for gas service pipes.

2. Meter risers of copper services shall be constructed with steel pipe and

according to the sizes and specifications for steel pipe risers. Swing joints shall be installed with twelve inch (12") steel nipples between street ells to provide rigidity for meter loop, Swing joint connection shall be not less than one foot (1 ft.) in depth.

3. An insulated coupling shall be installed on service riser before connection point to inlet of meter.

B. When copper pipe is used for house piping, the meter loop and pipe shall be securely and rigidly connected to the structure supplied.

1. Pipe shall be laid according to the size and standards required for steel pipe. Hard copper pipe (Type "K") with threaded or soldered joints is preferred to soft copper pipe (Type "L").

2. All appliances supplied from soft copper pipe (Type "L") shall be connected to steel or copper risers. Risers shall be equipped with threaded caps above floor and with soft copper house pipe with a standard malleable iron screw wall tee. The wall tee shall be firmly secured to structure with screws and not nails.

3. Pipe shall be securely fastened to structure with suitable straps or hangers.

4. Copper pipe should always be used when piping is laid in concrete, not accessible for inspection or replacement or when installed underground in corrosive soil. (Ord. No. 14, Sec. 14.)

11.32.15 Specifications - appliance installation Specifications for material and rules governing installation of appliances:

A. All appliances and all devices, attachments and accessories for them shall be of standard make and manufacture and shall conform to the usual and ordinary standards required for safe operation.

B. No device or attachment shall be installed on any appliance which may in any way impair the combustion of the gas.

C. No devices employing or depending upon an electrical current shall be used to control or ignite a gas supply if of such a character that failure of the electrical current could result in the escape of unburned gas or in failure to reduce the supply of gas under conditions which would normally result in its reduction unless other means are provided to prevent the development of dangerous temperatures, pressures or the escape of gas.

D. Appliances shall be adequately supported end so connected to the piping as not to exert undue strain on the connection.

E. No appliance shall be installed in a room in which the facilities for ventilation do not permit the proper combustion of gas under normal conditions of use.

F. No hot water heater shall be installed in a bath room.

G. A gas cock or shut-off shall be easily accessible and within convenient reaching distance when lighting the burner.

H. When air or oxygen under pressure is used in connection with any gas supply, effective means shall be provided to prevent the air or oxygen from going back into the gas piping.

I. The location of gas lighting fixtures shall be such as not to constitute a fire hazard to persons or property. All such fixtures less than five feet from plastered ceilings or overhead woodwork or closer than five inches from plastered walls or woodwork shall be protected by shields.

J. No swinging or folding gas brackets shall be used.

K. Gas appliances shall be, installed so that their continued operation will not raise the temperature of surrounding combustible material or construction more than 90 degrees Fahrenheit above normal room temperature.

L. Gas appliances shall be located so that they will be readily accessible for operation, repair and adjustment.

M. Appliances with closed bases in which no provision is made for the circulation of air below the burner boxes shall be properly insulated from combustible floors.

N. No appliance shall be connected with flexible tubing except such which are necessarily portable or have to be moved from place to place or which require a vibration joint, in which cases, the installation shall conform to the usual and ordinary standards required for safe operation

O. Ranges, water heaters, space heaters, clothes dryers, incinerators, wall heaters, etc., shall not be installed in rooms where the facilities or ventilation do not permit proper combustion of the gas, under normal conditions of use. Appliances of this character shall be designed with a heat deflector or burner tray to prevent incandescent particles of dust, carbon, etc., from falling on to the floor and igniting combustible material.

P. No water heating appliance shall be installed in a closed system of water piping, unless a water pressure relief valve is provided.

Q. Installations of gas fired, single register, floor furnaces shall conform to the following specifications:

1. A flue connection which shall conform to the ordinary accepted standards for safe operation shall be required.

2. Where installations are in lowest floors of buildings without basement, ample clearance must be made, and neither the flue pipe nor furnace casing shall be in contact with earth or damp material, and the furnace must be protected from the possibilities of being flooded with water.

3. No furnace shall be installed in the floor of any aisle or passageway of any auditorium, public assembly room, public hall, or egress from any such room or space.

4. All furnaces shall be equipped with a gas pressure regulator, which shall be adjusted so the gas input does not exceed the approved input rating.

5. If automatic operation of floor furnaces is desired, care must be taken that a model designed for use with an automatic pilot is employed. No automatic pilot shall be installed in the field on a floor furnace that has not been designed for such equipment. Automatic safety pilots are recommended for all floor furnaces.

R. The installation of gas fired boilers, furnaces and conversion burners for house heating shall conform to the standards usually and ordinarily required for safe operation.

S. Flue connections which shall conform to the usual and ordinary standards required for safe operation shall be required for the following:

1. Domestic appliances with input rating in excess of 50,000 BTU per hour, except domestic gas ranges.

2. Automatically controlled appliances with input rating in excess of 50,000 BTU per hour, except automatic instantaneous water heaters of the single faucet type, where the single faucet is attached to and made a part of the appliance.

3. Automatically controlled appliances with input rating less than 5,000 BTU per hour, unless equipped with an automatic device to prevent the escape of unburned gas at the main burner or burners.

The term "automatically controlled appliance" used in paragraphs (2)and (3) refers to appliances to which the gas supply is automatically turned on and off in accordance with the demand for heat, but does not include appliances with devices or controls governing the supply of gas to the main burner or burners which can not automatically reduce the gas supply below thirty percent of the input rating.

4. Each of several appliances, except domestic gas ranges, installed in the same room, which in the aggregate, have an input rating as great as 30 BTU per hour per cubic foot of room content.

5. All water heaters except those exempted in (15 (S) (2) above.

6. Space heaters in sleeping quarters for use of transients. Such heaters should also be equipped with an automatic pilot which will effect ignition of the main burner, and which, unless it is in operation will shut off the gas supply to the main burner.

7. All house heating steam and hot water boilers and warm air furnaces including floor furnaces. (Ord. No. 14, Sec. 15.)

11.32.16 Prohibitions It shall be unlawful

A. to steal gas from any pipe or fixture employed in furnishing or making available to any customer a supply of gas, whether or not such pipe or fixture is owned by the utility supplying or distributing such gas,

B. to install or cause to be installed any piping, tubes hose, or other device whatsoever for the purpose of stealing gas or deflecting the flow of gas around a meter,

C. to temper with a meter or other device or facilities installed or used for correctly measuring gas,

D. to turn on valves, break seals on meter cocks, or do any other act the purpose of which is to cause or attempt to cause a resumption of the flow of gas through or in pipes which has been stopped or shut off by the utility supplying the same, and the existence of any by-pass pipe or any other device on or about the pipes or equipment installed or legally used by the utility in furnishing gas to consumer or evidence of damage to meters valves seals or other appurtenances preventing or interfering with proper use of such equipment for registering or measuring gas consumed, shall constitute prima facie evidence of knowledge on the part of the person or persons having custody or control of the premises where such devices are located of the existence thereof and the effect of such devices or persons to unlawfully take or steal gas from the equipment installed by or used by the utility furnishing or making gas available to consumers and shall bring such

person or persons prima facie within the scope, meaning and penalties of this ordinance. (Ord. No. 14, Sec. 16.)

11.32.17 Penalty Any person, firm or corporation failing, refusing, or neglecting to comply with the requirements of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be fined in any sum not less than Five Dollars ($5.00) nor more than Twenty-Five Dollars ($25.00). (Ord. No. 14, Sec.. 17.)

CHAPTER 11.36

ENGINEERING DEPARTMENT

Sections:

11.36.01 Inspector
11.36.02 Staff Engineer

11.36.01 Inspector A new position of Inspector is hereby created in the Engineering Department.

The Budget Ordinance shall be amended to transfer $14,066 from the General Fund to the Engineering Department.

12,189	Salary
932	FICA
945	Insurance
14,066	

(Ord. No. 1397, Secs. 1-2.)

11.36.02 Staff Engineer The city hereby creates the position of Staff Engineer to work under the authority of and to assist the City Engineer. The 2000 city budget is hereby amended to allocate an additional sum of $30,000.00 to salary and benefits for the Engineering Department budget. (Ord. No. 1478, Secs. 1-2.)

CHAPTER 11.40

PROPERTY MAINTENANCE CODE AND NUISANCE ORDINANCE

Sections:

11.40.01 Administration and enforcement
11.40.02 Definitions
11.40.03 General requirements
11.40.04 Light, ventilation and occupancy limitations
11.40.05 Plumbing facilities and fixture requirements
11.40.06 Mechanical and electrical requirements

11.40.01 Administration and enforcement

A. PM 100.0 General

Title: These regulations shall be known as the Property Maintenance Code of city of Sherwood hereinafter referred to as this code.

Scope: This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, buildings, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire, and other hazards; and for safe and sanitary maintenance; fixing the responsibility of owners, operators, and occupants; regulating the occupancy and use of existing structures and premises and providing for administration, enforcement and penalties.

Intent: This code shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the continued use and maintenance of structures and premises.

Referenced standards: The standards referenced in this code and listed in Appendix A shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

Existing remedies: The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any buildings which are dangerous, unsafe, and unsanitary.

Workmanship: All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and conform to all other existing codes in effect for the city of Sherwood.

B. PM – 101.0 Validity

Validity: If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

Saving clause: This code shall not affect violations of any other ordinance, code or-regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

C. PM – 102.0 Application of codes and regulations

Application of other codes: Any repairs or alterations to a structure, or changes of use therein, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes listed in Appendix A.

Other regulations: The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than those provided herein. In the event of conflict, the most restrictive provision shall apply.

D. PM – 103.0 Approval

Approved materials and equipment: All materials, equipment and devices approved for use by the code official shall be constructed and installed in accordance with such approval.

Modifications: Where there are practical difficulties involved in carrying out structural or mechanical provisions of this code, the code official shall be permitted to vary or modify such provision upon application of the owner or the owner's representative, provided that the spirit and intent of the law shall be observed and public welfare and safety assured.

Records: The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

Used materials and equipment: Used materials, equipment and devices shall not be reused unless such materials have been reconditioned, tested and placed in good and proper working condition and approved for use by the code official.

Alternative materials and equipment: The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code, provided any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

Research and investigations: The code official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the code official shall approve the use of such material or assembly subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

E. PM – 104.0 Duties and powers of code official

General: The code official shall enforce all the provisions of this code.

Notices and orders: The code official shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the requirements of this code for the safety, health, and general welfare of the public.

Inspections: in order to safeguard the safety, health and welfare of the public, the code official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this code.

Right of entry: If any owner occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the administrative authority shall be permitted to seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

Access by owner or operator: Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

Credentials: The code official and authorized representatives shall carry proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this code.

Coordination of enforcement: Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

Rule-making authority: The code official shall have powers to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this code or violating an accepted engineering practice involving public safety.

Organization: The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy and shall exercise all the powers of the code official during the temporary absence or disability of the code official.

Relief from personal liability: Any code official, officer or employee who acts in good faith in the discharge of duties of enforcement of this code is relieved of all personal liability for any damage accruing to persons or property as a result of such acts or alleged failure to act. Further, the code official shall not be held liable for any costs in any action, suit or proceeding that is instituted by the code official in the enforcement of this code. In any of these actions, the official or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations to maintain the integrity and security of such records.

F. PM – 105.0 <u>Condemnation</u>

General: When a structure or part thereof is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found

unlawful, such structure shall be condemned pursuant to the provisions of this code and shall be placarded, vacated and shall not be reoccupied without approval of the code official. Unsafe equipment shall be placarded and placed out of service.

Unsafe structure: An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or the occupants of the structure by not providing minimum safeguards for protection from fire or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is likely.

Unsafe equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Structure unfit for human occupancy,. A structure is unfit for human occupancy or use whenever the code official finds that such structure is unsafe, unlawful, or because of the degree in which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Unlawful structure: An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

Closing of vacant structures: If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the code official shall be permitted to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance to youngsters. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

G. PM – 106.0 Notices and orders

Notice to owner or to person or persons responsible: Whenever the code official determines that there exists a violation of this code or has reasonable grounds to believe that a violation has occurred, or whenever the code official has condemned any structure or equipment under the provisions of Section PM – 105.0, notice shall be given to the owner of the person or persons responsible therefore in the manner prescribed below. If the code official has condemned the property or part thereof, the code official shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

Form: Such notice prescribed in Section PM-106.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued;
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and
5. Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to an appeals board of appropriate review board.

Service: Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that the letter has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice, and at least one publication of such notice in a local newspaper of general circulation.

Service on occupant: When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after non-compliance shall be stated. Owners or person responsible for compliance shall vacate at the time set for correction of defects if there is failure to comply.

Penalties: Penalties for noncompliance with orders and notices shall be as set forth in Section PM109.2.

Transfer of ownership: It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

H. PM – 107.0 Placarding and posting notices

Placarding of structure: After the condemnation notice required under the provisions of this code has resulted in an order by virtue of failure to comply within the time given, the code official shall post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words: "Condemned as unfit for human occupancy or use," and a statement of the penalties provided for any occupancy or use or for removing the placard. The owner or the person or persons responsible for the correction of violations shall have removed themselves from the property on failure to comply with the correction order in the time specified, but other occupants shall be given a reasonable time thereafter to vacate.

Prohibited use: Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise shall be liable for the penalties provided by this code.

Removal of placard: The code official shall remove condemnation placard whenever the defect or defects upon which the condemnation and placard action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

I. PM – 108.0 Emergency measures

Vacating structures: When, in the opinion of the code official, there is actual and immediate danger of failure or collapse of a structure which would endanger life, or when any structure has fallen and life is endangered by the occupancy of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of

any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or use of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. He shall cause to be posted at the main entrance to such structure a notice reading as follows: "This structure is unsafe and its use or occupancy has been prohibited by the code official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the structure.

Temporary safeguards: Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is actual and immediate danger of collapse or failure of a structure or other hazardous condition which would endanger life, the code official shall order the necessary work to be done including the boarding-up of accessible openings, to render such structure temporarily safe and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

Closing street: When necessary for the public safety, the code official shall temporarily close sidewalks, streets, places and premises adjacent to such unsafe structure, and prohibit the same from being used.

Emergency work: For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Costs of emergency work: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on certificate of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises for the recovery of such costs and applicable administrative fees.

J. PM – 109.0 Violations

Unlawful acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, use or occupy, let to another for use or occupy or permit another person to use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

Penalty: Any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) or imprisonment for a term not

to exceed thirty (30) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense, which is subject to a fine not less than Twenty-Five Dollars ($25.00) for each day that the nuisance continues unabated.

Prosecution: In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-109.2. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1 To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation, or;
4. To prevent the occupation or use of the structure which is not in compliance with the provisions of this code.

K. PM – 111.0 Demolition

General: The code official shall order the owner of any premises upon which is located any structure or part thereof, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that such structure would be unreasonable to repair the same, to raze and remove such structure or part thereof; or if such structure can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure of a period of more than two (2) years, to raze and remove such structure or part thereof.

Unreasonable repairs: Whenever the code official determines that the cost of such repairs would exceed one hundred percent (100%) of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which shall be ordered razed without option on the part of the owner to repair.

Order: The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. The order shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order shall be served by being posted on the main entrance of the building and published once each week for three (3) successive weeks in a newspaper authorized to provide service by publication.

Failure to comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Salvage materials: When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

L. PM – 111.0 Right to appeal

Petition: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, shall have the right to request and shall be granted a hearing on the matter before the board; provided that such person shall file, in the office of the board, a written petition requesting such hearing and containing a statement of the grounds therefore within twenty (20) days after the day the notice was served.

Appeals board: In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, there shall be and is hereby created a code appeals board, hereafter referred to as the board, consisting of five (5) members who shall be appointed by the chief executive officer of the jurisdiction.

Membership: Each member shall be a licensed professional engineer or architect, or a building or superintendent of building construction, with at least ten (10) years experience, for five (5) years of which that board member shall have been in responsible charge of work; and there shall not be more than two (2) members of the board selected from the same profession or business; and at least one of the professional engineers shall be a licensed structural or civil engineer of architectural engineering experience. Each member shall have been a resident of the jurisdiction for at least one (1) year prior to appointment. The chief executive officer shall appoint for a term of one (1) year an alternate member of such board in addition to the five (5) members above provided for, who shall act with full power only when a member of the board refuses to vote because of interest or when a member is absent. The chief executive officer shall appoint one (1) member of the department who shall act as secretary to the board.

Vote: The board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of its members shall reverse or affirm wholly or partly, or modify, the decision appealed from, and shall make such order or determination as in the opinion of the board ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official.

Financial interest: A member of the board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.

Records: The secretary of the board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the board. (Ord. No. 1878, Sec. 1.)

11.40.02 Definitions

A. General

Scope: Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this article.

Interchangeability: Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Terms defined in other codes: Where terms are not defined in this article and are defined in the building, plumbing or mechanical codes listed in Appendix A, they shall have the same meanings ascribed to them as in those codes.

Terms not defined: Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context implies.

Parts: Whenever the words "dwelling unit, " "dwelling," “premises, " "building," "rooming house,” "rooming unit, " "story," or "structure" are used in this code, they shall be construed as though they were followed by the words, "or any part thereof."

B. Applied meaning of words and terms

Approved: Approved by the code official.

Basement: That portion of a building which is partly or completely below grade.

Bathroom: A room containing plumbing fixtures including a bathtub or shower.

Building code: The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

Blight: A deteriorating influence or condition affecting use, development, and value, as of real estate, to cause decay or ruin.

Code official: The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Condemn: To adjudge unfit for use or occupancy.

Dwellings: (See Section PM-200.5)

> **Rooming house:** A building arranged or used for lodging, with or without meals, for compensation and not occupied as a one family dwelling or a two family dwelling. Multiple family dwelling: A building containing more than two dwelling units and not classified as a one- or two family dwelling.
> **Rooming unit:** Any room or group of rooms forming a single habitable unit used or intended to be used for sleeping and/or living, but not for cooking purposes
> **Dormitory:** A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.
> **Hotel:** Any building containing six or more guest rooms, intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.
> **One-family dwelling:** A building containing one dwelling unit with not more than five lodgers or boarders.
> **Two-family dwelling:** A building containing two dwelling units with not more than five lodgers or boarders per family.
> **Dwelling unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Exterior property: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Family: An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit

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

Habitable space: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Infestation: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Let for occupancy or let: To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Occupant: Any person living or sleeping in a building; or having possession of a space within a building.

Openable area: That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner: Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person: An individual, corporation, partnership or any other group acting as a unit.

Plumbing: The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing code listed in Appendix A.

Plumbing fixture: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

Premises: A lot, plot or parcel of land including the buildings or structures there on.

Public nuisance: Includes the following:

1 . Any physical condition or use of any premises regarded as a public nuisance at common law; or
2. Any physical condition or use of any premises which injures or endangers the comfort, repose, health or safety of others; or
3. Any physical condition or use of any premises which offends decency; or
4. Any physical condition or use of any premises which unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
5. Any physical condition or use of any premises which essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others; or
6. Any physical condition or use of any premise or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
7. Any physical condition or use of any premises which has unsanitary sewerage or plumbing facilities; or
8. Any physical condition or use of any premises designated as unsafe for human habitation. or use; or
9. Any physical condition or use of any premise which is manifestly capable of being a fire hazard, or are manifestly unsafe or insecure as to endanger life, limb or property; or
10. Any physical condition or use of any premises from which the plumbing, heating and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
11. Any physical condition or use of any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds, or;

12. Any physical condition or use of any premise where the structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises or kept in such an unsanitary condition that it is a menace to the health of the people residing in the vicinity thereof, or presents a more than ordinary dangerous fire hazard in the vicinity where it is located.

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

Stagnant water: Foul standing pools of water that are not running or flowing. Any pool of water that serves as breeding environment for mosquitoes and other insects. Standing water in a stream or other similar water way shall not be deemed stagnant.

Storm water: Run-off resulting from precipitation.

Structure: That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

Toilet room: A room containing a water closet or urinal but not a bathtub or shower.

Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Workmanlike: Executed in a skilled manner: e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard: An open space on the same lot with a building.
(Ord. No. 1878, Art 2.)

11.40.03 General requirements

A. PM 300.0 General

Scope: The provisions of this article shall govern the minimum conditions and standards for maintenance of structures and exterior property.

Responsibility: The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy or use premises which do not comply with the requirements of this article.

Vacant structures and land: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

B. PM 301.0 Exterior property areas

Sanitation: All exterior property and premises including adjacent right of ways to public or private streets shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage, refuse, junk and other abandoned materials, metals, lumber or other things. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, industrial waste, or other substances shall not be permitted. Stagnant water is prohibited and must be ameliorated by the owner. Stagnant water regulations shall not pertain to lakes, streams, swamps, or drainage areas designed to remove water away from subdivision or as described in Section PM 301.2.

Grading and drainage: All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Water retention areas or reservoirs approved by the City Engineer.

Sidewalks and driveways: All sidewalks, walkways, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free of hazardous conditions. Stairs shall comply with the requirements of Section PM-302.10.

Weeds: All premises and exterior property shall be maintained free from noxious weeds, plant growth or vegetation in excess of eight (8) inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon notification of violations of this section, the owner or responsible party shall have five (5) days to complete maintenance on the subject property. This section shall apply to vacant lots as well as developed areas of the city. Legal livestock pastures in accordance with animal services regulations with livestock present on the property, and any vacant lot that has never been developed, or any part thereof maintained or is greater than 1.5 acres are exempt from grass regulations. In addition all sidewalk areas shall be maintained in accordance with this section and shall not be exempt. Any dead tree, vegetation or condition found to pose a danger or hazardous condition to the property or other surrounding properties shall be deemed a violation of this section. The extent of enforcement shall be at the discretion of the code official.

Rat harborage: All structures and exterior property shall be kept free from rat infestation and any condition which provides harborage for rats, mice, snakes or other vermin. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

Exhaust vents: Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Inoperable vehicles: As provided in other regulations not more than one inoperable vehicle shall be openly stored on the premises. Said vehicle must be behind the principal structure out of sight from a public right-of-way, and shall not remain in allowable area for more than a period of ninety (90) days. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Notwithstanding other enforcement provision of this ordinance, in the event, after notice of a violation provided in writing, any owner shall refuse or neglect to perform the required maintenance on the subject property, the code officer is authorized to enter upon the property and correct, remove or otherwise maintain the property as required under this section. Expenses incurred shall result in liens for those costs expended by the city as allowed under Arkansas law.

In instances where citations may be issued for exterior property areas, code officers are authorized, and are responsible to maintain data, files, and information concerning repeat offenders, and shall use the information to waive repetitive written warnings and issue citations from prior written warnings to offenders of the same type offense.

C. PM 302.0 <u>Exterior structure</u>

General: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare

Street numbers: Each building to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least 3 inches (76 mm) high and 112-inch (13 mm) stroke.

Structural members: All structural members shall be maintained free of deterioration, and capable of safely bearing the imposed dead and live loads.

Foundation walls: All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

Exterior walls: All exterior walls shall be free of holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

Roofs and drainage: The roof and flashing shall be sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a public nuisance.

Decorative features: All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Overhang extensions: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Chimneys and towers: All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Handrails and guardrails: Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guardrails. Handrails shall not be less than 34 inches (864 mm) nor more than 38 inches (965 mm) high, measured vertically above the nosing of the treads. Guardrails shall not be less than 36 inches (914 mm) high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

Window and door frames: Every window, door and frame shall be kept in sound condition, good repair and weather-tight.

Glazing: All glazing materials shall be maintained free of cracks and holes.

Openable windows: Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Insect screens: During the period from January to December every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

Doors: All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door.

Basement hatchways: Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

Guards for basement windows: Every basement window which is openable shall be supplied with rat-proof shields, storm windows or other approved protection against the entry of rats.

D. PM 313.0 Interior structure

General: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

Structural members: The supporting structural members of every building shall be maintained structurally sound, and capable of carrying the imposed loads.

Interior surfaces: All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

Lead-based paint: Interior and exterior painted surfaces of dwellings, child and day care facilities, including fences and outbuildings, that contain in excess of 0.06 percent lead by

weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

Accumulation of rubbish or garbage: The interior of every structure shall be free from any accumulation of rubbish or garbage.

Insect and rat harborage: All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

Stairs and railings: All interior stairs and railings shall be maintained in sound condition and good repair.

Handrails and guardrails: Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guardrails. Handrails shall not be less than 34 inches (864 mm) nor more than 38 inches (965 mm) high, measured vertically above the nosing of the tread or above the floor of the landing or balcony. Guardrails shall be not less than 36 inches (914 mm) high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition. (Ord. No. 1878, Sec. 3.)

11.40.04 Light, ventilation and occupancy limitations

A. PM 400.0 General

Scope: The provisions of this article shall govern the minimum conditions and standards for the light, ventilation and of space for the occupancy a structure.

Responsibility: The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy or use any premises that do not comply with the requirements of this article.

Alternative devices: In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation shall be permitted when complying with the building code listed in Appendix A.

B. PM 401.0 Light

Habitable spaces: Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 8 percent of the floor area of such room, except in kitchens when artificial light is provided in accordance with the provisions of the building code listed in Appendix A. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Common halls and stairways: Every common hall and stairway, other than in one and two family dwellings, shall be lighted at all times with at least a 60 wa_2U standard incandescent light bulb or equivalent for each 200 square feet (18.60 m) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). Every exterior stairway shall be illuminated with a minimum of one foot candle (10.76 lux) at floors, landings and treads.

Other spaces: All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.

C. PM 402.0 Ventilation

Habitable spaces: Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section PM401.1.

Bathrooms and toilet rooms: Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section PM-401 .1, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:

1. Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be re-circulated to any space, including the space from which such air is withdrawn.
2. Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space or not more than 85 percent of the exhaust air shall be re-circulated where the system is provided effective absorption and filtering equipment complying with the mechanical code listed in Appendix A.

Cooking facilities: Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the code official.

Process ventilation: Where injurious, toxic, irritating or noxious fumes, gases, dust, or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

Clothes dryer exhaust. Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

D. PM 403.0 Occupancy limitations

Privacy: Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

Access from sleeping rooms: Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.

Exception: Dwelling units that contain fewer than two bedrooms.

Area for sleeping purposes: Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (6.51 M^2) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (4.65 m) of floor area for each occupant thereof.

Water closet accessibility: Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.

Overcrowding: Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of Table PM-403.5.

Table PM-403.5

MINIMUM OCCUPANCY AREA REQUIREMENTS

Space	Minimum occupancy area in square feet		
	1-2 occupants	3-5 occupants	6 or more
Living room a	No requirements	120	150
Dining room a	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with Section PM-403.3		

Note a. See Section PM-403.6 for combined living room/dining room spaces. Note b. 1 square foot 0.093 M^2.

Combined spaces: Combined living room and dining room spaces shall comply with the requirements of Table PM-403.5 ff the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

Prohibited use: Kitchens, non-habitable spaces and interior public areas shall not be used for sleeping purposes.

Minimum ceiling heights: Habitable spaces, other than kitchens, shall have a clear ceiling height of not less than 7 feet 4 inches (2235 mm). Hallways, corridors, laundry areas, bathrooms, toilet rooms, and kitchens shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. Beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height, provided the minimum clear height is not less than 6 feet 8 inches (2033 mm).
2. Dropped or furred ceilings over no more than one-half of the minimum floor area required by this code, provided no part of such dropped or furred ceiling is less than 7 feet (2134 mm) in height.
3. Rooms used exclusively for sleeping, study, or similar uses and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

4. Basement rooms in one-and two family dwellings used exclusively for laundry, study, or recreation purposes having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts, and similar obstructions.

Minimum room widths: A habitable room, other than a kitchen, shall not be less than 7 feet (2133 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

Food preparation: All spaces to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage. (Ord. No. 1878, Art. 4.)

11.40.05 Plumbing facilities and fixture requirements

A. PM 500.0 General

Scope: The provisions of this article shall govern the minimum plumbing facilities and plumbing fixtures to be provided.

Responsibility: The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy or use any structure or portion thereof or premises which does not comply with-the requirements of this article.

B. PM 501.0 Required facilities

Dwelling units: Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.

Rooming houses: At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

Hotels: Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower accessible from a public hallway shall be provided for each ten occupants.

Employee's facilities: Employees shall have a minimum of one water closet, one lavatory and one drinking facility available for use.

Drinking facilities: Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

C. PM 502.0 Toilet rooms

Privacy: Toilet rooms and bathrooms shall provide privacy and shall not be used as the only passageway to a hall or other space, or to the exterior.

Location: Toilet rooms and bathrooms serving hotel units, rooming units, or dormitory units, shall be accessible by traversing not more than one flight of stairs and be accessible from a common hall or passageway.

Location of employee toilet facilities: Toilet facilities shall be accessible within the employees' regular working area. The path of travel to the facilities shall not exceed a travel distance of 500 feet (152m) or traverse more than one flight of stairs. Employee facilities shall either be separate facilities or public customer facilities,

Exception: Facilities required for employees in storage buildings or kiosks located in adjacent buildings under the same ownership, lease, or control, shall be a maximum distance of travel of 500 feet (152 m) from the employees' regular working area to the facilities.

E. PM 503.0 Plumbing fixtures

General: All plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and usable condition.

Fixture clearances: Plumbing fixtures shall have adequate clearances for use and cleaning.

F. PM 504.0 Water system

General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

Contamination: The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

Supply: The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free of defects and leaks.

Water heating facilities: Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F. (43 degrees C.). A gas burning water heater shall not be located in any bathroom, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

G. PM 505.0 Sanitary drainage system

General: All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

Maintenance: Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

H. PM 506.0 Storm drainage

General: Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. French drains or drainage designed to remove ground surface water shall not discharge within 15 feet of a side or rear property line unless said property line adjoins a drainage ditch, curbing, or storm drain designed to remove water from the neighborhood. It shall be a violation to purposely divert storm water onto a neighboring property or to stop, impede, or interfere with the free flow of water in a natural drainage area, ditch, or waterway. (Ord. No. 1878, Art. 5.)

11.40.06 Mechanical and electrical requirements

A. PM 600.0 General

Scope: The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to he provided.

Responsibility: The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy or use any premises which does not comply with the requirements of this article.

B. PM 601.0 Heating facilities

Residential buildings: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) at a level of 3 feet (914 mm) above the floor and a distance of 3 feet (914 mm) from the exterior walls in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Appendix A.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September to April maintain a room temperature of not less than 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours. The temperature shall he measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls. When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Appendix A, the owner or operator shall not be required to maintain the minimum room temperatures, provided the heating system is operating at full capacity, with supply valves and dampers in a full open position.

Nonresidential structures: Every enclosed occupied work space shall be supplied with sufficient heat during the period from September to April maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours. The temperature shall be measured at a point 3 feet (9 14 mm) above the floor and 3 feet (914 mm) from the exterior walls. (Ord. No. 1878, Art. 6.)

CHAPTER 11.44

INSPECTION AND REGULATION OF RESIDENTIAL RENTAL PROPERTY

Sections:

11.44.01	Definitions
11.44.02	Administration
11.44.03	Inspection
11.44.04	Inspection procedure
11.44.05	Certificate transferability
11.44.06	Display of certificate
11.44.07	Annual report
11.44.08	Tenant responsibility

11.44.01 Definitions Definitions, words and phrases not specifically defined in this section shall have the meaning generally prescribed by dictionary definition.

Code compliance: shall mean compliance with all current and future provisions of all city ordinances including but not limited too those regarding housing conditions, construction, repair, permitting and other standards.

Life safety violations: shall mean a code or law violation that is deemed by the City Inspector to constitute an unsafe condition presenting an immediate danger to human health, safety or welfare.

Rental housing unit and dwelling unit: are defined as any room or a group of rooms within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking or eating, whether or not such unit is occupied or vacant. "Dwelling unit" shall be construed as if followed by the words "shall be construed as if followed by the words" or any part thereof, including the common areas."

A unit shall not be deemed a rental housing unit for purposes of this chapter if the owner of record shall provide to the city satisfactory evidence that another person in possession and control of the premises has a contractual right to purchase the unit on a date certain for a specified price and is entitled to receive a warranty deed when the purchase price is paid. Satisfactory evidence shall include a valid and enforceable written contract, filed in the deed records of the Pulaski County Circuit Clerk, which should contain the following provisions:

A. A term for payment or escrow of taxes and assessments levied against the real property;

B. a term for payment of property insurance covering loss or damage to the improvements on the property;

C. A term stating that the buyer is responsible for any and all repairs and maintenance necessary to maintain the structure and premises incompliance with this code;

D. In a lease with option to purchase arrangement, the buyer or optionee pays the seller or optionor up-from a reasonable non-refundable option consideration at the beginning of the contract which is applied toward the purchase price in the event the option is exercised, and that a portion of the rent paid during the term of the lease is applied toward the purchase price if the option is exercised. (Ord. No. 1541, Sec. 1.)

11.44.02 Administration City Code Enforcement Officers are authorized to administer and enforce this ordinance. (Ord. No. 1541, Sec. 2.)

11.44.03 Inspection The inspection of rental property is necessary to insure present and continuing code compliance. All rental housing units shall be inspected for code compliance every two (2) years. Additional inspections, over and above every two years, are allowed under the following:

A. Upon request to the city by the owner.

B. Upon a complaint received by the city regarding the condition of the subject unit.

C. The unit is affected by fire, storm, vandalism or natural disaster.

D. A transfer of title to the property.

E. A good faith concern based upon observations by a Code Enforcement Officer. (Ord. No. 1541, Sec. 3.)

11.44.04 Inspection procedure

A. It shall be the duty and responsibility of the owner, tenant or agent to provide access to the city Code Enforcement Officer to all areas of any rental property. The Code Officer may obtain a warrant from the Sherwood District court to gain access to the rental property. The Code Officer shall present evidence to the court

regarding the health, safety, welfare of the occupants and structural concerns of the structure to be deemed as probable cause for the issuance of a warrant.

B. Upon completion of inspection, the city shall issue a certificate of compliance for the unit when the unit is deemed to be in code compliance.

C. If the premises are found to be in violation of one (1) or more provisions of code compliance, the city shall provide written notice of such violations to the owner. The city shall not issue a certificate of compliance until the violations are corrected.

D. The owner shall complete code compliance for life safety violations within thirty (30) days of the notification by the city, or such lesser time deemed necessary by the Building Official.

E. Code compliance for all violations not deemed to be life safety violations shall be completed within sixty (60) days of receipt of the inspection report. The Enforcement Officer may be granted an extension of not more than one hundred twenty (120) days to complete code compliance, not to exceed a total time of one hundred eighty (180) days from the date of inspection which revealed the violation.

F. Owners of four (4) or more connecting rental dwelling units are eligible to submit a plan for rehabilitation of all units included in the plan in order to bring the units into code compliance. In such instances the owner shall obtain an approved rehabilitation plan from the Enforcement Officer pursuant to the administrative guidelines of the rental inspection program. The Enforcement Officer may allow up to twelve (12) months from plan approval for code compliance of all units included in the plan. Life safety violations shall not be eligible for inclusion in a rehabilitation plan.

G. Neither life safety violations nor any component of an approved rehabilitation plan shall be subject to appeal.

H. If the owner fails to abate the violations determined by inspection within the time periods prescribed, the city shall proceed with the prosecution of the violations in the Sherwood District Court.

I. The city may direct the termination of utility service to a unit containing one (1) or more life safety violations pending code compliance. The city may also direct the termination of utility service to any unit in violation of this ordinance upon

notice of a change of occupancy or upon a determination that the unit is vacant. Utility service shall not be restored until code compliance has been achieved. (Ord. No. 1541, Sec. 4.)

11.44.05 Certificate transferability A certificate of compliance issued pursuant to this article may be transferable to succeeding owners; provided that within five (5) business days of the transfer, the transferor shall provide written notice of said transfer to the Building Official. Such notice shall contain the name and address of the new owners. A transfer shall not affect the time limits imposed by this ordinance. (Ord. No. 1541, Sec. 5.)

11.44.06 Display of certificate The certificate of compliance shall be displayed at all times in a conspicuous place on the premises. Upon request of the city, an existing or prospective tenant, the owner or agent shall present the certificate. (Ord. No. 1541, Sec. 6.)

11.44.07 Annual report The Code Enforcement Officials official shall prepare a report each year concerning the administration of the rental inspection program. The annual report shall describe the number of inspections performed, the corrections made and enforcement measures taken. The annual report shall be submitted to the Mayor and City Council in January of each year. (Ord. No. 1541, Sec. 7.)

11.44.08 Tenant responsibility

A. It is a violation of this article for any person having care, custody, or control of a rental housing unit to damage, destroy or tamper with the unit thereby causing non-compliance with the housing code.

B. Before the city can issue a citation under this section, the owner shall provide the Code Enforcement Officer with written documentation signed and dated by the tenant indicating that the condition causing non-compliance did not exist when the tenant took possession of the premises. This document shall be in a form approved by the Building Official. Furthermore, the Code Enforcement Officer shall determine that the tenant in possession of the premises damaged, destroyed or tampered with the unit thereby causing non-compliance with the housing code. (Ord. No. 1541, Sec. 8.)

CHAPTER 11.48

MECHANICAL CODE

Sections:

11.48.01 Adopted
11.48.02 Permit fees
11.48.03 Filing
11.48.04 Penalty

11.48.01 Adopted There is hereby adopted by the city of Sherwood the 2003 Arkansas Mechanical Code, save and except such portions as amended in 11.48.02 below. These rules and regulations are adopted in an attempt to ensure safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and the public welfare. (Ord. No. 1619, Sec. 1.)

11.48.02 Permit fees Permit fees for this code are hereby amended and regulated by the city of Sherwood Ord. 1600 instead of the schedule of permit fees, (Appendix B), found in this code. (Ord. No. 1619, Sec. 2.)

11.48.03 Filing Three (3) copies of this code have been and are now on file in the office of the Clerk and/or Building Official of the city of Sherwood, Arkansas, and the same are hereby adopted and incorporated, as amended, as if set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling the construction of all buildings and other structures within the corporate city limits of the city of Sherwood, Arkansas, except as regulated by other ordinances of the city of Sherwood Municipal Code. (Ord. No. 1619, Sec. 3.)

11.48.04 Penalty A.C.A. 15-55-102 empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violations of the Mechanical Code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the Mechanical Code adopted as a result of this ordinance or other provisions of this ordinance shall be punishable by a fine up to Two Hundred Fifty Dollars ($250.00). Each day that said violation continues shall be a separate offense and each day subsequent to the first day of the violation shall be punishable by a fine of up to Two Hundred Fifty Dollars ($250.00) per day. (Ord. No. 1619, Sec. 4.)

CHAPTER 11.52

GRADING AND EXCAVATION CODE

Sections:

11.52.01 Code

11.52.01 Code The attached Code is hereby adopted as the city's Grading and Excavation Code. (Ord. No. 1739, Sec. 3.)

CHAPTER 11.56

FUEL GAS CODE

Sections:

11.56.01 Adopted
11.56.02 Filed
11.56.03 Penalty

11.56.01 Adopted There is hereby adopted by the city of Sherwood the *2006 Arkansas Fuel Gas Code*. These rules and regulations are adopted in an attempt to ensure safe fuel gas installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and the public welfare. (Ord. No. 1813, Sec. 1.)

11.56.02 Filed Three (3) copies of this code have been and are now on file in the office of the Clerk and/or Building Official of the city of Sherwood, Arkansas, and the same are hereby adopted and incorporated, as amended, as if set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling the construction of all buildings and other structures within the corporate city limits of the city of Sherwood, Arkansas, except as regulated by other ordinances of the city of Sherwood Municipal Code. (Ord. No. 1813, Sec. 2.)

11.56.03 Penalty A.C.A. 15-55-102 empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violations of the Mechanical Code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the Mechanical Code adopted as a result of this ordinance or other provisions of this ordinance shall be punishable by a fine up to Two Hundred Fifty Dollars ($250.00). Each day that said violation continues shall be a separate offense and each day subsequent to the first day of the violation shall be punishable by a fine of up to Two Hundred Fifty Dollars ($250.00) per day. (Ord. No. 1813, Sec. 3.)