

## **TITLE 11**

### **BUILDINGS AND CONSTRUCTION**

#### Chapters:

- 11.04 Building Permit
- 11.05 Large Scale Development
- 11.06 Drainage Regulations
- 11.07 Landscape Regulations
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Fire Prevention Code
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#### **CHAPTER 11.04**

#### **BUILDING PERMIT**

#### Sections:

- 11.04.01 Repeal
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- 11.04.03 Required
- 11.04.04 Permit
- 11.04.05 Fees
- 11.04.06 Period of validation
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11.04.01 Repeal That Ord. No. 63 of the ordinances of the city of Pea Ridge, adopted September 18, 1975, is hereby repealed. (Ord. No. 211, Sec. 1.)

11.04.02 Repeal That Ord. No. 120 of the ordinances of the city of Pea Ridge, adopted November 10, 1983, is hereby repealed. (Ord. No. 211, Sec. 2.)

11.04.03 Required The owner of any land situated within the incorporated limits of the city of Pea Ridge, Arkansas, shall neither construct nor allow construction or placement, on such land, of any building or structure without having obtained a building permit from the city of Pea

Ridge for such construction. The aforementioned permit will likewise be required in the event of remodeling or repair of such structures, if the cost of the remodeling or repair to such structure exceeds twenty percent (20%) of its present value. (Ord. No. 376, Sec. 1.)

- A. Single family residence
- B. Multi-family residence
- C. Any building in which, or from which, any business, commercial enterprises, or manufacturing process is to be conducted, or which is to be used for related storage or warehousing purposes. (Ord. No. 211, Sec. 3.)
- D. Schools or education related facilities, government and public facilities, or community and charitable facilities. (Ord. No. 376, Sec. 1.)

11.04.04 Permit The application for any building permit required by this ordinance will be submitted by the landowner concerned to the building official or City Inspector of Pea Ridge, at City Hall, in duplicate copy, and shall contain at the minimum the following:

- A. Name, mailing address, and telephone number of the applicant;
- B. Type of building to be constructed, remodeled or repaired. (Ord. No. 350, Sec. 2.)
- 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, prior to any grading or leveling and after grading and leveling;
- H. Date on which construction is proposed to begin; and
- I. One copy of the house, plot or building plan or blueprint. (Ord. No. 211, Sec. 4.)

11.04.05 Fees A fee will be charged for each building permit issued and will be based upon the schedule listed below. Payment will accompany each permit application submitted, with such payment to be returned in the event that the application is denied.

<u>Total Valuation*</u>	<u>SCHEDULE</u>	<u>Fee</u>
\$100.00 & Less		No fee, unless inspection required, in which case a \$6.00 fee for each inspection shall be charged. \$10.00 per \$1,000 or fraction thereof
\$101.00 - \$2,000.00		\$20.00 for the first \$2,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$15,000.00
\$2,001.00 - \$15,000.00		\$98.00 for the first \$15,000.00, plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.
\$15,001.00 - \$50,000.00		\$273.00 for the first \$50,000.00, plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$50,001.00 - \$100,000.00		\$473.00 for the first \$100,000.00, plus \$2.50 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$100,001.00 - \$500,000.00		\$1,473.00 for the first \$500,000.00, plus \$1.00 for each additional \$1,000.00 or fraction thereof.
\$500,001.00 & up		

A re-inspection fee of Fifty Dollars (\$50.00) shall be charged for each additional inspection required to be made by the Building Official or his designee, caused by the failure of the building permit holder or his or its agent to be ready for the originally scheduled inspection or for re-inspections required following corrected installations or construction. (Ord. No. 376, Sec. 2; Ord. No. 631, Sec. 1).

\*Valuation of the proposed structure shall be based on the most recent valuation data published by the International Code Council, or if unavailable, another equivalent trade organization in the building industry.

11.04.06 Period of validation Any building permit issued under the provisions of this ordinance will remain valid for a period of one (1) year from its date of its issuance. If the project for which the permit was acquired has not passed final inspection and received a Certificate of Occupancy within the one (1) year period of validation, the applicant must renew the Building Permit at full fee price. (Ord. No. 443, Sec. 1.)

11.04.07 Fine Violations of the provisions of this chapter of the Pea Ridge Municipal Code shall be deemed a misdemeanor and any person, firm or corporation guilty of any such violation shall be subject to a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), and each day during which a violation continues shall constitute a separate offense and the fine for such continuing violation shall be not less than Fifty Dollars (\$50.00), nor more than Two Hundred Fifty Dollars (\$250.00). (Ord. No. 350, Sec. 4.)

## **CHAPTER 11.05**

### **LARGE SCALE DEVELOPMENT**

Sections:

- 11.05.01      Applicability and exemptions
- 11.05.02      Submission
- 11.05.03      Review
- 11.05.04      Final acceptance and dedication
- 11.05.05      Enforcement
- 11.05.06      Penalty
- 11.05.07      Large scale development checklist

11.05.01 Applicability and exemptions

**A.      Applicability**

1.      Development    all new construction, including buildings and other structures, drilling, dredging, filling, grading, paving, removing or providing for removal of surface water, and all additions to existing buildings within all zoning districts within the city.
2.      Non-residential trailers    All placement of non-residential trailers and prefabricated, movable buildings.
3.      Modifications or additions to parking lots that
  - a.      adds five (5) or more parking spaces,

- b. change or relocate drives for ingress or egress,
  - c. change the surface material of the parking lot (or any part) from grass or soft material to hard scape material.
4. All modifications or additions to parking lots subject to these large scale development regulations shall be constructed of approved hard surface materials. In addition, the existing portion of any parking lot being modified or added to shall also be constructed of approved hard surface materials.

**B. Exemptions**

- 1. Single-family A single-family residence, in addition to a single-family residence or an accessory structure to such residence or planned residence.
- 2. Agriculture Construction for agricultural purposes or property zoned A-1.
- 3. Additions An addition to a building that meets all of the following criteria:
  - a. Less than one thousand (1,000) square feet,
  - b. Requires less than five (5) additional parking spaces,
  - c. No change to ingress or egress,
  - d. Will not significantly impact drainage within the immediate area. (Ord. No. 377, Sec. 1; Ord. No. 631, Sec. 2).

11.05.02 Submission

- A. **Pre-application conference** The developer is strongly encouraged to meet informally with the Planning Department by scheduling a pre-application conference. No fee is collected for this service.
- 1. Purpose The purpose of the pre-application conference is to provide information to the developer concerning policies and regulations, to offer advice to the developer in order to avoid unnecessary costs and delays and to pre-empt any potential conflicts and problems. Items discussed at the conference include but are not limited to the following: general character of the proposed development, zoning, utility service, street requirements, flooding and drainage.

2. Sketch plan The developer may present a sketch plan at the pre-application conference, which includes the following:
  - a. Location of development;
  - b. Existing conditions on the site and within a few hundred feet of the development: streets, utilities, buildings, physical features;
  - c. Existing restrictions: easement, zoning lines, covenants;
  - d. Proposed design: buildings, streets, utilities, systems of drainage, sewerage and water supply.

**B. Submission requirements** Before a building permit for a large scale development may be issued and before temporary or permanent connection to city utilities shall be permitted, a development plan must be approved. The developer shall submit to the Planning Department the following:

1. Application
2. Letter of transmittal
3. Development plan Twelve (12) copies of a scaled black line drawing of a minimum size of 18" by 24". It shall show existing items, natural features, proposed improvements and proposed design. It shall also contain a correct legal description of the property located within the large scale development, and a correct legal description, certified by an abstractor or surveyor, of street right-of-way dedications and vacations along with utility and drainage easements. It shall also contain a vicinity map which shows the location and name of any street which abuts or intersects the proposed development and shows the location and name of any other street, building or landmark necessary to clearly indicate the location of the proposed development. The construction of any large-scale development shall be completed by a contractor licensed by the State of Arkansas and in good standing. (Ord. No. 601, Sec. 1.)
4. Preliminary street plans Plans are required only when new streets or alterations to existing streets are proposed. The plans shall show the alignment of streets in relation to topography.
5. Preliminary drainage plans The plans shall show the direction of flow of storm water, the impact of the development on other property in the immediate area and downstream.
6. Landscape plans The plans shall show the type, variety and general design of installation of trees, plants and other landscaping features.

8. Schedule of fees The following schedule of fees shall apply to large scale development review under the provisions of this chapter:
- a. Submission fee \$200.00
  - b. Addition charges: All out-of-pocket costs and expenses incurred by the city for review of and recommendations concerning submitted plans by appropriate professional consultants.
  - c. Conditional approval: Within three (3) weeks after the Planning Commission's decision, the Planning Department shall send the applicant a signed copy of the development plans along with a written statement of any required changes and/or additions. A signed copy of the development plans to the letter by the applicant shall be submitted to the Building Official before a building permit may be issued. (Ord. No. 471, Sec. 1.)

### 11.05.03 Review

- A. **Administrative approval** The Building Official may administratively approve the following development plans:

- 1. Applicability
  - a. Residential: Any residential development not exceeding four (4) single family dwellings.
  - b. Non-residential: Any addition, alteration or extension not exceeding twenty percent (20%) of the fair market value of the existing building or structure. Only one (1) such addition, alteration or extension to a building or structure may be approved by the Building Official. For purposes of this subparagraph, "fair market value" shall mean the most recent assessment for the subject property made by the Benton County Assessor.
- 2. Staff action
  - a. Review: Within two (2) weeks of receipt of the development plans and required documents, the Building Official shall disapprove, approve or approve conditionally.
  - b. Disapproval: The Building Official shall send the applicant a written statement of the reason for disapproval.
  - c. Approval: The Building Official shall issue a building permit to the applicant.

- d. Conditional approval: The Building Official shall send the applicant a written statement of any required changes and/or additions. A signed copy of the letter by the applicant shall be submitted to the Building Official before a building permit may be issued.
3. Additional review If the Building Official deems it necessary for an outside source to review the plans of the proposed development, the applicant shall be notified in writing during the fourteen (14) day review period the reason for outside review and an expected date for a decision. If the developer objects to an extension of review time, the objection shall be heard at the next regularly scheduled Planning Commission meeting.

**B. Planning Commission action**

1. Applicability The Planning Commission shall review all large scale developments except those listed above in 11.05.03A.
2. Review The Planning Commission shall have forty-five (45) days from date of submission to disapprove, approve or approve conditionally.
  - a. Disapproval: Within two (2) weeks after the Planning Commission's decision, the Planning Department shall send the applicant a written statement of the reasons for disapproval.
  - b. Approval: Within two (2) weeks after the Planning Commission's decision, the applicant shall receive a signed copy of the development plans.
  - c. Conditional approval: Within three (3) weeks after the Planning Commission's decision, the Planning Department shall send the applicant a signed copy of the development plans along with a written statement of any required changes and/or additions. A signed copy of the development plans to the letter by the applicant shall be submitted to the Building Official before a building permit may be issued.

**C. Review criteria** Development plans may be disapproved for any of the following reasons:

1. Incomplete application The development plan is not submitted in accordance with the requirements of this chapter.



2. Violation of law The proposed development would violate a city ordinance, a state statute or a federal statute.
3. Refusal to dedicate The developer refuses to dedicate the street right-of-way, utility easements or drainage easements.
4. Dangerous traffic conditions The proposed development would create or compound a dangerous traffic condition. For the purposes of this section, a "dangerous" traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography or the nature of the traffic pattern.
5. Lack of utilities City water and sewer is not readily available to the property within the large scale development, and the developer has made no provision for extending such service to the development.
6. Inadequate drainage condition The property to be developed has a drainage problem uncorrected by the proposed development plans.
7. Other required actions The plans pertain to land which requires prior platting or rezoning.
8. Environmental concerns The development, as planned, creates unacceptable environmental concerns. (Ord. No. 377, Sec. 3.)

11.05.04 Final acceptance and dedication If easements, utilities, other assets or public improvements are involved in the development, final acceptance and dedication must be officially accepted by the City Council prior to recording the Final Development Plat ("FDP") with the County Recorder. When the requirements of 11.05.02 and 11.05.03 have been satisfied, and all city and state inspections passed, the developer may submit to the Planning Department an application for Final Acceptance and Dedication for review and approval by the Planning Commission. (Ord. No. 738, Section 2)

A. **Submission requirements.** At least fifteen (15) days prior to the regularly scheduled Planning Commission meeting, the developer or its agent shall submit an application package to the Planning Department containing the following:

1. Six (6) copies of the Final Development Plat ("FDP") on 24 x 36 paper that reflect dedications of any and all easements, as built utilities, as built public improvements, lands for public use, and any other asset dedications to be dedicated to the City of Pea Ridge, and

2. Six (6) copies of the FDP on 11 x 17 paper, and
3. One electronic copy of the FDP in Adobe Portable Document Format (PDF) emailed to the city.
4. One copy of the FDP on hard disc
5. One electronic copy of the FDP in CAD file format, georeferenced, and emailed to Pea Ridge Water Utilities.
6. Certificate of completion. The developer shall submit to the city a certificate stating that all required improvements and installations to the development are completed.
7. Fee as set forth in subsection E, *infra*.

**B. Review** The Planning Commission shall have forty-five (45) days from date of submission to approve, disapprove, or approve conditionally, using the same schedule and review criteria outlined in 11.05.03.B.2 and 11.05.03.C. The Planning Commission or City Council may disapprove any FDP submission where material, unapproved deviations were made from the previously approved development plan. (Ord. No. 738, Section 2)

**C. Maintenance Bonds**

**1. Maintenance bond for street improvements.** If streets are dedicated, prior to acceptance by the City Council, and before the final plat is recorded with the Benton County Clerk and Recorder's Office, the city must receive a bond guaranteeing the work performed upon all street improvements, including, but not limited to the street base, the pavement, the curb and gutter, and streetlights. The amount of the bond will be equal to, or greater than fifty percent (50%) of the total cost of all street improvements and will be for a period of eighteen (18) months. The cost of these improvements will be certified to the city by the developer's engineer. The bond must be payable to the city of Pea Ridge and must meet the City Attorney's approval as to form, sufficiency and manner of execution. The bond must be secured by collateral that is acceptable to the city. Should a warranty or maintenance issue with the street improvements arise, the city may present the developer with the opportunity to make the necessary repairs to the improvements. However, at all times, the city retains the right to collect the specified amount from the bond and perform the necessary repairs itself.

**2. Maintenance bond for water and sewer improvements.** If water and sewer improvements are dedicated, prior to acceptance by the City Council, and before the final plat is recorded with the Benton County Clerk and Recorder's Office, the city must receive a bond guaranteeing the work performed upon all water and sewer improvements.

The amount of the bond will be equal to, or greater than fifty percent (50%) of the total cost of all water and sewer improvements and will be for a period of twelve (12) months. The cost of these improvements will be certified to the city by the developer's engineer. The bond must be payable to the city of Pea Ridge and must meet the City Attorney's approval as to form, sufficiency and manner of execution. The bond must be secured by collateral that is acceptable to the city. Should a warranty or maintenance issue with the water and sewer improvements arise, the city may present the developer with the opportunity to make the necessary repairs to the improvements. However, at all times, the city retains the right to collect the specified amount from the bond and perform the necessary repairs itself.

**3. Walk-through inspection and bond release** Thirty (30) days prior to the expiration of term of the maintenance bonds, described in subparagraphs 1 and 2 of this subsection, the applicable city inspectors, including representatives from the planning, street, water and sewer departments, shall conduct walk-through inspections of all street, water and sewer improvements. Should maintenance issues be discovered during this walk-through inspection, the developer shall be notified and given the opportunity to correct those issues. At all times the city retains the right to collect the specified amount from the bond and perform the necessary repairs itself. No bond or security shall be released by the city until a successful walk-through inspection has been completed. Upon satisfactory completion of the walk-through inspections by the city and after the specified bond term has expired the bond shall be voided, and any unused amount from the bond shall be refunded to the developer. (Ord. No. 738, Section 2)

**D. Recording** Within two weeks after City Council's approval of the Final Acceptance and Dedication, the developer shall record the FDP with the County Recorder and send a filed copy the Planning Department.

**E. Schedule of fees** The following fees are required for approval under the provisions of this ordinance.

Application fee	\$400
Street final inspection fee	\$250
Water/Sewer utilities final inspection fee	\$250
Reinspection	\$250
(Ord. No. 738, Sec. 2)	

**11.05.05 Enforcement** The Building Official, Code Enforcement Officer, Inspector or other properly authorized officer of the city is hereby authorized to issue citations for violations of the provisions of this chapter. (Ord. No. 377, Sec. 4; Ord. No. 738, Sec. 3)

**11.05.06 Penalty** Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not

exceeding Five Hundred Dollars (\$500.00), and such violation shall be stopped until a proper permit has been issued. Each day such a violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. (Ord. No. 377, Sec. 5; Ord. No. 738, Sec. 3)

11.05.07 Large scale development checklist The checklist is incorporated as part of this ordinance as Exhibit "A." Said checklist shall be made part of the Pea Ridge Municipal Code and shall read as shown in Exhibit "A." (Ord. No. 471, Sec. 2; Ord. No. 738, Sec. 3)

## **CHAPTER 11.06**

### **DRAINAGE REGULATIONS**

**Sections:**

11.06.01	Intent
11.06.02	Disclaimer of liability
11.06.03	Applicability and exemptions
11.06.04	Definitions
11.06.05	Drainage design and planning criteria
11.06.06	Erosion control and site management in development
11.06.07	Enforcement
11.06.08	Penalty

**11.06.01 Intent** These drainage regulations are intended to:

- A. Minimize storm water runoff.
  - B. Reduce storm water peak flows and volumes to pre-development conditions
  - C. Increase groundwater recharge by infiltration.
  - D. Minimize the discharge of pollutants to receiving bodies of water.
  - E. Protect existing developments and property from flooding or runoff damage.
  - F. Preserve natural drainage ways.
- (Ord. No. 397, Sec. 1.)

**11.06.02 Disclaimer of liability** The performance standards and design criteria set forth herein establishes the minimum requirements which must be implemented to ensure good engineering practice and workmanship. Compliance with the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the city, its officers or its employees. The approval of a Storm Water Management Plan shall not imply that the land uses permitted will be free from damages caused by storm water runoff. The requirements of these regulations (this ordinance) were created by utilizing available historical records of average rainfall for the area, good engineering practices and scientific methods. Note, significant storms not calculated for and man-made or natural factors may impact or increase runoff heights.

Direct storm water discharges to stream channels, seasonal drainage ways, and active waterways are to be avoided wherever possible. Where soil conditions permit and where runoff velocities or erosion can be minimized or eliminated, storm water discharges should travel overland to take maximum advantage of infiltration opportunities.

All local, state, and federal permit requirements related to implementation of storm water management facilities must be met by the owner/developer/engineer prior to facility use. (Ord. No. 397, Sec. 2.)

11.06.03 Applicability and exemptions These drainage regulations shall apply to the following:

- A. Applicability It is the intent of the city that all developed land within the city limits shall have sufficient storm water management systems in place to provide adequate protection of life, property and natural resources. To this end, as a minimum, all land disturbing activity subject to these regulations, shall provide sufficient management of post-development runoff from 2-year, 5-year, 10-year, 25-year, 50-year and 100-year frequency storms such that the discharge rates of post-development storm water runoff do not significantly exceed the pre-development rates. In certain cases, depending on the capacity of downstream drainage facilities, (or in cases where the storm drainage system receiving runoff from the site is only designed to accept street runoff), a higher standard of retention and or detention may be required by the city.
- B. Exemptions
  - 1. Any land disturbance by agricultural farming operations as a professional operation, including gardening.
  - 2. Construction of any new single family, or two family housing unit on one (1) or less acres with minimum land disturbance.
  - 3. Widening or improving any existing entrance way to a business or residential unit.
  - 4. Construction of any building or future improvement on a site which has been previously provided with approved storm water management control facilities as a part of a larger unit of development.
  - 5. Any improvement on a site having a gross land area of one-half (½) acres or less, regardless of the land use. (Ord. No. 397, Sec. 3.)

11.06.04 Definitions For the purposes of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. The word “shall” is always mandatory and not merely directory.

**ADEQ** Arkansas Department of Environmental Quality.

**Basin:** Any area that has a defined location and pattern of natural drainage. This is often referred to as a “watershed.”

**BMP non-structural:** Best management practice strategies to implement storm water runoff that focuses on pollution prevention, such as alternative site design, minimizing impervious surfaces, land usage ordinance, education and good “housekeeping” measures.

**BMP structural:** Best management practice engineered or manufactured devices or structures implemented to manage, treat, or reduce storm water runoff and pollution.

**BOD:** (denoting Biochemical Oxygen Demand) the amount of oxygen used by microorganisms in the breakdown or decay of organic matter in a body of water.

**Buffer:** An area between a land disturbance and the property boundary that serves as a filter (of) (for) sediment or provides water infiltration into the ground prior to leaving the project area.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

**City:** The city of Pea Ridge, Benton County, Arkansas.

**COD:** Chemical Oxygen Demand – not a typical pollutant as it is chemically based.

**Detention:** The temporary storage and slow release of storm water following a precipitation event by means of an excavated pond, enclosed depression, piping or tanks. Detention is used for storm water storage and peak flow reduction. The stored water should be emptied within sixty (60) hours after the rainfall stops. Typically a minimum of one to two feet of free board is allowed, depending on the acre-feet of surface area.

**Developer:** A person, firm or corporation undertaking the development on a subdivision of land.

**Development:** Any manmade change in improved and unimproved real estate including but not limited to the construction of buildings or other structures, drilling, dredging, vegetation removal, mining, compaction, filling, grading, paving, excavation, stream alteration or channeling, or storage of equipment or materials. For the purposes of this section, development also includes the redevelopment of existing developed sites.

**Director:** The person charged by the city with authority and responsibility of enforcement of these regulations or his duly appointed representative.

**Drainage:** The collection, conveyance, or discharge of ground water and/or surface water.

**Drainage easement:** An approved document that permits the city or a contractor representing the city to access the drainage way to clean or repair for the intended volume of discharge. This is normally about ten (10) feet on each side of the facility, depending on the width of the facility itself.

**Drainage way:** The area over which surface or ground water is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land.

**Environmental Protection Agency (EPA):** Shall mean the U.S. Environmental Protection Agency, or where appropriate, the terms may also be used as a designation for the Administrator or other duly authorized official of said agency.

**Erosion:** The action of water, wind or a combination of both, that wears away the surface of land at any level of severity or area.

**ESC:** Erosion Sediment Controls, which may be both structural and non-structural.

**Federal Emergency Management Agency (FEMA):** The independent federal agency that, in addition to carrying out other activities, oversees the administration of the National Flood Insurance Program.

**Floodplain:** (FEMA) Any land area subject to a minimum of one percent (1%) or greater chance of flooding in a 100 year period as indicated on the FEMA Floodplain Map dated September 1991, or most current edition.

**Filtration:** The process by which silt or other contaminants are removed from the runoff. This includes grass turfs, wooded areas, and manmade screening by fences of various materials.

**Free board:** The space between the calculated water elevation in a detention or retention pond and the actual top of the retaining area. The common allowance for this is normally 1 – 2 feet depending on the acre-feet of surface area of the pond and release rate.

**Impervious surface:** A surface that cannot be penetrated by water, preventing infiltration and generating runoff.

**Impervious surface areas:** Areas of impervious material including but not limited to: roofs, driveways, patios, sidewalks, parking areas, sports courts, non-porous concrete or asphalt streets.



**Impervious material:** Any material that impedes or prevents the natural filtration of water into the soil.

**Imperviousness:** The degree to which a site or material is impervious to water.

**Infiltration:** The process or rate at which water percolates from the land surface into the ground. Infiltration is also a general category of BMP designed to collect runoff and allow it to flow through the ground.

**Land disturbing activity:** Any type of clearing, grading, stripping, excavation, fill or any combination thereof. For the northwest Arkansas area the Arkansas Department of Natural Resources categorizes land disturbing activity as the following:

Small area	anything less than one (1) acre;
Medium area	one to five (1-5) acres;
Large areas	ten (10) acres.

Appropriate controls are listed for BMP on each area by the Arkansas Department of Natural Resources.

**Lot:** A parcel of land occupied or intended for occupancy by one main building, together with any accessory buildings.

**Non-point source:** A contamination or pollutant where the source is undefined.

**Off-site storm water facility:** Any storm water management facility located outside the boundaries of a specific development site but designed to manage storm water discharge from that development.

**On-site storm water facility:** Any storm water management facility necessary to manage storm water within an individual development project and located wholly within the project boundaries.

**Planning Commission:** The Planning Commission of the city of Pea Ridge, Arkansas.

**Point source:** Any discernible, confirmed and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants may be discharged.

**Pollutant:** Any dredge, spoil, solid waste, incinerator residue, oil, grease, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological

materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agriculture, and industrial waste. This includes the characteristics of wastewater, i.e. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor.

**Porous pavement and paving:** Alternative to conventional dense graded asphalt and concrete pavements utilizing a variety of porous media that allows water to infiltrate back into the ground through the pavements.

**Planned Unit Development (PUD):** A zoning development management approach to physical growth which combines housing, commercial, light manufacturing, and open spaces uses all in the same zone while maintaining an overall density comparable to conventional development.

**Redevelopment:** Any development that requires demolition or removal of existing structures or impervious surfaces on a site, and replacement with new development, structures and impervious surfaces. Maintenance activities such a pavement overlays of existing impervious surfaces are not considered redevelopment.

**Retention:** The collection and storage of storm water runoff without subsequent discharge to surface waters until it infiltrates or evaporates.

**Runoff coefficient:** The ratio of the amount of rainfall to the actual runoff of a specific area. The runoff coefficient (C), further defined in 11.06.05(B)(1), is the variable of the rational method and is least susceptible to precise determination and requires judgment and understanding on the part of the designer. A typical coefficient represents the integrated effects of many drainage basin parameters, including soil type, terrain slope and cover.

**Sedimentation:** Soil particles suspended in storm water that can settle in stream beds and disrupt the natural flow of the stream, contaminate water and destroy fish habitat.

**SWPPP:** Storm Water Pollution Prevention Plan – a plan to control storm water runoff and flooding, or pollution at any construction or development site.

**Site expansion:** The addition of new building(s), structure(s), parking lot(s), or any other new impervious surface at the site. Construction of any new impervious surface on an area previously pervious, which does not meet the definition of redevelopment, as defined in this section shall be considered as expansion.

**Site:** That portion of the lot or parcel upon which a building and appurtenances are to be placed or already existing, including adequate area for parking, maneuvering, driveways, clearance, and proper drainage.

**Stream:** A river, creek, or bed which may or may not be serving as a drain, or any other water body that has definite banks, a bed, and visible evidence of conveying storm water.

**Storm frequency:** The average recurrence interval, in years, between rainfall events, which equal or exceed the given event. The magnitude and frequency of the anticipated rainfall events are based on statistical data recorded and maintained by the National Climatic Data Center (NCDC). For example, a 2-year frequency storm is a storm of an intensity which has a 50% chance of occurring in any year, or is expected to occur on the average, at least once in two (2) years, and of a duration, which will produce the peak rate of runoff for the watershed of interest.

**Storm water conveyance:** Any feature of the landscape or earth, manmade or natural, which collects and/or carries water in a concentrated flow.

**Storm water management plan:** A plan designed and approved by the city of Pea Ridge Planning Commission, dated the \_\_\_\_\_, or latest revisions.

**Storm water management:** The qualitative and quantitative measures for managing storm water runoff are as follows, qualitative measures consist of vegetative, structural, and other measures which manage or treat pollutants carried or generated by surface runoff. Quantitative measures consist of vegetative and structural measures which manage the increased volume and rate of surface runoff caused by manmade changes to the land and have the effect of maintain the pre-development patterns of flood magnitude and frequency.

**Storm water runoff:** The water from precipitation that flows across the land surface and is not infiltrated, evaporated, or otherwise stored within the contributing drainage area of a site.

**Surface water management system:** All natural and constructed facilities used to regulate the quantity and quality of surface water, including drainage easements, culverts, storm drains, catch basins, drainage ditches, natural drainage ways, stream corridors, rivers, ponds, wetlands and impoundments.

**Swale:** A ditch located on a contour. It does not direct water, but holds it and allows it to gradually infiltrate the soil down slope of it. Soil and water runoff are caught in the swale which becomes a fertile area through the capture of nutrients and soil.

**TSS:** Total Suspended solids in runoff water.

#### 11.06.05 Drainage design and planning

##### A. General

1. The drainage design criteria included in this section is for the purpose of providing a set of guidelines for planning and designing storm drainage

facilities in the city, and within its extraterritorial jurisdiction. These criteria will be used by the Planning Commission and other city departments, consulting engineers employed by the city, and engineers for private developments in the city.

2. The city reserves the right to require the developer to make improvements and require provisions for easements and agreements beyond the boundaries of the development. Whatever is required, the developer shall comply with the methods and cost to prevent downstream damage and liability to the city. Any damage caused by volume or velocity of runoff shall be corrected by the developer at the first notification of such damage. Open sod ditches shall have a maximum velocity of six feet per second (fps). The developer shall be responsible for off-site drainage improvements of up to 2300 yards if required to promote good drainage from the development.
3. In certain cases it may be determined that off-site or adjoining drainage improvement costs may be shared by the city. These situations will be reviewed on a case by case basis. In some cases the situation may have been incumbent to the city prior to the development. In those situations, the city should share the cost of the appropriate correction. Any action on the part of the city shall be approved by the City Council before the preliminary plat is approved. If for any reason the city is unwilling to share the cost of such off-site improvement and the developer desires to continue development, the developer must bear all the associated cost with such improvement. The city may utilize other options including, but not limited to, delaying the project until certain objectives in the area are met by the developer.
4. Detention basin outlets shall discharge into a natural or man-made conveyance system or channel. Detention basin outflow shall be limited to the maximum rate which maintains the adequacy of the channel, or the outflow shall be detained to the pre-developed rate of flow from the entire drainage area. If the channel does not exist at the point of discharge, then one shall be constructed to convey the drainage to a stable outlet. Any such channel constructed off the site will require an appropriate private drainage easement.
5. With regard to off-site improvements accessed by way of easement, the developer shall make all arrangements on behalf of the city including entering into maintenance agreements, acquiring easements for ingress/egress to such facilities. In case the property owner refuses such a

proposal by the developer, the city will not enter into the bargaining process. If condemnation is an appropriate procedure, then the developer shall initiate the legal process and bare all cost of such condemnation on behalf of the city.

B. Rational method for peak storm flows

1. The preferred formula to be used for calculating peak storm flows for drainage areas less than 200 acres shall be the rational method, in which:

$Q = CIA$ , where:

$Q$  – is the peak storm flow at a given point in cubic feet per second (cfs).

$C$  – is the runoff coefficient that is equal to the ratio volume of rainfall to the runoff for a specified intensity.

$I$  – is the average intensity of rainfall in inches per hour for a storm duration equal to the time of travel for runoff to flow from the farthest point of the drainage area to the design point in question.

$A$  – is the drainage area tributary to the design point, in acres.

- C. Runoff coefficient The runoff coefficient ( $C$ ), as defined above, shall consider the slope of the terrain, the character of the land use, the length of overland flow and the imperviousness of the drainage area and shall be determined based on ultimate land development. In the absence of real data the following table can be used for the runoff coefficient for the appropriate land use in and around the plateau of Pea Ridge. The top soil consists mainly of weathered sandstone and is relatively high in permeability and prone to serious erosion. Each separate runoff point for the area shall be identified in the calculations and shown in the drainage report.

Post development:

Commercial	0.90
Industrial	0.70
Single family residential	0.60
(R-1)	(12,000 sq. ft.lot and average house size)
Multi-family	0.75
Parks and open space	0.35
Schools, churches, etc.	0.75

Pre development: 0.20-0.35 (This value can vary with soil terrain and turf).

- D. Rainfall intensity frequency Required design storm frequencies for storm drainage improvements in the city of Pea Ridge are shown in the following table:

<u>Type of facility</u>	<u>Facility</u>	<u>Design frequency (years)</u>
Storm drainage system	all	25
*Box culverts, bridges	Arterial	100
Channels	Major drainage ways	100

\*The drainage system shall be designed to carry those flows greater than the 25-year frequency up to and including a 100-year frequency within defined rights-of-way or drainage easements. These easements shall be established and acquired by the city in existing developments within the city. For new developments, the developer shall acquire all easements on behalf of the city. The design procedures for all culverts and bridges shall be in accordance with the latest edition of the *Standard Specifications for Highway Construction* – produced by the Arkansas Highway and Transportation Department (AHTD).

- E. Drainage area

1. The drainage area used in determining peak storm flows shall be calculated by sub-dividing a map into the watersheds within the basin contributing storm water runoff to the system. Areas shall be determined by planimetry or digitizing.
2. The peak storm runoff for each point of concern shall be considered separately for the analysis in determining the peak runoff volume and velocity. The drainage plan should demonstrate that any change in the volumes or velocity of the water discharged from the permit boundary discharge points will not have a significant adverse effect on downstream rights and uses.

- F. Spread of water During the design storm, the quantity of storm water allowed to collect in the streets before being intercepted by a storm drainage system is referred to as the “spread of water.” In determining the limitations for carrying storm water in the street, the ultimate development of the street shall be considered. The use of the street for carrying storm water shall be limited.

- G. Storm sewer design Storm water in excess of that allowed to collect in the streets shall be intercepted in inlets and conveyed in a storm pipe drainage system. Storm pipe capacity shall be calculated by the Manning’s formula.

$$Q = AV, \text{ and}$$

$$Q = \frac{1.486}{n} A R^{2/3} S^{1/2}$$

Where

Q – is the discharge in cubic feet per second;

A – is the cross-section area of the conduit in square feet;

V – is the velocity of flow in the conduit in feet per second;

R – is the hydraulic radius in feet, which is the area of flow divided by (W)

W – is the wetted perimeter  $R = A/W$ ;

S – is the slope of the hydraulic gradient in feet per foot; and

n – is the coefficient of roughness. The value for n can be selected from a combination of materials and slope of the facility.

#### H. Stream beds

1. A stream bed of natural watercourse is defined as any water course that is defined with a blue line on a USGS 7.5 minute series topographic map. It is important for the property owner to realize this indication as a natural drainage course. The easements adjoining these watercourses for all improvements are a natural and appropriate action to promote clean water and reduce flooding, erosion, and sediments to streams or fields on private property.
2. When it becomes necessary to do maintenance or improve a natural stream bed, it is important not to use improvements by straightening the channel, which would increase velocity and erosion. Side slopes for such natural drainage beds shall not be less than 3:1. Placing sod in the flat bottom and sides to establish turf will increase infiltration and reduce velocity and erosion. Generally, the velocity of such drainage beds does not exceed six (6) fps.
3. When such stream beds become a major part of the storm water system to the extent that erosion will be a major problem they shall be paved with Portland cement concrete.

- I. Alternative design methods There are other design methods that will provide equivalent results to the rational procedure. Other design procedures will be accepted if they are related to the design criteria as set forth above in the rational method, calculation by computer programs or spread sheet are acceptable. Hand calculations shall show all work and design curves, equations, etc. utilized in arriving at the end point data. Additional information may be requested to show the true equalities of the alternative method.

J. Responsibilities of the developer/engineer/property owners

1. Storm Water Management (Detention/Retention) Facilities Maintenance
  - a. The owner of any land subject to these regulations upon which a storm water management (detention/retention) facility lies shall be responsible for the maintenance and repair of said facility.
  - b. Facilities which are designed to service a residential or commercial subdivision shall be maintained by the property owner(s) within the subdivision benefited by the facility. The developer of the subdivision shall be responsible for the maintenance and repairs of said facility until such time as all lots within the subdivision have been transferred to third party ownership. Further, the developer shall be required to establish legally binding covenants to ensure maintenance and repair of said facilities. Such covenants must provide for lot assessment and a method for making the assessment, to cover and offset the cost of maintenance and repairs of the facilities. Such covenants must also appoint and authorize the city and its successors, as agent for the lot owners, to undertake, at its option, the maintenance and repairs of the facilities upon failure of the lot owners to do so and to assess and enforce the collection of the assessment upon the failure of the lot owners to reimburse the city for expenditures made in undertaking such maintenance or repairs.
2. All land disturbing activities shall have a plan of restoration and shall be submitted to the Planning Commission at the time of preliminary plat approval. The plan shall show the total area of development and the percentage of land disturbance to be expected. All land disturbances shall be restored and seeded within fourteen (14) days of disturbance. An exception to this would be when the contractor has an on-going disturbance that requires more than fourteen (14) days to achieve final grade. The success of the seeding shall be at least seventy per cent (70%) of the area, and if not, the area shall be seeded again until ground cover is established.
3. The use of more retention/infiltration areas and less detention facilities should be encouraged for the city until such time that drainage channels, easements and basic improvements have been added to make an effective storm water system.



4. The use of curb to discharge water courses from the street onto adjacent land areas is not permitted by the subdivision regulations of the city.
5. In order to ensure that downstream property is protected against increased runoff from development, and to ensure that detention/retention facilities are maintained, the city may, upon the recommendation of the Planning Commission, require the developer to post a security bond. The Planning Commission is authorized to establish the terms of said bond should it be required. (Ord. No. 397, Sec. 5.)

#### 11.06.06 Erosion control and site management in development

- A. Water shed management Watershed planning is a useful tool for building a community's land use plans because watersheds are defined by natural hydrology, representing the most logical basis for managing water resources. The resource becomes the focal point, and planners are able to gain a more complete understanding of overall conditions in the area and the factors that influence the environment.
  1. Existing agencies from regional, county, Soil and Water Conservation Districts (SWCD), Natural Resource Conservation Service (NRCS) have technical expertise and resource data that can assist decision making by local authorities. The decisions made by the city of Pea Ridge should include consideration of the following issues:
    - a. Quality agricultural areas for cropland and maintaining economic viability of such.
    - b. Ground water recharge of post-development, approximately the same as pre-development.
    - c. Protecting historical, scenic and natural beauty area.
    - d. Protecting wetlands and stream corridors.
    - e. Providing open spaces and parks.
    - f. Developing attractive residential, institutional and industrial areas.
    - g. Maintaining flood plains for flood storage.
    - h. Water supply protection source.

- i. Critical wildlife habitat areas.
    - j. Buffer zones along critical border areas.
  - 2. The preservation of the above areas will enhance the environmental quality of the community. Major factors that need to be considered in preserving and retarding erosion and contamination by sedimentation in such areas are vegetation, soil type, topography, rainfall, stream beds and drainage ways.
- B. Site development As land is subdivided or proposals brought before the Planning Commission for land use change or development, an assessment of suitability of the site for the proposed development needs to be made. Technical requirements should consider features of the site, including, location, accessibility, present land use, delineation of areas protected by any local, state or federal regulations, topography, drainage patterns, soils and vegetation.
- 1. The technical data is necessary to make informed decisions about the site's ultimate use and the types of erosion and sediment controls which may be required.
  - 2. These factors are all considered engineering properties. The project engineer in charge of design should evaluate them according to the ultimate development plans of the city.
  - 3. The project engineer shall assess the physical characteristics of the site to determine how it can be developed with a minimum risk of environmental damage to the site as well as site areas.
  - 4. Minimize the impact of any earth disturbance by maintaining sufficient vegetative buffer strips between the disturbed and adjacent areas. The limits of this buffer zone will be based on the terrain, soil type and topography.
  - 5. The limits of earth disturbance shall be shown on the plans and sequenced controls of erosion and runoff routes described on the plans or specification.
  - 6. No existing drainage pattern shall be changed or redirected to another drainage basin without specific approval of property owners adjacent to the development.
  - 7. After approval of the final plat, no major changes will be permitted to the topographic layout of any lot or parcel within the subdivision that may negate the drainage study, contribute to erosion, or add any pollutants to the runoff. (Ord. No. 600, Sec. 1.)

C. Erosion sediment controls

1. These controls may be structural and non-structural and are designed or selected to retard erosion and eliminate sediment into streams, grasslands or other off property areas. The season or time of year that construction is ongoing is not a factor in the amount of erosion or sediment that may be tolerated on a site.
2. The developer shall comply fully with Arkansas Department of Natural Resource requirements according to the size of development.
3. Silt fences shall be erected prior to commencement of any land disturbing activity. The fences shall be reinforced by net wire (hog wire) to provide stability. The fences shall be erected in such a manner that silt and polluted water cannot flow under or parallel to the fence.
4. Runoff that contains suspended solids shall not be directed away from the project so that it will be deposited on any adjacent land without a drainage easement granted to the developer by the adjacent property owner. Any such drainage easement shall list the expected maintenance and the frequency of such. The easement shall be considered as a part of the storm water management plan of the city.
5. The use of swales should be limited to small areas that are subject to trapped runoff. The swale should not direct any runoff but provide a simple hold for infiltration or evaporation.
6. When straw bales are used for structural confinement or control in runoff or sedimentation the bales shall be maintained and replaced as required by time and conditions.
7. The engineer shall outline the requirements for maintenance and the frequency of all structural and non-structural detention, retention, swales, open ditches, and channels that are used for the conveyance of drainage from the development. This outline shall be provided at the time of the final plat review.
8. If requested by the city, the developer shall submit a copy of the Arkansas Department of Natural Resources approved SWPPP and permit for development.

9. No final plat will be approved when outstanding drainage issues exist concerning the development of the property.  
(Ord. No. 397, Sec. 6.)

11.06.07 Enforcement The Building Official, regulation enforcement officer, inspector or other properly authorized officer of the city is hereby authorized to issue citations for violation of the provisions of this chapter. (Ord. No. 397, Sec. 7.)

11.06.08 Penalty Any person who shall violate any of the provisions of this chapter, or shall fail to comply with any provision herein, shall be deemed guilty of a misdemeanor and upon conviction there, shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00). Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. Further, the city is authorized to enforce these provisions by injunction to prohibit violation or to enforce compliance. (Ord. No. 397, Sec. 8.)

## **CHAPTER 11.07**

### **LANDSCAPE REGULATIONS**

Sections:

- |          |   |
|----------|---|
| 11.07.01 | Purpose   |
| 11.07.02 | Applicability and exception                               |
| 11.07.03 | Definitions   |
| 11.07.04 | Plant material recommendations and landscape requirements |
| 11.07.05 | Landscape and irrigation plan                             |
| 11.07.06 | Compliance  |
| 11.07.07 | Enforcement and penalty clause                            |
| 11.07.08 | Landscape plan required elements                          |
| 11.07.09 | Point system  |

11.07.01 Purpose

- A. Promote a positive image for the city of Pea Ridge;
  - B. Protect property values;
  - C. Promote water conservation;
  - D. Encourage planting and preservation of trees and vegetation;
  - E. Increase ground permeability, retard water runoff and control erosion;
  - F. Abate noise, glare, dust and heat.
- (Ord. No. 503, Sec. 1.)

11.07.02 Applicability and exception

A. Applicability

1. The provisions of this chapter shall apply to all land in the city when new or expanded commercial uses are proposed in all zoning areas.
2. The provisions of this chapter shall apply to the expansions of parking lots by five (5) or more parking spaces.

B. Exception There may be circumstances in which the placement of trees in new or expanded parking facilities may be difficult or undesirable. In order to provide for a similar landscaping effect, parking lot trees may be waived in lieu of additional trees, or larger caliper trees placed in the front and/or side yard area. In no case shall an alternative landscape proposal result in a net reduction of the tree requirements, as measured in total tree caliper inches.

C. Exemptions

1. Private property. (Residential)
2. Existing commercial; unless parking lot is expanded by five (5) or more parking spaces. (Ord. No. 503, Sec. 2.)

11.07.03 Definitions

**AOR:** Architect of record for the proposed project.

**Buffer strip:** An area which serves to physically and visually separate land uses having incompatible facilities and activities or differing intensities of use.

**Caliper:** The diameter of a tree trunk measured six (6) inches above ground level.

**Drip system:** Irrigation system applying water slowly and directly to the soil in lieu of a sprinkler system.

**Ground cover:** Natural plant material such as vines, shrubs or accent grasses that would not normally attain a height of more than two (2) feet.

**Irrigation system:** A system of pipes, valves, etc. for delivering water to plant material in an appropriate and timely manner.

**Landscape plan:** A preparation of a graphic and written criteria, specification and detailed plan to arrange and modify the effects of natural and man-made features such as planting, ground and water forms, circulation, walks, structures, and other features to comply with the provisions of this chapter as a minimum the plan should have the elements indicated in 11.07.05.

**Landscape area:** Any additions to the natural features of a plot of ground to restore to a natural state due to construction disturbance or to make more attractive. Landscaping materials may include mulch, shrubs, vines, grasses, trees or other materials approved by the Planning Commission.

**Tree:** A large woody plant with a root system, a trunk system supporting a defined crown and of a species that grows to a height of fifteen (15) feet or more.

**Water efficient:** The accomplishment of a function, task, process or result with the minimal amount of water feasible. An indicator of the relationship between the amount of water required for a particular purpose and the amount of water used or delivered.(Ord. No.503,Sec. 3.)

#### 11.07.04 Plant material recommendations and landscape requirements

- A. Use of water efficient plant materials is recommended. See the list below for recommended plant materials. Other plant material may be used upon approval of the Planning Commission.

##### Shade tree

Amur cork tree (male)  
Amur maple  
Chinese elm  
Ginkgo (male)  
Green ash  
Hackberry  
Hedge maple  
Japanese Zelkova  
Pin oak  
Red ash  
Red maple  
Red oak  
Sugar maple  
Sycamore  
Thornless honey locust  
White pine

##### Accent tree

American holly  
Austrian pine  
Chinese pistachio  
Dogwood  
Eastern redbud  
Golden raintree  
Japanese black pine  
Japanese red maple  
Norway spruce  
Purple leaf plum  
River birch  
Serviceberry  
Trident maple  
Washington hawthorn  
Yashino cherry

##### Shrubs

Leland cypress  
Azalea  
Barberry  
Viburnum  
Common boxwood  
Cotoneaster  
Crape myrtle  
Dwarf mugo pine  
Flowering quince  
Forsythia  
Foster holly  
Helleri holly  
Inkberry holly  
Lilac  
Meserve holly  
Pfitzer juniper  
Shore juniper  
Spirea

<u>Vines</u>	<u>Accent grass</u>	<u>Lawn grass</u>
American bittersweet	Blue sheep's fescue	Bermuda
Creeping juniper	Blue wild rye	Five star fescue
English ivy	Dwarf garters	Turf-type fescue
Firethorn	Fountain grass	
Kolomikta vine	Hardy pampas	
Silver lace vine	Silver grass	
Trumpet honeysuckle	Switch grass	
Wild ginger		
Winter creeper		
Winter jasmine		
Wisteria		

B. Required trees:

1. Street front trees Shade or accent trees shall be provided at a minimum rate at the equivalent of one (1) tree per fifty (50) linear feet of street frontage. Trees shall not be placed in the public right-of-way.
2. Parking lot trees Shade or accent trees shall be provided at a minimum rate of one (1) tree per twenty-five (25) parking spaces as indicated by example below for the first one hundred fifty (150) spaces. Minimum requirement over one hundred fifty (150) spaces shall be one (1) tree per every thirty (30) over one hundred fifty (150) spaces. Trees shall be planted throughout the parking area so that they become an integral part of the parking design. Landscape area at trees shall be large enough to accommodate root systems at maturity.

<u>Number of spaces</u>	<u>Number of required trees</u>
25 or fewer	1
26 to 50	2
51 to 75	3
126 to 150	6
210	8 (6 for first 150, plus 2)
244	10 (6 for first 150, plus 4)

3. All shade trees shall be a minimum of three (3) inch caliper. Accent trees shall be a minimum of two (2) inch caliper. Evergreen trees shall be a minimum of five (5) feet tall above the ground.

4. All existing shade trees of at least four (4) inch caliper, accent trees of at least three (3) inch caliper or evergreen trees of at least six (6) feet height may be counted towards satisfying the requirements of this chapter as long as such trees do not endanger safety, health or public welfare. All trees must be healthy.
5. All shrubs shall be a minimum of three (3) gallon containers.
6. All vines and accent grasses shall be a minimum of one (1) gallon containers.
7. All impervious areas shall have landscaping.  
(Ord. No. 503, Sec. 4.)

#### 11.07.05 Landscape and irrigation plan

- A. As part of the preliminary plat approval the developer or owner shall provide proof of compliance with landscape requirements by providing a signed and sealed landscape and irrigation plan at a scale of one (1) inch equals one hundred (100) feet or larger.
- B. Landscape plan approval is based on a point scoring system of required landscape elements with a minimum of twenty-two (22) points. (Refer to 11.07.09)
- C. All irrigation systems shall be designed in such a manner as to minimize water runoff and to eliminate over-spray into adjoining streets, driveways and parking areas. Refer to 11.07.09 (point system) indicating additional points when drip irrigation system is installed. Drip system shall be required in confined area of four (4) feet or less between paved areas if irrigation system is used.
- D. Buffer strip shall be installed in areas of separate land uses having incompatible facilities and activities or differing intensities of use. Buffer strip may be planting, walls, fencing, topographic changes or any combination of and shall be approved by the Planning Commission. Buffer strip planting requirements do not replace, but are in addition to any other landscaping requirements.
- E. Landscaping shall be completed and a signed and sealed as-built landscape plan shall be provided before a certificate of occupancy shall be issued. If planting cannot be completed due to adverse winter weather a temporary certificate of occupancy may be issued which will expire no later than May 1 of the ensuring spring. At which time landscaping must be completed for issuance of the permanent certificate of occupancy.



- F. In order to further encourage innovative site designs that enhance the quality of the environment in Pea Ridge, the Planning Commission may grant a waiver of any landscaping standards outlined in this chapter where the commission finds that the proposed plan display an innovative use of the site design features, open space or landscaping which will enhance the use and value of neighboring properties. (Ord. No. 503, Sec. 5.)

#### 11.07.06 Compliance

- A. All landscape area shall be kept free from refuse and debris and all plant materials shall be maintained in a sound, weed-free, healthy and vigorous growing condition and free of plant disease and insects.
- B. Property owner is responsible for maintaining the landscaping plan as originally approved to include the replacement of plant material that has died, is damaged or has been removed. (Ord. No. 503, Sec. 6.)

#### 11.07.07 Enforcement and penalty clause

- A. Enforcement The Building Official, Code Enforcement Officer, Inspector or other properly authorized officer of the city is hereby authorized to issue citations for violations of the provisions of this chapter.
- B. Penalty Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00), and such violation shall be stopped until it has been brought in to conformance. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. No. 503, Sec. 7.)

#### 11.07.08 Landscape plan required elements

- A. Plan sheet shall be 24" x 36"
- B. Project name and location
- C. North arrow
- D. Scale (scale to 1" = 100' or larger)
- E. Designer's name, address and phone number
- F. Structure location(s)
- G. Parking location(s)
- H. Property line(s)
- I. Setback lines(s)
- J. Plant type(s)
- K. Plant quantity

- L. Plant size
- M. Plant location(s)
- N. Location of existing trees
- O. Legend(s)
- P. List describing points used.
- Q. Signed, sealed and dated by landscape architect or AOR  
(Ord. No. 503, Sec. 8.)

#### 11.07.09 Point system

All elements:

- |    |   |          |
|----|---|----------|
| A. | Landscape bed mulched   | 3 points |
| B. | Permeable weed barrier installed  | 2 points |
| C. | Drip system in all areas fifteen feet or less I width                                     | 5 points |
| D. | Tree quantity exceeds requirement by 10%  | 3 points |
| E. | Each tree that exceeds its required caliper by 1" or more                                 | 1 point  |
| F. | Drought tolerant sod is primary variety of grass  | 5 points |
| G. | Landscape area is curbed or shaped to hold water  | 2 points |
| H. | At least 50% of all plant material is water efficient<br>(as listed in 11.07.04)          | 2 points |
| I. | Use of existing trees exceed 25% of total trees needed                                    | 4 points |
| J. | Use of shrubs, vines or accent grasses for at least<br>30% of landscape area around trees | 5 points |

Deduct elements:

- |    |  |          |
|----|--|----------|
| A. | Slope within ten (10) feet of street or parking lot<br>exceeds 20% grade | 5 points |
| B. | Tall fescue is primary variety of lawn grass<br>(Ord. No. 503, Sec. 9.)  | 5 points |

## **CHAPTER 11.08**

### **PLUMBING CODE**

#### **Sections:**

11.08.01	Definitions
11.08.02	State Code
11.08.03	Inspection and supervision
11.08.04	Applications and permits
11.08.05	Repeal
11.08.06	Repeal
11.08.07	Repeal
11.08.08	Penalties
11.08.09	Amendments

11.08.01 Definitions Plumbing, for the purposes of this ordinance is hereby defined as found in A.C.A. 17-38-101 et seq. and the Arkansas State Plumbing and Gas Codes. (Ord. No. 241, Sec. 1.)

11.08.02 State Code the Arkansas State Plumbing and Gas Codes - 1995 Edition, or most recent editions including any appendices, are hereby adopted by reference as the Plumbing and Gas Codes for the city of Pea Ridge, Arkansas, except as hereinafter provided. Three copies of said Codes shall be on file in the office of the City Clerk. (Ord. No. 241, Sec. 2.)

#### **11.08.03 Inspection and supervision**

- A. There is hereby created the position of plumbing inspector or inspectors who shall be employed by the city of Pea Ridge, Arkansas.
- B. The plumbing inspector or inspectors shall have experience in plumbing to the extent that it enables him to know when plumbing is installed correctly and further shall have obtained a certificate of competency as a plumbing inspector from the Arkansas State Board of Health.
- C. The plumbing inspector or inspectors shall not be directly connected in any way with any person, firm, corporation, directly or indirectly engaged in the business of plumbing suppliers.
- D. The inspector shall receive as full compensation for his services, a salary designated by the city of Pea Ridge, Arkansas.

- E. It shall be the duty of the plumbing inspector or inspectors to enforce all provisions of this ordinance and inspector or inspectors is hereby granted the authority to enter all buildings within or without the corporate limits of the city of Pea Ridge, Arkansas, when such buildings are connected or to be connected to the municipal water and/or sewage system and/or franchised gas utility system of the city of Pea Ridge, Arkansas.
- F. The plumbing inspector shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports, and other materials.
- G. It shall be the duty of the plumbing inspector to inspect and test all plumbing work for compliance with this ordinance and its adopted plumbing code and to enforce changing of such installations that do not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by State law. (Ord. No. 66, Sec. 3.)

#### 11.08.04 Applications and permits

- A. Before beginning any work in the city of Pea Ridge, Arkansas, the person installing or altering same, shall apply to the plumbing inspector or other designated official and obtain a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a home owner to install or alter plumbing in a single family residence, providing the home owner does the work himself and that such work shall meet the code requirements.(Ord. No. 66, Sec. 4.)
- B. All applications for permits shall be made on suitable forms provided by the Plumbing Inspector. The application shall be accompanied by fees in accordance with the following schedule:

#### SCHEDULE

<u>Schedule</u>	<u>Fees</u>
Minimum charge for any plumbing permit	\$20.00
Closets	2.00
Sinks	2.00
Lavatories	2.00
Showers	2.00
Bathtubs	2.00
Sewer	2.00
Washing machine	2.00
Floor drains	2.00
Dishwasher	2.00

Disposal	2.00
Urinal	2.00
Water heater	2.00
Gas opening, each	3.00
Drinking fountains	2.00
Residential backflow preventer	2.00
Commercial backflow preventer	5.00
Renewal for backflow preventer	20.00

An additional fee of Twenty-Five Dollars (\$25.00) shall be charged for each additional trip on the part of the Plumbing Inspector, caused by the negligence or unpreparedness of the plumber or caused by a return for inspection of a corrected installation. (Ord. No. 439, Sec. 1.)

11.08.05 Repeal That Section 5 of Ord. No. 66 is hereby repealed. (Ord. No. 241, Sec. 3.)

11.08.06 Repeal That Section 6 of Ord. No. 66 is hereby repealed. (Ord. No. 241, Sec. 4.)

11.08.07 Repeal That Section 7 of Ord. No. 66 is hereby repealed. (Ord. No. 241, Sec. 5.)

11.08.08 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 \$50.00 nor more than \$250.00, or imprisonment for not more than thirty (30) days or both. Each day during which a violation continues shall be a separate offense. (Ord. No. 241, Sec. 6.)

11.08.09 Amendments The following amendments to the Arkansas State Plumbing and Gas Codes are hereby enacted:

- A. Section 14.5.1 of the Plumbing Code is amended to include the following: "All new and/or repaired or replaced yard lines shall have continuous tracer wires connected at both ends of the installed line."
- B. Section 309.10 of the Gas Code is amended to include the following: "All new and/or repaired or replaced yard lines shall have continuous tracer wires connected at both ends of the installed line."
- C. Section 512.5 of the Gas Code is amended to include the following: "No dryer vent or exhaust piping may rise to a height above the exhaust port on the appliance." (Ord. No. 241, Sec. 7.)

## **CHAPTER 11.12**

### **ELECTRICAL CODE**

#### **Sections:**

- 11.12.01 Adoption of code
- 11.12.02 Inspection
- 11.12.03 Permits required
- 11.12.04 Penalties

11.12.01 Adoption of code The National Electrical Code, 1999 Edition, or most current edition, is hereby adopted by reference as though fully set out herein word for word by the city of Pea Ridge. (Ord. No. 269, Sec. 1.)

#### **11.12.02 Inspection**

- A. There is hereby established the position of Electrical Inspector for the city of Pea Ridge who shall be designated by the City Council.
- B. The Electrical Inspector shall possess the necessary qualifications, training, technical knowledge and experience to enable him to know when electrical work is properly installed. The City Council may require, as an additional qualification of the Electrical Inspector, that he hold such license issued by the State of Arkansas as deemed necessary for the proper performance of his duties.
- C. The Electrical Inspector shall receive, as compensation for his services, a salary to be designated by the City Council.
- D. It shall be the duty of the Electrical Inspector to enforce all provisions of this ordinance and to ensure compliance with all provisions of the National Electrical Code as herein adopted. In order to fully carry out the duties and responsibilities of the Electrical Inspector as herein established, the Electrical Inspector is hereby granted the authority to enter upon all premises and improvements located thereon within the corporate limits of the city of Pea Ridge, Arkansas. If the Electrical Inspector, when performing the duties herein established, determines that an electrical work does not comply with the provisions of this ordinance and the National Electrical Code as herein adopted, or that the persons performing such electrical work do not hold the requisite permits or licenses, he shall immediately cause notice to be served upon the person, firm or corporation performing such electrical work and the owner of the premises, if known, to cease any further electrical work until such time as the non-compliance is corrected as specified in the notice. (Ord. No. 269, Sec. 2.)

#### 11.12.03 Permits required

- A. Any person, firm or corporation desiring to perform any electrical work within the city of Pea Ridge shall first apply for a permit to do such work. Except as hereinafter provided, only individuals or electrical contractors possessing a master electrician's license issued by the Board of Electrical Examiners of the state of Arkansas shall be entitled to apply for and receive an electrical permit. A permit may be issued upon application of a homeowner to install, erect or repair electrical work in a single-family residence, providing the homeowner does the work himself and that such work shall meet the requirements of this ordinance and the National Electrical Code as herein adopted.
- B. All applications for permits shall be made on suitable forms provided by the city of Pea Ridge. The application shall be accompanied by fees in accordance with the following schedule:

#### SCHEDULE

<u>Schedule</u>	<u>Fee</u>
Minimum charge for any electrical permit	\$20.00
Electric service	4.00
Electric openings, each	.25
Electric hood	2.00
Electric stove	2.00
Electric oven	2.00
Electric washer	2.00
Electric air conditioning	2.00
Electric 220 V. plug, each	2.00
Electric water heater	2.00
Dishwasher	2.00
Garage door opener	2.00
Service panels (commercial)	4.00
Electric blowers	2.00
Trash compactor	2.00
Electric dryer	2.00
(Ord. No. 269, Sec. 3.)	

11.12.04 Penalties Violations of the provision of this ordinance shall be deemed a misdemeanor and any person, firm or corporation found guilty of any such violation shall be subject to a fine of not less than \$25.00 nor more than \$500.00 and each day during which a violation continues shall constitute a separate offense and the fine for such continuing violations shall be not less than \$25.00 nor more than \$250.00. (Ord. No. 269, Sec. 4.)

## **CHAPTER 11.16**

### **FIRE PREVENTION CODE**

**Sections:**

11.16.01	Adoption of Fire Prevention Code by reference
11.16.02	Amendments and deletions
11.16.03	Variances
11.16.04	Inspection
11.16.05	Amendment
11.16.06	Conflicting ordinances repealed
11.16.07	Validity
11.16.08	Penalties

11.16.01 Adoption of Fire Prevention Code by reference The 2007 Arkansas Fire Prevention Code, or most current edition, is hereby adopted by reference as the Fire Prevention Code for the city of Pea Ridge. (Ord. No. 480, Sec. 1.)

11.16.02 Amendments and deletions

- A. Section A101.4.1 of said Code is amended to read as follows: The Fire Official shall have sufficient experience and knowledge pertaining to fire prevention and suppression to enable him to know when a building is in compliance with this Code and this ordinance. The appointment and removal of the Fire Official shall be made by the Fire Chief.
- B. Section A101.4.2 of said Code is amended to read as follows: The Fire Official, with the approval of the Fire Chief, may appoint such number of officers, inspectors, assistants and other employees as shall be authorized from time to time. A person shall not be appointed as a Fire Prevention Inspector who has not had at least 3 years experience with a Fire Department. Other persons may be appointed subject to demonstrable training, certification or education approved by the Fire Official.
- C. Section A105.3.4 of said Code is deleted.
- D. Section A105.3.6 of said Code is deleted.
- E. Section A107 of said Code is deleted.
- F. Section 105.1 of said Code is amended to read as follows: There is hereby



established a Board to be called the Board of Adjustments and Appeals, which Board shall consist of the members of the City Planning Commission.

- G. Section 401.4.3 is added to said Code to read as follows: A fee of \$10.00 shall be paid to the Pea Ridge Fire Department when permit is issued.
- H. Section 501.1 of said Code is deleted.
- I. Section 501.3.2 of said Code is deleted
- J. Section 501.3.3 of said Code is deleted.
- K. Section 501.3.5 of said Code is deleted.
- L. Section 902.1.1 of said Code is deleted
- M. Chapter 20 of said Code is deleted.
- N. Section 3702.2.1 of said Code is deleted.
- O. Section 4004 of said Code is deleted.  
(Ord. No. 194, Sec. 2.)

11.16.03 Variances The City Council may, for just cause, specifically waive certain requirements of this code and ordinance after specific study, especially in those cases wherein code requirements could create undue or unfair hardships. (Ord. No. 194, Sec. 3.)

11.16.04 Inspection It shall be the duty of the Fire Official to enforce all provisions of the Code and this ordinance and to insure compliance with all provisions of the code as herein adopted. In order to carry out the duties and responsibilities of the Fire Official, the Fire Official or an officer or member of his department, designated by him for that purpose, has authority to inspect all buildings in the city except the interiors of private dwellings in order to determine whether violations of the code or this ordinance and/or hazardous conditions exist. The power of inspection mentioned in this paragraph applies to the interior of private dwellings when a fire has occurred or when there is reason to believe dangerous conditions exist in the dwelling. If the Fire Official, when performing the duties herein established, determines that there exists a violation of the code or this ordinance, a hazard to public safety and welfare, or that the person, firm or corporation does not hold the requisite permits, he shall immediately cause notice to be served on the person, firm or corporation which is responsible for the violation or hazardous condition specifying the corrective action necessary and setting a deadline for compliance. Failure of the responsible person, firm or corporation to comply with the directives of the notice may result in the building and/or business establishment being closed, if deemed appropriate, until such time as the directives in the notice are complied with. (Ord. No. 194, Sec. 4.)

11.16.05 Amendment The City Council shall have the right to amend, modify or repeal all or any part of this ordinance and the code in accordance with the laws of the State of Arkansas. (Ord. No. 194, Sec. 5.)

11.16.06 Conflicting ordinances repealed All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed. (Ord. No. 194, Sec. 6.)

11.16.07 Validity If any provisions of this ordinance shall be held to be invalid or unconstitutional the remainder of such ordinance shall continue in full force and effect, the same as if such invalid or unconstitutional provisions had never been a part hereof. (Ord. No. 194, Sec. 7.)

11.16.08 Penalties Violations of the provisions of this ordinance shall be deemed a misdemeanor and any person, firm, or corporation found guilty of any violation shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and each day during which a violation continues shall constitute a separate offense and the fine for such continuing violation shall be not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). (Ord. No. 194, Sec. 8.)

## **CHAPTER 11.20**

### **BUILDING CODE**

#### **Sections:**

11.20.01	Adoption
11.20.02	Electrical standards
11.20.03	Variances
11.20.04	Inspection
11.20.05	Amendment
11.20.06	Conflicting ordinances repeals
11.20.07	Validity
11.20.08	Penalties

11.20.01 Adoption The International Building Code – 2006 Edition, or most current edition, is hereby adopted by reference as the Building Code for the city of Pea Ridge. (Ord. No. 436, Sec. 1.)

11.20.02 Electrical standards The provisions of the National Electrical Code, 1999 Edition, or most current edition, as adopted by the city of Pea Ridge in Ord. No. 269, shall apply to and control all matters and references to electrical standards and/of installation. (Ord. No. 436, Sec. 3.)

11.20.03 Variances The City Council may, for just cause, specifically waive certain requirements of this code and ordinance after specific study, especially in those cases wherein code requirements could create undue or unfair hardships. (Ord. No. 163, Sec. 4.)

11.20.04 Inspection It shall be the duty of the Building Official to enforce all provisions of the code and this ordinance and to insure compliance with all provisions of the code as herein adopted. In order to carry out the duties and responsibilities of the Building Official, the Building Official is hereby granted the authority to enter upon all premises and improvements located thereon within the corporate limits of the city of Pea Ridge, Arkansas. If the Building Official, when performing the duties herein established, determines that any work methods, materials and/or standards do not comply with the provisions of the code and this ordinance or that the persons performing the work do not hold the requisite permits or licenses, he shall immediately cause notice to be served on the person, firm, or corporation performing such work and the owner, developer and/or general contractor to cease any further work in that particular area, or the entire project if deemed appropriate, until such time as the non-compliance is corrected as specified in the notice. (Ord. No. 163, Sec. 5.)

11.20.05 Amendment The City Council shall have the right to amend, modify or repeal all or any part of this ordinance and the code in accordance with the laws of the state of Arkansas. (Ord. No. 163, Sec. 6.)

11.20.06 Conflicting ordinances repealed All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed. (Ord. No. 163, Sec. 7.)

11.20.07 Validity If any provisions of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect, the same as if such invalid or unconstitutional provision had never been a part hereof. (Ord. No. 163, Sec. 8.)

11.20.08 Penalties Violations of the provisions of this ordinance shall be deemed a misdemeanor and any person, firm, or corporation found guilty of any such violation shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and each day during which a violation continues shall constitute a separate offense and the fine for such continuing violation shall be not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). (Ord. No. 163, Sec. 9.)

## **CHAPTER 11.24**

### **MECHANICAL CODE**

Sections:

11.24.01	Adoption
11.24.02	Amendments and deletions
11.24.03	Building Codes
11.24.04	Variances
11.24.05	Inspection
11.24.06	Amendment
11.24.07	Conflicting ordinances repealed
11.24.08	Validity
11.24.09	Penalties

11.24.01 Adoption The Arkansas Mechanical Code - 1991 Edition, or any amendatory or succeeding editions, including Appendices A and B, except as hereinafter provided, is hereby adopted by reference as the Mechanical Code for the city of Pea Ridge, Arkansas. (Ord. No. 227, Sec. 1.)

11.24.02 Amendments and deletions

- A. Section 503.2.1 of said code is amended to read as follows: Rigid Class 0 and Class 1 duct materials may be used when installed in accordance with the conditions of their listing, provided they are not used for vertical risers serving more than two stories and they are used on duct systems having a maximum air temperature of 250<sup>0</sup> F. Listed air duct material is not limited in length. No flex duct is allowed.
- B. Section 505, number 3, of said code is amended to read as follows:
  - 3. Air connectors shall not exceed 5 ft in length.
- C. Appendix B of said code is amended to read as follows:

### **SCHEDULE OF PERMIT FEES**

**B101.0 Initial Fee**

For issuing each residential permit	\$25.00
For issuing each commercial permit	\$40.00

**B101.2 Additional Fees**

Crawl space installation	\$10.00
Attic installation	\$10.00
Furnace change-out	\$10.00
Condenser change-out	\$10.00

**B 102 FEE FOR REINSPECTION**

In case it becomes necessary to make a re-inspection of a heating, ventilation, air conditioning or refrigeration system, or boiler installation, the installer of such equipment shall pay a re-inspection fee of \$25.00.

- A. Appendix B, Subsection B103 of said code is deleted.
- B. Appendix B, Subsection B104 of said code is deleted.  
(Ord. No. 437, Sec. 1.)

11.24.03 Building codes All references to the “International Building Code” shall mean the “International Building Code - 2006 Edition” or most current edition, as adopted by Ord. No. 437 of the ordinances of the city of Pea Ridge, Arkansas, and all amendments thereto. (Ord. No. 437, Sec. 2.)

11.24.04 Variances The City Council may, for just cause, specifically waive certain requirements of this code and ordinance after specific study, especially those causes wherein code requirements could create undue or unfair hardships. (Ord. No. 214, Sec. 4.)

11.24.05 Inspection It shall be the duty of the Building Official to enforce all provisions of the code and this ordinance and to insure compliance with all provisions of the code as herein adopted. In order to carry out the duties and responsibilities of the Building Official, the Building Official is hereby granted the authority to enter upon all premises and improvements located thereon within the corporal limits of the city of Pea Ridge, Arkansas. If the Building Official, when performing the duties herein established, determines that any work methods, materials and/or standards do not comply with the provisions of the code and this ordinance or that the persons performing the work do not hold the requisite permits or license, he shall immediately cause notice to be served on the person, firm or corporation performing such work and the owner, developer and/or general contractor to cease any further work in that particular area, or the entire project, if deemed appropriate, until such time as the noncompliance is corrected, as specified in the notice. (Ord. No. 214, Sec. 5.)

11.24.06 Amendment The City Council shall have the right to amend, modify or repeal all or any part of this ordinance and the code in accordance with the laws of the state of Arkansas. (Ord. No. 214, Sec. 6.)

11.24.07 Conflicting ordinances repealed All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed. (Ord. No. 214, Sec. 7.)

11.24.08 Validity If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect, the same as if such invalid or unconstitutional provision had never been a part hereof. (Ord. No. 214, Sec. 8.)

11.24.09 Penalties Violations of the provisions of this ordinance shall be deemed a misdemeanor and any person, firm or corporation, guilty of any such violation shall be subject to a fine of not less than \$100.00 nor more than \$500.00 and each day during which a violation continues shall constitute a separate offense and the fine for such continuing violation shall be not less than \$50.00 nor more than \$250.00. (Ord. No. 214, Sec. 9.)

## **CHAPTER 11.28**

### **CAPITAL PLAN FOR PUBLIC FACILITIES**

Sections:

11.28.01	Capital Plan adopted
11.28.02	Definitions
11.28.03	Assessment of impact fees
11.28.04	Time of collection
11.28.05	Determination of impact fee
11.28.06	Use of impact fees
11.28.07	Refunds
11.28.08	Miscellaneous provisions
11.28.09	Amendments

11.28.01 Capital Plan adopted The Capital Plan and level of service standards describing the new public facilities and capital improvement to existing public facilities that are to be financed with impact fees are hereby adopted. (Ord. No. 352, Sec. 1.)

11.28.02 Definitions The following definitions shall apply in the reading and application of this ordinance:

**Applicant** The person seeking a certificate of occupancy from the city.

**City** Pea Ridge, Arkansas.

**Development** Any single family or multi-family residential improvement to lands within the city's service area.

**Impact fees** The fees imposed on new development pursuant to this ordinance.

**Impact fee administrator** The city employee designated to administer the provisions of this ordinance or his or her designee.

**Person** An individual, association, business trust, corporation, estate, governmental agency or body, limited liability company, partnership or trust, two or more persons having a joint interest, or any other entity.

**Residential unit** Each contiguous space designed for occupancy by a single family whether constructed as a stand-alone unit or a unit of a multi-family complex.

**Service area** The corporate limits of the city.  
(Ord. No. 352, Sec. 2.)

11.28.03 Assessment of impact fees There is hereby assessed an impact fee of Two Thousand One Hundred Forty-Eight Dollars and Ninety-Nine Cents (\$2,148.99) on each new residential unit developed within the service area of the city. (Ord. No. 352, Sec. 3.)

11.28.04 Time of collection The impact fee shall be paid by the applicant at the time of the issuance of a certificate of occupancy by the city. (Ord. No. 352, Sec. 4.)

11.28.05 Determination of impact fee The impact fee as established in 11.28.03 above was computed using the following formula:

Anticipated new residential units per year – 283  
Times capital plan term – 7 years  
Equals – 1,981 new residential units

Total 7 year capital plan expenditure - \$8,514,300.00  
Time impact ratio of 50%  
Equal total 7year capital plan expenditures attributable to new development - \$4,257,150.00  
Divided by total new residential units  
Equals \$2,148.99 per unit  
(Ord. No. 352, Sec. 5.)



11.28.06 Use of impact fees

- A. Establishment of accounts An impact fee fund is hereby created and the impact fees received will be deposited in the following interests bearing accounts of the impact fee fund:
  - 1. Police impact fee account;
  - 2. City Hall and Safety impact fee account;
  - 3. Fire Department impact fee account;
  - 4. Library impact fee account;
  - 5. Street impact fee account;
  - 6. Parks impact fee account; and
  - 7. Street and Parks Administration Facilities impact fee account.
  
- B. Deposits into accounts The impact fee accounts established in Section A shall contain only those impact fees collected pursuant to the formula established in 11.28.05 and as set out in the Capital Plan and level of service standards attached as Exhibit A to this ordinance, plus any interest which may accrue from time-to-time on such accounts.
  
- C. Expenditure of impact fees Monies in each impact fee account shall be considered to be spent in the order collected, on a first-in/first-out basis.
  
- D. Use of impact fees the monies in each impact fee account shall be used only for the following:
  - 1. To acquire land for and/or acquire or construct new facilities or capital improvement of the types reflected in the title of the account and as described in the capital plan and level of service standards;
  - 2. To pay debt service on any portion of any general obligation bond or revenue bond issued after the effective date of this ordinance the proceeds of which are used to construct the new facilities or capital improvement to existing facilities as described and specified in the Capital Plan and level of service standards; and
  - 3. As described in 11.28.06.  
(Ord. No. 352, Sec. 6.)

11.28.07 Refunds Any monies in the impact fee fund that have not been spent within seven (7) years from the date on which such fee was paid shall be refunded to the then owner of the property for which the fee was paid, with accrued interest.

- A. Notice Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property within thirty (30) days of the date the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.
- B. Proration Refund shall be made on a prorated basis and shall be paid in full within ninety (90) days after the date certain upon which the refund becomes due. (Ord. No. 352, Sec. 7.)

11.28.08 Miscellaneous provisions

- A. Additional fees The impact fees assessed and to be collected pursuant to this ordinance shall be separate from and in addition to any other charges to the development otherwise imposed by ordinances, statutes or regulations of the city or the state of Arkansas.
- B. Administration The impact fee administrator shall maintain accurate records of the impact fees collected, including the name of the person paying such fees, the development for which the fees were paid, the date of payment of each fee, and such other matters as the city deems appropriate or necessary to the accurate accounting of such fees. (Ord. No. 352, Sec. 8.)

11.28.09 Amendments

**Ord. No. 488**

The Exhibit "A" to Chapter 11.28 title Capital Plan and Level of Service Standards July 20, 2004, is amended as follows: **PARKS, Level of Service Standard:**

Provide park access for all new residents including parking, playground equipment, restrooms, lighting, pavilions, picnic tables and bleachers to develop existing and proposed areas.

**CHAPTER 11.32**

**ENERGY CODE**

**Sections:**

11.32.01      Adoption

**11.32.01 Adoption** There is hereby adopted by the City Council of Pea Ridge, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 2014 Arkansas Energy Code, being particularly the 2015 Arkansas Energy Code edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies of this ordinance have been and now are filed in the office of the Clerk or Recorder of the city of Pea Ridge, Arkansas, and the same ordinance is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city of Pea Ridge, Arkansas. (Ord. No. 563, Sec. 1.)