

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
- 11.04.02 Repeal
- 11.04.03 Required
- 11.04.04 Permit
- 11.04.05 Fees
- 11.04.06 Period of validation
- 11.04.07 Fine

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 No. 63 of the ordinances of the city of Pea Ridge, adopted September 18, 1975, is hereby repealed.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 No. 120 of the ordinances of the city of Pea Ridge, adopted November 10, 1983, is hereby repealed.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 Planning Director may administratively approve the following:
1. Applicability
 - a. Residential: Any residential development not exceeding four (4) single family dwellings.
 - b. Non-residential:
 - i. Any addition, alteration, or extension, submitted pursuant to 11.05.02, not exceeding the greater of \$100,000 or twenty percent (20%) of the assessed 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 Planning Director. For purposes of this subparagraph, "assessed value" shall mean the most recent assessment for the subject property made by the Benton County Assessor.
 - ii. Applications for final acceptance submitted pursuant to 11.05.04, subject to necessary City Council approvals, and provided:
 1. All requirements of 11.05.02 and 11.05.03 have been satisfied; and,
 2. All city and state inspections have been passed; and,

3. No material, unapproved deviations were made from the previously approved development plan. (Ord. No. 818, Sec. 1)

2. Staff action

- a. Review: Within two (2) weeks of receipt of the development plans and required documents, the Planning Director shall disapprove, approve, or approve conditionally.
- b. Disapproval: The Planning Director shall send the applicant a written statement of the reason(s) for disapproval.
- c. Approval: The Building Official shall issue a building permit to the applicant, if applicable.

If administratively approving a request for final acceptance, the Planning Director shall: (1) notify the appropriate city staff and elected officials of any decisions; (2) note administrative decisions in the Planning Commission minutes; and (3) calendar the development on upcoming meeting agendas, if needed, to complete final acceptance or dedication of proposed public assets.

- d. **Conditional approval:** The Planning Director 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 Planning Director before a building permit may be issued.
3. **Additional review** If the Planning Director 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. (Ord. No. 818, Sec. 1)

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.)

Sections 11.05.03.B and 11.05.03.C are not modified by this ordinance and remain in full force and effect. (Ord. No. 818, Sec. 2)

11.05.04 Final Acceptance and Dedication Final acceptance is required on all large scale developments prior to occupancy. 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. If easements, utilities, other assets, or public improvements are involved in the development, final acceptance of any dedication(s) to the city must be officially accepted by the City Council prior to recording the Final Development Plan ("FDP") with the County Recorder. (Ord. No. 738, Sec.2; Ord. No. 818, Sec. 3)

A. **Submission requirements.** The developer or its agent shall submit an application package to the Planning Department containing the following:

1. Two (2) copies of the Final Development Plan ("FDP") on 24x36 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.

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

Items 1-3 are required only if easements, utilities, other assets, or public improvements are being dedicated.

- B. Review** The Planning Director shall review and approve pursuant to 11.05.03 or refer to the Planning Commission if the conditions of administrative approval are not met. If Planning Commission review is necessary, 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. If assets are to be dedicated to the public, the proposed dedication must be placed on the city council agenda for approval. The Planning Commission or City Council may disapprove any submission where material, unapproved deviations were made from the previously approved development plan. (Ord. No. 738, Sec. 2; Ord. No. 818, Sec. 3)

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)

Section 11.05.04.C is not modified by this ordinance and remains in full force and effect. (Ord. No. 818, Sec. 4)

D. Recording If public assets are dedicated, the developer shall record the FDP with the County Recorder and send a filed copy to the Planning Department within two (2) weeks after the City Council's approval and acceptance. (Ord. No. 818, Sec. 3)

E. Schedule of fees The following fees, as applicable, 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; Ord. No. 818, Sec. 3)

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
11.06.09	Severability

11.06.01 Intent Pea Ridge Municipal Code §§ 11.06.01, 11.06.02, 11.06.03, 11.06.04, 11.06.05, and 11.06.06 are hereby repealed, replaced, and amended in their entirety by the attached City of Pea Ridge Drainage Manual. (Ord. No. 811, Sec. 1)

All ordinances or resolutions and parts thereof in conflict herewith are repealed to the extent of such conflict. Ordinance No. 397 is repealed in part. Pea Ridge Municipal Code §§ 11.06.07, 11.06.08, and 11.06.09, passed in Section 1 of Ordinance No. 397, are not repealed by this ordinance and remain in full force and effect. (Ord. No. 811, Sec. 2)

11.06.02 Disclaimer of liability Pea Ridge Municipal Code §§ 11.06.01, 11.06.02, 11.06.03, 11.06.04, 11.06.05, and 11.06.06 are hereby repealed, replaced, and amended in their entirety by the attached City of Pea Ridge Drainage Manual. (Ord. No. 811, Sec. 1)

All ordinances or resolutions and parts thereof in conflict herewith are repealed to the extent of such conflict. Ordinance No. 397 is repealed in part. Pea Ridge Municipal Code §§ 11.06.07, 11.06.08, and 11.06.09, passed in Section 1 of Ordinance No. 397, are not repealed by this ordinance and remain in full force and effect. (Ord. No. 811, Sec. 2)

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11.06.03 Applicability and exemptions Pea Ridge Municipal Code §§ 11.06.01, 11.06.02, 11.06.03, 11.06.04, 11.06.05, and 11.06.06 are hereby repealed, replaced, and amended in their entirety by the attached City of Pea Ridge Drainage Manual. (Ord. No. 811, Sec. 1)

All ordinances or resolutions and parts thereof in conflict herewith are repealed to the extent of such conflict. Ordinance No. 397 is repealed in part. Pea Ridge Municipal Code §§ 11.06.07, 11.06.08, and 11.06.09, passed in Section 1 of Ordinance No. 397, are not repealed by this ordinance and remain in full force and effect. (Ord. No. 811, Sec. 2)

11.06.04 Definitions Pea Ridge Municipal Code §§ 11.06.01, 11.06.02, 11.06.03, 11.06.04, 11.06.05, and 11.06.06 are hereby repealed, replaced, and amended in their entirety by the attached City of Pea Ridge Drainage Manual. (Ord. No. 811, Sec. 1)

All ordinances or resolutions and parts thereof in conflict herewith are repealed to the extent of such conflict. Ordinance No. 397 is repealed in part. Pea Ridge Municipal Code §§ 11.06.07, 11.06.08, and 11.06.09, passed in Section 1 of Ordinance No. 397, are not repealed by this ordinance and remain in full force and effect. (Ord. No. 811, Sec. 2)

11.06.05 Drainage design and planning Pea Ridge Municipal Code §§ 11.06.01, 11.06.02, 11.06.03, 11.06.04, 11.06.05, and 11.06.06 are hereby repealed, replaced, and amended in their entirety by the attached City of Pea Ridge Drainage Manual. (Ord. No. 811, Sec. 1)

All ordinances or resolutions and parts thereof in conflict herewith are repealed to the extent of such conflict. Ordinance No. 397 is repealed in part. Pea Ridge Municipal Code §§ 11.06.07, 11.06.08, and 11.06.09, passed in Section 1 of Ordinance No. 397, are not repealed by this ordinance and remain in full force and effect. (Ord. No. 811, Sec. 2)

11.06.06 Erosion control and site management in development Pea Ridge Municipal Code §§ 11.06.01, 11.06.02, 11.06.03, 11.06.04, 11.06.05, and 11.06.06 are hereby repealed, replaced, and amended in their entirety by the attached City of Pea Ridge Drainage Manual. (Ord. No. 811, Sec. 1)

All ordinances or resolutions and parts thereof in conflict herewith are repealed to the extent of such conflict. Ordinance No. 397 is repealed in part. Pea Ridge Municipal Code §§ 11.06.07, 11.06.08, and 11.06.09, passed in Section 1 of Ordinance No. 397, are not repealed by this ordinance and remain in full force and effect. (Ord. No. 811, Sec. 2)

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.)

11.06.09 Severability It is hereby declared to be the interest of the City Council that the following provisions of these regulations be severable:

1. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provision of these regulations that is not specifically included in such judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular development, such judgment shall not affect the application of such provisions to any other development that is not specifically included in such judgment. (Ord. No. 397, Sec. 9)

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 matter.

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.

<u>Shade tree</u>	<u>Accent tree</u>	<u>Shrubs</u>
Amur cork tree (male)	American holly	Leland cypress
Amur maple	Austrian pine	Azalea
Chinese elm	Chinese pistachio	Barberry
Ginkgo (male)	Dogwood	Viburnum
Green ash	Eastern redbud	Common boxwood
Hackberry	Golden raintree	Cotoneaster
Hedge maple	Japanese black pine	Crape myrtle
Japanese Zelkova	Japanese red maple	Dwarf mugo pine
Pin oak	Norway spruce	Flowering quince
Red ash	Purple leaf plum	Forsythia
Red maple	River birch	Foster holly
Red oak	Serviceberry	Helleri holly
Sugar maple	Trident maple	Inkberry holly
Sycamore	Washington hawthorn	Lilac
Thornless honey locust	Yashino cherry	Meserve holly
White pine		Pfizer juniper
		Shore juniper
		Spirea

Vines

American bittersweet
 Creeping juniper
 English ivy
 Firethorn
 Kolomikta vine
 Silver lace vine
 Trumpet honeysuckle
 Wild ginger
 Winter creeper
 Winter jasmine
 Wisteria

Accent grass

Blue sheep's fescue
 Blue wild rye
 Dwarf garters
 Fountain grass
 Hardy pampas
 Silver grass
 Switch grass

Lawn grass

Bermuda
 Five star fescue
 Turf-type fescue

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.

Number of spaces

Number of required trees

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
(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
30% of landscape area around trees | 5 points |

Deduct elements:

- | | | |
|----|--|----------|
| A. | Slope within ten (10) feet of street or parking lot
exceeds 20% grade | 5 points |
| B. | Tall fescue is primary variety of lawn grass
(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 250⁰ 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.)