

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Permit
- 11.05 Cost of Building Permits and Inspection Fees
- 11.06 Multi-Family Building Permit
- 11.08 Plumbing Code
- 11.12 Electrical Code
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CHAPTER 11.04

BUILDING PERMIT

Sections:

- 11.04.01 Required
- 11.04.02 Application
- 11.04.03 Fees
- 11.04.04 Issuance

11.04.01 Required The owner of any land situated within the incorporated limits of the city shall neither construct nor allow construction or placement on such land of any building or structure of a type set forth in subparagraph (a) through (c) below without having obtained a building permit from the city. The aforementioned permit will likewise be required in the event of remodeling or repair of such structure, but only if the cost exceeds fifty percent (50%) of their present value.

- A. Single-family residence
- B. Multiple-family residence
- C. Any building in which or from which any business, commercial enterprise

or manufacturing process is to be conducted or which is to be used for related storage or warehousing purposes.

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

- A. Name, mailing address, and telephone number of the applicant.
- B. Type building to be constructed or repaired (as listed in Section 11.04.01 of this chapter).
- C. Location of the building site.
- D. Outside dimensions of the proposed building or addition.
- E. Construction materials to be used for the foundation, floor and/or exterior walls.
- F. Manner in which the proposed building will be anchored to the foundation.
- G. Height of the first floor level above the ground level, as measured from the highest point of the ground level.
 - 1. Prior to any grading or leveling.
 - 2. After grading and leveling.
- H. Date on which construction is proposed to begin.

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

11.04.04 Issuance The city Building Inspector shall view and approve each building permit application. In each case, the permit shall be granted unless found to be in violation of any flood zone ordinance or other ordinance heretofore or hereinafter adopted by this city. An appeal of a denial by the city Building Inspector to grant a permit shall be to the Heber Springs Planning and Zoning Commission.

CHAPTER 11.05

COST OF BUILDING PERMIT AND INSPECTION FEES

Sections:

- 11.05.01 Application for building permits
- 11.05.02 Residential building permits and inspection fees

11.05.03	Commercial building permits and inspection fees
11.05.04	Miscellaneous permits and fees
11.05.05	Re-inspection fees
11.05.06	New construction
11.05.07	Remodeling projects
11.05.08	Other construction
11.05.09	New commercial construction
11.05.10	Miscellaneous fees
11.05.11	Other fees
11.05.12	Conflict with state law
11.05.13	Duties of Building Official

11.05.01 Application for building permits Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system the installation of which is regulated by code or to cause any such work to be done, shall first make application to the city Building Official and obtain the required permit(s). (Ord. No. 2004-4, Sec. 1.)

11.05.02 Residential building permits and inspection fees

Construction/remodel:

First 500 sq. ft. of construction/remodel under roof.	\$50.00
Each additional sq. ft. of construction/remodel under roof	0.03 per sq. ft.
Each additional sq. ft. of electrical under roof	0.03 per sq. ft.
Each additional sq. ft. of plumbing under roof	0.03 per sq. ft.
Each additional sq. ft. of heating and air under roof	0.01 per sq. ft.
(Ord. No. 2004-7, Sec. 2.)	

Inspections:

Foundation, framing and construction inspections	\$30.00
Re-inspection fee (each inspection)	\$10.00

Utility permit fees:

HVAC	\$30.00
Electrical	\$30.00
Gas	\$30.00
Plumbing	\$30.00
Re-inspection fee (each inspection)	\$10.00
(Ord. No. 2004-4, Sec. 2.)	

11.05.03 Commercial building permits and inspection fees**Construction/remodel:**

First 500 sq. ft. of construction/remodel under roof	\$50.00
Each additional sq. ft. of construction/remodel under roof	0.03 per sq. ft.
Each additional sq. ft. of electrical under roof	0.03 per sq. ft.
Each additional sq. ft. of plumbing under roof	0.03 per sq. ft.
Each additional sq. ft. of heating and air under roof	0.01 per sq. ft.
(Ord. No. 2004-7, Sec. 3.)	

Inspections:

Foundation, framing and construction inspections	\$100.00
Re-inspection fee (each inspection)	20.00

State permit fees:

\$0.50 cents per \$1,000.00 of the total new construction cost	\$0.05 per \$1,000.00
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Utility permit fees:

HVAC, first unit	\$75.00 (see note)
HVAC, each additional unit	\$20.00
Electrical	\$50.00
Gas	\$50.00
Plumbing	\$50.00
Re-inspection fee (each inspection)	\$15.00

Note: One (1) unit consists of one (1) AC unit or one (1) heating unit or the combination.
(Ord. No. 2004-4, Sec. 3.)

11.05.04 Miscellaneous permits and fees**Miscellaneous permit fees:**

Remodel – all types (utility permit fees apply)	\$1 per \$1,000 of construction value w/ \$30.00 minimum
Accessory residential building (less than 500 sq. ft.) utility permit fees apply	\$25.00
(Ord. No. 2004-7, Sec. 4.)	

Other fees:

Variance filing fee (plus publication cost)	\$75.00
Zone change filing fee (plus publication cost) (Ord. No. 2004-4, Sec. 4.)	\$75.00

11.05.05 Re-inspection fees Permits and inspection fees shall be required for construction, plumbing, gas and electrical inspections in accordance with city ordinance, state law or regulations and other codes as adopted. In the event of any re-inspection caused by the failure of the owner, contractor, plumber, electrician or other trade to be ready for test inspection, the inability of the inspector to obtain entry to perform testing and inspection, insufficient information as to location of the premises or building and where re-inspections are necessary by failure to comply with laws, rules and regulations or other code requirements then such re-inspection fees as defined above will be assessed. (Ord. No. 2004-4, Sec. 5.)

11.05.06 New construction For new construction of a single-family residence, duplex or multi-family residence as defined by the Zoning Ordinance, there is required a building permit and inspection fees at a cost as defined above. (Ord. No. 2004-4, Sec. 6.)

11.05.07 Remodeling projects For all remodeling projects or other improvements there is required a building permit and inspection fees at a cost as defined above. (Ord. No. 2004-4, Sec. 7.)

11.05.08 Other construction For any other construction as defined by the Zoning Ordinance, there is required a building permit and inspection fees at a cost as defined above. (Ord. No. 2004-4, Sec. 8.)

11.05.09 New commercial construction For new commercial construction there shall be a building permit and inspection fees at a cost as required by ordinance as defined above and state law or regulation. (Ord. No. 2004-4, Sec. 9.)

11.05.10 Miscellaneous fees For all miscellaneous fees, there is required a building permit and inspection fees at a cost as defined above. (Ord. No. 2004-4, Sec. 10.)

11.05.11 Other fees For other fees, there is required a filing fee plus publication cost as defined above. (Ord. No. 2004-4, Sec. 11.)

11.05.12 Conflict with state law In the event of conflict between this ordinance and state law or regulation, state law or regulation shall prevail. (Ord. No. 2004-4, Sec. 12.)

11.05.13 Duties of Building Official

- A. The city Building Official shall cause to be collected all permit costs and fees as prescribed herein, all of which shall be deposited in the general funds of the city.
- B. The Building Official, or other qualified person as designated by the Mayor, shall perform all inspections as required by this ordinance or law. (Ord. No. 2004-4, Secs. 13-14.)

CHAPTER 11.06**MULTI-FAMILY BUILDING PERMITS**Sections:

- 11.06.01 Definitions
- 11.06.02 Fire hydrant within five hundred (500) feet
- 11.06.03 Discretion of Council
- 11.06.04 Installation of fire hydrant
- 11.06.05 Obligation of city

11.06.01 Definitions The following definitions shall apply to this ordinance only:

- A. Multi-Family residential structures shall mean any structure having at least one (1) common roof, common wall, party wall, common air conditioning system, common electrical system, common plumbing system, or common stairway, designed to house or provide residential quarters for three (3) or more families or households.
- B. Fire hydrants shall mean a cast iron, steel, aluminum or plastic structure designed to be placed by junction or connection to a water main supply source of at least six (6) inches inside diameter. (Ord. No. 394, Sec. 1)

11.06.02 Fire hydrant within five hundred (500) feet Neither the Heber Springs Planning and Zoning Commission or the Heber Springs Building Inspector shall issue any building permit nor approve the construction or renovation of a multi-family residential dwelling for any applicant, firm, corporation, partnership, person or other entity, unless such applicant shall have secured written confirmation from the Fire Chief of the Heber Springs Fire Department, that a fire hydrant exists within five hundred (500) feet of the proposed structure. (Ord. No. 394, Sec. 2)

11.06.03 Discretion of Council The city of Heber Springs shall not be obligated to install any fire hydrants except such as are deemed necessary by the City Council of the city of Heber Springs, taking into consideration the needs of the area, finances available to the city, and the relative benefit to the whole of the city of Heber Springs, except as herein provided, and required by law. (Ord. No. 394, Sec. 3)

11.06.04 Installation of fire hydrant Any contractor, person,, firm, corporation, partnership, or other entity who shall desire to construct or renovate a multi-family residential structure where no fire hydrant exists, within five hundred (500) feet of the proposed structure, may post cash or other security with the city of Heber Springs, to pay for the purchase of the installation of a fire hydrant within five hundred (500) feet of the proposed area. The amount of such cash, or other security, shall be determined by the Fire Chief of the city of Heber Springs Fire Department and shall be accepted by the City Clerk with the written approval of the Fire Chief of the city of Heber Springs Fire Department. Upon acceptance of such cash or security by the City Clerk, the city of Heber Springs shall be obligated to install an acceptable fire hydrant within five hundred (500) feet of the proposed location of the multi-family residential structure, and the applicant shall therefore be entitled to written confirmation by the Fire Chief that a fire hydrant will be installed within five hundred (500) feet of the proposed location. (Ord. No. 394, Sec. 4)

11.06.05 Obligation of city Any cash or other securities posted under the provisions of this ordinance shall be non-refundable under any and all circumstances, providing however, that the city shall remain obligated to use the cash or other security for the purpose of installing qualified fire hydrants within five hundred (500) feet of the location as originally proposed. (Ord. No. 394, Sec. 5)

CHAPTER 11.08

PLUMBING CODE

Sections:

11.08.01	Definition
11.08.02	State Code
11.08.03	Inspection and supervision
11.08.04	Applications, permits
11.08.05	Bond
11.08.06	Street openings
11.08.07	Hazardous conditions

11.08.01 Definition Plumbing for the purposes of this chapter is hereby defined as the definitions of Act 200 of 1951 (A.C.A. 17-31-101) and the Arkansas State Plumbing Code.

11.08.02 State code The provisions and regulations of the Arkansas State Plumbing Code, and amendments thereto, are made a part of this chapter by reference, three (3) certified copies of which shall be on file in the office of the Clerk/Treasurer and shall extend over and govern the installation of all plumbing installed, altered or repaired within or without the city wherever water and/or sewage service originating from the Municipal Water and/or Sewer System is furnished. (Ord. No. 297, Sec. 1)

11.08.03 Inspection and supervision

- A. There is hereby created the position of Plumbing Inspector who shall be employed by the city of Heber Springs, Arkansas.
- B. The Plumbing Inspector or Inspectors shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly.
- 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, or plumbing suppliers.
- D. The Inspector shall receive as full compensation for his services, a salary designated by the city of Heber Springs, Arkansas.
- E. It shall be the duty of the Plumbing Inspector or Inspectors to enforce all provisions of this ordinance and such Inspector or Inspectors is hereby granted the authority to enter all buildings within or without the corporate limits of the City of Heber Springs, Arkansas, when such buildings are connected, or to be connected to the Municipal Water and/or Sewer System.
- F. The Plumbing Inspector shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such 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 installation that does 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. 297, Sec. 2)

11.08.04 Applications, permits

- A. Before beginning any work in the city of Heber Springs, 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 the building is owned and occupied by the owner as his home. All such work shall meet the Code requirements. (Ord. No. 297, Sec. 3)
- B. All commercial plumbing within the City of Heber Springs requiring preapproved plans with ten (10) fixture units or less, will be approved by the City Inspector before any plumbing permits will be issued. Preapproved plans with eleven (11) or more fixture units must be approved by the State of Arkansas Plumbing Review Board before plumbing permits will be issued. The cost of Commercial Plumbing Permits with ten (10) fixture units or less will be included in the price of the Commercial Permit. (Ord. No. 2018-07, Sec. 1.)

11.08.05 Bond Every master plumber doing business in the city shall execute and deliver to the city a bond with a surety bonding company in the sum of One Thousand Dollars (\$1,000.00) to indemnify the city or any citizen for any damage caused by the failure of such master plumber to comply strictly with the provisions of this chapter. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the city and is in full force and effect. (Ord. No. 297, Sec. 4)

11.08.06 Street openings

- A. All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.

- B. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and material must be removed at once, leaving the street or sidewalks clean and in perfect repair.
- C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property. (Ord. No. 297, Sec. 5)

11.08.07 Hazardous conditions

- A. The Water Department and the Plumbing Inspector are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply, by reason of the requirements of the Arkansas State Plumbing Code and the City Plumbing Code and the regulations of the Arkansas State Board of Health having not been complied with.
- B. The Water Department and the Plumbing Inspector are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining said potential hazards, it shall be the duty of said Department and said Inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event that said hazard is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirements of the Arkansas State Plumbing Code, and the regulations of the Arkansas State Board of Health have been complied with.

CHAPTER 11.12

ELECTRICAL CODE

Sections:

11.12.01	Adoption of electrical code
11.12.02	Electrical Inspector
11.12.03	Duties
11.12.04	Permits
11.12.05	Inspection
11.12.06	Standards

- 11.12.07 Licensing of electricians
- 11.12.08 Bond required
- 11.12.09 Qualification
- 11.12.10 Failure to comply
- 11.12.11 License to individual
- 11.12.12 Specific regulations

11.12.01 Adoption of Electrical Code There is hereby adopted for the city for the purpose of establishing rules and regulations for the construction, alteration, removal, and maintenance of electric wiring and apparatus, including permits and penalties, that certain electric code known as the National Electrical Code of the National Fire Protection Association, of which not less than three (3) copies have been and now are filed in the office of the Clerk/Treasurer of the city and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date this chapter takes effect, the provisions shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the city.

11.12.02 Electrical Inspector There is hereby created the office of Electrical Inspector who shall be appointed by the Mayor, subject to the confirmation of the City Council. The Electrical Inspector shall have had at least two (2) years experience as an electrician, shall be of good moral character, shall be versed in the approved methods of electrical construction for safety of life and property and the National Electrical Code. He shall receive such compensation as the Council may decide. (Ord. No. 300, Sec. 2)

11.12.03 Duties The Electrical Inspector, who for the purpose of this ordinance shall be known as the City Electrician, and hereinafter referred to as such, shall have the duty and is hereby authorized, empowered and directed to regulate and determine the placing of electric wires or other appliances for electric lights, heat or power in the city of Heber Springs, Arkansas, and to cause all such wires, appliances or apparatus to be placed, constructed, and guarded as not to cause fires or accidents, endangering life or property, and to be constructed as to keep a minimum to the loss or waste of electric current.

It shall be the duty of the City Electrician to enforce all provisions of this ordinance and he is hereby granted the authority to enter all buildings in the city of Heber Springs, Arkansas, in the performance of his duties between the hours of 8:00 a.m. and 5:00 p.m. daily, except that in emergency and within the limits of reason, the City Electrician may enter buildings for such purposes at other than the designated hours.

It shall be the duty of the City Electrician to inspect and/or test all electrical work and equipment or apparatus for compliance with the Code whenever electrical wiring, appliances, or apparatus shall be defective or hazardous through improper manufacture of improper or insufficient insulation or for any other reason, he shall at once cause the removal of such defect or defects, at the expense of the owners of such wiring, appliance or apparatus. (Ord. No. 300, Sec. 3)

11.12.04 Permits No installation, alteration, or removal shall be made in/or of the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus, or heating devices nor alterations made thereto without a written permit therefore being first obtained from the City License Issuing Clerk by the person, firm, or corporation having direct charge of such installation, alteration or removal.

11.12.05 Inspection Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance, or apparatus it shall be the duty of the person, firm or corporation having direct charge of such to notify the City Electrician who shall, as early as possible, inspect such wiring, installation, appliance, and apparatus and if installed, altered and constructed in compliance with the permit and in accordance with the requirements of this chapter, he shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination, but no such certificate shall be issued unless such electric wiring, motors, heating devices, appliances, and apparatus be in strict accord with the rules and requirements and the spirit of this chapter, nor shall current be turned on to such installation, equipment, appliance, motors, heating devices, and apparatus until said certificate be issued. The amount of fee or charge to be made for such inspections and certificates is to be fixed and determined by the City Council.

11.12.06 Standards All electrical construction, all materials, appliances, motors, heating devices, and apparatus used in connection with electrical work and the operation of all electrical apparatus within the city shall conform to the rules and requirements of the National Electrical Code current when work is performed or equipment and apparatus installed, however, the necessity, good service and said results often require larger sizes of wire, more branch circuits, and better types of equipment than the minimum which is specified in the National Electrical Code. Therefore, the City Electrician supervising the enforcement of this code will have the responsibility and authority for making interpretations of the rules, for deciding upon the approval of equipment, materials, construction, and for granting the special permission contemplated in a number of the rules and he, where necessary, shall follow the code procedure for securing official interpretations of the code.

11.12.07 Licensing of electricians Any person, firm or corporation desiring to engage in the business of electrical construction or of the installation of wiring and apparatus for electric lights, appliances, heating or power in the city shall, before doing so, obtain a license therefore, the fee for which shall be Twenty Dollars (\$20.00) per year which shall be paid into the city treasury before such license shall become effective. (Ord. No. 300, Sec. 7)

11.12.08 Bond required Every person, firm or corporation doing electrical business in the city shall execute and deliver to the city a bond with a surety bonding company in the sum of One Thousand Dollars (\$1,000.00) to indemnify the city or any citizen for any damage caused by the failure of such person, firm, or corporation doing the electrical work to comply strictly with the provisions of this chapter.

11.12.09 Qualification No license shall be issued until the party applying for same has given satisfactory evidence to the City Electrician of his or their ability to do said electrical work in a safe and satisfactory manner. No permit for installation or alteration of any wiring, heating devices, motors, appliances and apparatus shall be issued until the license and bond herein required have been obtained.

11.12.10 Failure to comply Any person, firm or corporation who shall fail to correct any defect or defects in his or her work or to meet the required standards after having been given notice of the unfit condition by the City Electrician within a reasonable time, shall be refused any other permit until such defect or defects have been corrected and shall be subject to revocation of license for continual defective work or either upon conviction for violation of the provisions of this chapter. Upon failure to comply with this chapter, the City Electrician shall have authority, after due notice, to cut out electric current in the locality concerned.

11.12.11 License to individual Any individual desiring to perform his own electrical work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit for that particular job. Such work done by an individual must be done by him personally on his own particular job and not be a way of performing a service to the public generally.

11.12.12 Specific regulations

- A. Preamsembled Flex (MC Cable) shall be installed according to manufacturer's specifications and shall be used in lengths of 15 feet or less in new construction and remodels for commercial and residential. Provided, however, said cable may be used in lengths longer than 15 feet, but only with the prior approval of the Electrical Inspector.
- B. Ground wires shall be through EMT or schedule 80 PVC attached to a 5/8 inch copper clad rod. The entire rod (8 feet) must be driven to a point where a bronze of brass clamp can be attached below ground level. Where necessary, the ground rod may be driven at an angle. In any case, the rod shall not be cut off.
- C. Overhead service mast must be a weatherproof, 2 inch rigid metal conduit that extends through the roof and shall not be less than three feet and supports nothing less than a 13 foot, 6 inch attachment point for a 12 foot service loop. Where the service mast is attached to the side of the structure, a 5/8 inch eyebolt shall be provided by the utility and attached securely through the framing of the structure.
- D. Electric Permits and Inspection fees are included in the city schedule of Building Fees. (Ord. No. 2006-14, Sec. 1.)

CHAPTER 11.13

ELECTRICAL CODE

Sections:

11.13.01	Adoption of Electrical Code by reference
11.13.02	Permits required
11.13.03	Applications
11.13.04	Power to stop work
11.13.05	Entrance to buildings
11.13.06	Police assistance
11.13.07	Inspection
11.13.08	Breaking seals
11.13.09	Definitions
11.13.10	General standards
11.13.11	Certificate of Approval
11.13.12	Penalties

11.13.01 Adoption of Electrical Code by reference The City Council of Heber Springs hereby approves and adopts by reference those electrical code requirements and policies, consisting of the text which is attached hereto and incorporated herein as if fully set out word for word, and from the date on which the same shall take effect the provisions thereof shall be controlling of the electrical code requirements and policies and regulations of the city of Heber Springs. (Ord. No. 95-3, Sec. 1.)

11.13.02 Permits required It shall be unlawful for any person, firm or corporation to install or alter electrical equipment, or turn on or use power in any wires or apparatus hereafter installed without having obtained a permit therefore from the Cleburne County, Heber Springs Building Inspector as hereinafter provided.

11.13.03 Applications The Cleburne County, Heber Springs Building Inspector shall issue permits for such installation and alteration of electrical equipment in all cases where application for such permit shall be made in accordance with the rules and regulations set forth herein.

11.13.04 Power to stop work No person, firm or corporation shall install any electrical conduits, electrical wires, equipment or apparatus for which a permit is required in any building or structure until a permit shall have been issued. In the event that any work is commenced on the installation of electrical conduits, raceways or the installation, alteration or repair of electrical wires or apparatus in any building or structure without a permit authorizing the same or the aforesaid installations are being made in violation of any of the regulations of this article, the Building Inspector shall stop such work at once and order any and all persons engaged therein to cease and desist therefrom until the proper permit is issued.

11.13.05 Entrance to buildings The applicant for a permit shall authorize or provide authorization from a person legally entitled to authorize a Building Inspector to enter the building or premises at any reasonable hour in the discharge of his duties, and it shall authorize him to, when necessary, remove any existing obstructions such as laths, plastering, boarding or partitions which may prevent a perfect inspection of the electrical equipment. The Inspector shall have the power to enter any building used in whole or in part for the purpose of public assemblage at any time when occupied by the public in order to examine electrical equipment in such building, and it shall be unlawful for any person to interfere with the Building Inspector in the performance of his duties.

11.13.06 Police assistance Whenever, in the opinion of the Building Inspector, it shall be necessary to call upon the Department of Police for aid and assistance in carrying out or enforcing any of the provisions of this Article governing that inspection of electrical equipment, he shall have the authority to do so, and it shall be the duty of any member of the Department of Police, when called upon by said Building Inspector, to act according to the instructions of and to perform such duties as may be required by the Building Inspector in order to enforce or put into effect the provisions of this Article relating to the inspection of electrical equipment

11.13.07 Inspection The Building Inspector shall inspect all electrical equipment installed or altered, except such electrical equipment as may be lawfully exempt, and shall require that it conform to the electrical regulations of this Article.

11.13.08 Breaking seals The Building Inspector is hereby empowered to attach to electrical cabinets and equipment any official notice or seal to prevent use of electricity, where such Inspector had determined that a violation of this Code exist, and it shall be unlawful for any other person to put or attach such seal or to break, change, destroy, tear, mutilate, cover or otherwise deface or injure any such official notice or seal posted by or under the authority of the Building Inspector.

11.13.09 Definitions The term "electrical equipment", as used in this Article, means conductors and equipment installed for the utilization of electricity supplied for light, heat or power, but does not include radio apparatus or equipment for wireless reception of sounds and signals nor ordinary household appliances such as toasters, vacuum cleaners, washing machines and does not include apparatus, conductors and other equipment installed for or by public utilities, including common carriers, which are under the jurisdiction of the Arkansas Commission, for use in their operation as public utilities.

11.13.10 General standards The rules and regulations of the current edition of the National Electrical Code, as adopted by the National Fire Protection Association, are hereby adopted and incorporated by reference herein and made a part hereof as though set forth herein.

11.13.11 Certificate of Approval The Building Inspector shall issue a Certificate of Approval after each inspection in which the wiring apparatus is found to be in compliance with the terms of this ordinance. It shall be unlawful to turn on or use power in any wires or apparatus until said Certificate of Approval has been obtained.

11.13.12 Penalties Any person, firm or corporation who violates any of the provisions of this ordinance shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense, together with the costs of such prosecution, or by imprisonment. A separate and distinct offense shall be deemed committed for each day such violation exists. The Building Inspector is hereby empowered to discontinue current to any electrical installation that is in violation of this ordinance. (Ord. No. 449)

CHAPTER 11.16

FIRE PREVENTION CODE

Sections:

- | | |
|----------|--------------------------|
| 11.16.01 | Adoption of 2002 Edition |
| 11.16.02 | Filed |
| 11.16.03 | Implementation |

11.16.01 Adoption of 2002 Edition The calendar year 2002 Edition of the Arkansas Fire Prevention Code is hereby adopted by the city of Heber Springs, the same being attached hereto as exhibit "A," is hereby incorporated by reference as if set forth herein word for word. (Ord. No. 2003-14, Sec. 1.)

11.16.02 Filed The said 2002 Edition of the Arkansas Fire Prevention Code, as it now exists, and may be hereafter amended by the state of Arkansas, is hereby adopted by the city of Heber Springs. Copies of this policy shall be and remain on file in the office of the Fire Chief, and shall be made available to the Chief, all members of the Fire Department, and for inspection and review of the citizens and residents of the city. (Ord. No. 203-14, Sec. 2.)

11.16.03 Implementation The Chief of the Fire Department is hereby authorized and directed to take all necessary action to immediately implement these policies. (Ord. No. 2003-14, Sec. 3.)

CHAPTER 11.20**HOUSING CODE****Sections:**

11.20.01	Adoption of
11.20.02	Housing Official
11.20.03	Board of Appeals
11.20.04	Duties of Housing Official
11.20.05	Right of entry

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

11.20.02 Housing Official

- A. The office of Housing Enforcing Official is hereby created.
- B. The Building Official shall be responsible for the enforcement of this ordinance.

- C. The Building Official shall be appointed by the Mayor subject to confirmation of the City Council. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges. (Ord. No. 301, Sec. 2)

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

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

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

CHAPTER 11.24

CONDEMNED STRUCTURES

Sections:

- | | |
|----------|--|
| 11.24.01 | Unlawful |
| 11.24.02 | Condemnation required |
| 11.24.03 | Notification to owner |
| 11.24.04 | Description of property, reason for condemnation |
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| 11.24.07 | Duties of Building Official |
| 11.24.08 | Proceeds of sale |
| 11.24.09 | Enforcement of lien |
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11.24.01 Unlawful It shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the corporate limits of the city of Heber Springs, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 2009-4, Sec. 1.)

11.24.02 Condemnation required Any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to insure the removal thereof as herein provided. (Ord. No. 2009-4, Sec. 2.)

11.24.03 Notification to owner

- A. Prior to the consideration of a resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lien-holder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lien-holder(s), of the right to be heard at the City Council meeting on the proposed resolution declaring such house, building and/or structure to be a nuisance.
- B. Should the owner(s) and mortgagee(s) and/or lien-holder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown, or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the Mayor or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s), mortgagee(s), and lien-holder(s). Thereupon, service of publication as now provided by law against unknown and/or non-resident defendant(s) may be had and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business. (Ord. No. 2009-4, Sec. 3.)

11.24.04 Description of property, reason for condemnation The resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said resolution an adequate description of the house, building and/or structure, the name(s), if known, of the owner(s) and mortgagee(s) and/or lien-holder(s) thereof, and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance. (Ord. No. 2009-4, Sec. 4.)

11.24.05 Notice to be mailed After a house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a true or certified copy of said resolution will be mailed to the owner(s) and mortgagee(s) and/or lien-holder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lien-holder(s) thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner(s) and mortgagee(s) and/or lien-holder(s) of said house, building and/or structure be unknown, or if his or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice of the condemnation. (Ord. No. 2009-4, Sec. 5.)

11.24.06 Removal If the house, building and/or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the resolution at a conspicuous place on said house, building and/or structure constituting the nuisance will be torn down and/or removed by the Building Inspector or his duly designated representative. (Ord. No. 2009-4, Sec. 6.)

11.24.07 Duties of Building Official The Building Inspector or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance. (Ord. No. 2009-4, Sec. 7.)

11.24.08 Proceeds of sale All the proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Treasurer. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the city, plus any fine or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance. (Ord. No. 2009-4, Sec. 8.)

11.24.09 Enforcement of lien If the city has any net costs in removal of any house, building or structure, the city shall have a lien on the property as provided by A.C.A. 14-54-904. The lien may be enforced in either one of the following manners. (Ord. No. 2009-4, Sec. 9.)

11.24.10 Penalty A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred Fifty Dollars (\$250.00) per day provided the notice as herein provided in Section 11.24.05 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance. (Ord. No. 2009-4, Sec. 10.)

11.24.10 Judicial condemnation, penalty, previous sections applicable In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner(s) and mortgagee(s) and/or

lien-holder(s) of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Circuit Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a fine of One Hundred Dollars (\$100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the court and for each day thereafter said nuisance be not abated constitutes a continuing offense punishable by a fine of One Hundred Dollars (\$100.00) per day. (Ord. No. 2009-4, Sec. 11.)

CHAPTER 11.28

BUILDING CODE

Sections:

- 11.28.01 Adoption of Building Code
- 11.28.02 Establishment of office of Building Official
- 11.28.03 Qualifications of Building official
- 11.28.04 Duties of the Building Official
- 11.28.05 Liability
- 11.28.06 Right of entry
- 11.28.07 Definition
- 11.28.08 Commercial building façade regulations

11.28.01 Adoption of Building Code There is hereby adopted by the City Council of Heber Springs, Arkansas, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code be known as the "Southern Standard Building Code" save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies have been and now are filed in the office of the Clerk/Treasurer, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this 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.

11.28.02 Establishment of office of Building Official

- A. The office of the Building Official is hereby created.
- B. The Building Official shall be appointed by the Mayor. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.
- C. During temporary absence or disability of the Building Official, the Mayor shall designate an Acting Building Official.

- B. The Building Official shall be appointed by the Mayor. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.
- C. During temporary absence or disability of the Building Official, the Mayor shall designate an Acting Building Official.

11.28.03 Qualifications of Building Official He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal and demolition. (Ord. No. 299, Sec. 3)

11.28.04 Duties of Building Official

- A. He shall receive applications required by this code, issue permits and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- B. Inspections required under the provisions of the Building Code shall be made by the Building Official or his duly appointed assistant. The Building Official may accept reports of inspector of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- C. The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued.
- D. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without his written consent.

- E. The Building Official shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued, And orders promulgated.

11.28.05 Liability Any officer or employee, or member of the Board of Adjustments and Appeals, charged with the enforcement of this Code, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted on the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this Code shall be defended by the City Attorney or Legal Representative of the city.

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

11.28.07 Definition Whenever the term "Corporation Counsel" is used in the Building Code, it shall be held to mean the City Attorney or other attorney acting for the city.

11.28.08 Commercial building façade regulations

A. Commercial building design – statement of purpose

1. Purpose the purpose of this section is to provide a framework for ensuring that the design of all buildings and structures in commercial zones of the city will meet the spirit and intent of the minimum design standards adopted by the community. This section further seeks to:
 - a. Maintain good civic design and arrangement within the commercial corridors and neighborhoods of the city thereby assuring a desired aesthetic environment and a stable economic environment;
 - b. To protect and enhance the appearance identity, and natural and economic vitality of the city of Heber Springs;
 - c. To encourage building design that is in visual harmony with other structures within the commercial zones;
 - d. To encourage the expression of individual building design and creativity without detracting from the visual environment of the area;
 - e. To preserve real estate value of surrounding property;

2. Applicability Commercial façade design and development standards apply to all structures in commercial zones of the city.
3. Design standards for commercial structures The following design standards shall apply to all new structures, expansions and remodel of fifty percent (50%) or more square footage of existing structures upon the effective date of this ordinance.

B. Definitions

Façade the exterior face of a building with an architectural treatment false, superficial, structural, or artificial in appearance.

Front façade Any exterior face of a building, facing a public way or space.

C. Design standards Building permit applications for structures that meet the following design requirements qualify as standard commercial buildings.

1. The finished façade of the front and visible side(s) of the building shall be composed of building materials selected from the list in this section. This list may be amended by resolution of the Planning Commission and the updated list will be available for inspection and copying in the office of the Building Official.
2. The façade design elements apply to the front of the building that faces a public street or fire lane used as public access drive and extending eight (8) feet on each forward side of the building perpendicular to the street, and to all of a side on an angle of less than ninety (90) degrees measured from the street or public access drive to the side of the building.
3. Acceptable building materials for the façade and other affected portions of structures include:
 - a. Exterior insulation finished systems (EIFS)
 - b. Brick
 - c. Architectural or split concrete blocks, excluding precision concrete blocks
 - d. Glass
 - e. Pre-cast concrete block either painted or unpainted
 - f. Native or natural stone
 - g. Wood
 - h. Tile
 - i. Stucco

4. The building plans shall designate one side of the structure as the front façade which shall contain windows and doors comprising not less than fifteen percent (15%) of the total façade square footage.
5. The vertical plane of the front of the building shall not be completely flat but shall be broken vertically in at least one location by a minimum of a one (1) foot differential in the vertical plane for each fifty (50) feet of horizontal surface or a minimum of one (1) time. This requirement may be met by a recessed or extended entrance.
6. The front entrance of the building shall be covered and well-articulated and shall not consist solely of a door opening into a flat vertical plane.
7. The building shall not exhibit a metal mansard roof or metal parapets around the roof.
8. Roofs may be composed of metal.
9. Accent trim on roofs, windows and doors may be metal or wood.
10. There shall be no illustrative designs on any visible façade material.
11. The building shall not appear to be a simple boxlike structure or resemble a temporary or portable building, manufactured home or factory-built structure.
12. Mechanical equipment, whether ground-mounted or roof-mounted on any portion of a commercial building should be placed or screened in such a manner that it is not visible from a street.
13. In general, elements to avoid or minimize include:
 - a. Metal siding which dominates the main façade;
 - b. Square "boxlike" structures;
 - c. Large blank, unarticulated wall surfaces.

D. Exemption

1. Renovation or expansion estimated by the Building Official to be less than fifty percent (50%) of the square footage of the entire structure are exempt from this section but subject to all other applicable codes.

2. Replacement of less than twenty-five percent (25%) of the front façade of a structure shall be exempt from these regulations but subject to all other applicable codes.

E. Procedure to obtain commercial building permits A building permit for the renovation or expansion of an existing structure in a commercial zone shall be obtained by one of the following procedures:

1. Design plans for buildings that conform to all of the standards set forth in this article are classified as Standard Commercial Building and qualify for a building permit through the existing administrative procedure with the Building Official.
2. Design plans that do not conform to all of the standards and specifications of this article are classified as Non-Standard Commercial Building. Applications for such building permit shall be submitted to the Heber Springs Planning Commission in an application for Non-Standard Commercial Building by filing a letter request to the office of the Mayor not less than twenty (20) calendar days before the next Planning Commission meeting.
3. A building permit for new structures shall be obtained following site plan approval.

F. Review of building permits for Non-Standard Commercial Buildings The Planning Commission shall review the proposed design at a public hearing. The actual cost of advertisement of the public hearing shall be borne by the applicant. The Planning Commission shall approve the plans and shall authorize the issuance of the building permit through the normal process after reviewing the application and determining:

1. The proposed design represents an innovative use of acceptable building materials to the extent that it is in harmony with the visual aspects of the location, area and community as a whole;
2. No discernible public benefit would be gained by requiring an alternative design; and
3. The proposed construction meets the spirit and intent of this article of the zoning code.

G. Appeal

1. Appeal from decision of the Building Official approving or denying a standard commercial building may be taken to the Heber Springs Planning Commission by submitting a letter request within ten (10) business days of the decision of the office of the Mayor. The Planning Commission shall hear such appeal at its next scheduled meeting.
2. The Planning Commission shall have final authority over standard commercial buildings. Applicants or record objectors aggrieved by the decision of the Commission regarding non-standard buildings shall file appeals with the office of the Mayor within ten (10) business days of the date of the decision. The content of the appeal filing shall consist of
 - a. A cover letter addressed to the Mayor and City Council setting forth the request, and
 - b. A copy of the Planning Commission application indicating the decision and signed by the Building Official.
3. The appeal will be placed on the Heber Springs City Council agenda in accordance with its adopted procedures.
4. Appeal to a court of jurisdiction from final decisions of the Planning Commission or the City Council shall be filed in accordance with state law and procedure.

H. Enforcement, violation and penalties

1. For purposes of interpretation and enforcement, a violation of a city code or ordinance means:
 - a. Doing an act that is prohibited or declared to be unlawful, an offense or a misdemeanor, by ordinance or by rules or regulation authorized by ordinance;
 - b. Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
 - c. Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rules or regulation authorized by ordinance.

CHAPTER 11.36

GAS INSTALLATIONS

Sections:

11.36.01	Definition of terms
11.36.02	Conformance required
11.36.03	Enforcement
11.36.04	Gas fitters
11.36.05	Pressure tests
11.36.06	Specifications for converting structures from butane or other liquefied petroleum gases to natural gas
11.36.07	Specifications for material and rules governing installation of service lines
11.36.08	Specifications for material and rules governing installation of house piping
11.36.09	Copper pipe
11.36.10	Specifications for material and rules governing installation of appliances
11.36.11	It shall be unlawful for any person, firm, business association, agency or corporation
11.36.12	Penalty
11.36.13	Other law

11.36.01 Definition of terms For convenience of reference, the following terms shall have the meanings hereafter in this Section 11.36.01 attributed to them when used in this ordinance:

Municipality shall refer to this incorporated municipality adopting this ordinance.

Municipal Secretary shall refer to the Recorder of the municipality.

Utility shall refer to any gas utility serving the municipality.

Utility supply shall refer to the supply of gas made available by the utility to serve the municipality and the distribution system installed and operated by the utility incidental to said service.

Consumer shall refer to any user of gas in the municipality.

Consumer premises shall refer to any premises where gas is used in the municipality.

Structure shall refer to any particular building or installation where gas is used on a consumer premises.

Gas Inspector shall refer to the person occupying the position of "Gas Inspector" for the municipality, as hereinafter in Section 11.36.03 hereof more particularly described.

Service line shall refer to the consumer's gas pipeline extending from the point of connection with utility supply to the service meter located on the consumer premises.

House piping shall refer to the system of gas piping, either exposed or concealed, which conveys gas from the outlet of the service meter to outlets and appliances at various places on a consumer premises.

Service stub shall refer to the gas piping from the utility's main to the point of connection with consumer's service line.

Appliance shall refer to any appliance in which gas is consumed.

Automatically controlled appliances shall refer to appliances to which the gas supply is automatically turned on and off in accordance with the demand for heat, but does not include appliances with devices or controls governing the supply of gas to the main burner or burners which cannot automatically reduce the gas supply below thirty (30%) percent of the input rating. (Ord. No. 259, Sec. 1)

11.36.02 Conformance required All service lines, piping and appliances in this municipality shall conform to and shall be installed and connected in accordance with the standards and specifications here-in after fixed. (Ord. No. 259, Sec. 2)

11.36.03 Enforcement

A. Gas Inspector There is hereby created the office of "Gas Inspector" for this municipality. The said Gas Inspector shall be appointed by this Council and shall perform the duties and functions hereinafter appearing.

B. Inspection

1. The Gas Inspector shall inspect all service lines, house piping, and appliances after the installation and connection thereof and before the gas supply has been turned on, in order to determine whether there has been conformance with the provisions of this ordinance.
2. Where no natural gas has been used in a structure within the twelve (12) months preceding the date upon which gas service is desired, the Gas Inspector shall inspect all service lines, house piping and appliances in and to such structure before the gas supply thereto may be turned on again.

3. The Gas Inspector shall have the right to make such other inspections from time to time as may be necessary to determine the conditions of facilities in use in any consumer premises, and if he has reason to believe that any service lines, house piping, or appliances in use in any consumer premises or structure are in a dangerous and unsafe condition, it shall be his duty to inspect same promptly. Whenever, in the Gas Inspector's judgment, any service lines, house piping, or appliances in use in any consumer premises or structure are in a dangerous and unsafe condition, he shall immediately notify the responsible person, firm, business association, agency, or corporation of such fact, and shall shut off, or cause to be shut off, all gas service to the consumer premises or structure involved until the necessary repairs have been made; the Gas Inspector shall inspect all such facilities after the necessary repairs thereto have been completed, and it shall be unlawful to use same after the aforesaid notice of their condition has been given by the Gas Inspector until after they have been thus repaired and inspected and a new Certificate of Approval issued in respect thereof.
4. The Gas Inspector shall have authority to enter any consumer premises and structure in this municipality where gas is used, for the purposes of making the inspections herein contemplated.
5. Upon the completion of each construction, installation, or repair job in respect of which a Certificate of Approval from the Gas Inspector is necessary hereunder, the responsible gas fitter in charge of the work shall cap, or cause to be capped, all outlets and shall notify the Gas Inspector that the job is ready for inspection; the said gas fitter shall use due care to see that the work has been properly completed and is in fact ready for inspection before notifying the Gas Inspector, in order to avoid unnecessary inspection trips.

C. Certificate of Approval

1. Whenever the facility or facilities inspected by the Gas Inspector in accordance with the provisions of Section 11.36.03 (B) above are found to comply with this ordinance, it shall be the duty of the Gas Inspector, after the payment of the inspection fee as hereinafter provided, to issue a "Certificate of Approval" certifying to such fact.
2. A Certificate of Approval shall be issued in quadruplicate, and it shall be the duty of the Gas Inspector to deliver, or to cause to be delivered, one copy thereof to the responsible gas fitter in charge of the work, one copy to the utility serving the consumer premises involved, and one copy to the responsible person, firm, business association, agency, or corporation applying for the gas service; the fourth copy shall be filed in the office of the Gas Inspector.
3. A Certificate of Approval shall be required before a utility serves gas to a particular consumer premises or structure, in the following instances:

- a. For all service lines and house piping hereafter installed in this municipality;
 - b. For all service lines and house piping in which no natural gas has been used within the last twelve (12) months preceding the date upon which gas service is desired;
 - c. For appliances connected to any service lines and house piping for which a Certificate of Approval is required under the two (2) preceding subparagraphs hereof;
 - d. For service lines, house piping and appliances in respect of which the gas service has been discontinued consequent upon the Gas Inspector's finding a dangerous and unsafe condition existing, after the completion of the repairs necessitated by such finding.
4. Prior to the issuance of a Certificate of Approval hereunder, an inspection fee shall be paid to the Municipal Secretary in accordance with the following:
- a. 8 gas outlets, or less, Two Dollars (\$2.00) 9, 10, or 11 outlets, Three Dollars (\$3.00) 12, 13, or 14 outlets, Four Dollars (\$4.00) 15, 16, or 17 outlets, Five Dollars (\$5.00) 18, 19, or 20 outlets, Six Dollars (\$6.00)
 - b. If any service line, house piping or appliance does not in the judgment of the Gas Inspector upon the initial inspection, meet the standards and specifications herein set forth and, accordingly, an additional inspection trip or trips to the premises involved is necessary, an additional fee of Fifty Cents (\$.50) for each such additional trip shall be collected. (Ord. No. 259, Sec. 3)

11.36.04 Gas fitters

- A. License No individual shall engage in the occupation or business of installing and connecting service lines, house piping and appliances (herein sometimes referred to as "gas fitting") in this municipality unless there has been issued to such individual a valid and currently effective gas fitting license. This license shall be issued by the Municipal Secretary and only to applicants who satisfactorily establish their qualifications and ability. The Municipal Secretary shall be the sole judge of the applicant's qualifications and shall have the right to require such proofs and references as to

an applicant's ability in this field as the Secretary may in the prudent exercise of this duty see fit to require. A gas fitting license issued under this section shall authorize the licensee to perform the functions of a "gas fitter" in this municipality for a period of one year from the date of its issuance, unless sooner revoked by the Municipal Secretary, and shall under no circumstances be transferrable, it being the purpose of this section to provide for the installation of gas facilities in this municipality only by gas fitters whose qualifications have been duly investigated and certified to by the issuance of a license.

- B. Bond No individual, firm, business association or corporation shall engage in the business of gas fitting in this municipality unless there has been deposited with the Municipal Secretary a good and sufficient bond in the amount of Five Hundred Dollars (\$500.00), having as surety thereon a corporate surety company duly authorized to do business in this state, or other responsible surety, acceptable to the Municipal Secretary, said bond to be conditioned that such individual, firm, business association or corporation, and employees thereof in the course of such employment, shall faithfully comply with the provisions of this ordinance and all rules and regulations made in pursuance thereof, and shall indemnify and hold the municipality and any and all other persons and corporations interested, harmless against all costs, expenses, suits, claims, liabilities, damages and injuries sustained by the municipality, or other person or corporation interested, either by reason of the failure of such individual, firm, business association or corporation, or any employee thereof in the course of such employment, to comply with this or any other pertinent ordinances of the municipality, and any rules and regulations issued pursuant thereto, or because of any negligence of said individual, firm, business association or corporation, or employee thereof in the course of such employment, in operating under this ordinance and any rules and regulations issued thereunder. (Ord. No. 259, Sec. 4)

11.36.05 Pressure tests Pressure tests shall be made by the Gas Inspector of the service line and the house piping separately. The service line shall be tested before the trench is backfilled. The service line and house piping shall be required to hold ten (10 lbs) pounds or twenty (20") inches mercury column of air pressure for a period of fifteen (15) consecutive minutes, without a detectable drop in pressure. The pressure testing device used shall be a sensitive spring type gauge or a sensitive mercury column; the testing apparatus shall be supplied the Gas Inspector by the responsible gas fitter on such job inspected. (Ord. No. 259, Sec. 5)

11.36.06 Specifications for converting structures from butane or other liquefied petroleum gases to natural gas

- A. A service line one (1") inch in size shall be installed in accordance with the specifications and construction standards elsewhere herein provided for the installation of service lines.
- B. Sizes of house piping shall be altered so that one and one-fourth (1 ¼ ") inch pipe shall extend direct from outlet connection of utility meter to first active gas opening. No house piping shall be

smaller than one-half ($\frac{1}{2}$) inch. Subject to the above, piping previously installed for distribution of liquefied petroleum gases may continue to be used, but only if gas service is adequate and reasonably efficient; if service is not adequate and reasonably efficient, then the structure shall be re-piped to conform to specifications and construction standards elsewhere herein fixed.

- C. Before a gas supply is furnished by the utility, the orifices and burners of all liquefied petroleum gas appliances shall be changed or altered to the sizes and methods of use recommended by the manufacturer of the appliance. Vent pipes, heater connections, or any other appurtenances to gas appliances in use prior to conversion from liquid gas to natural gas shall be altered or replaced in a manner that will conform to the specifications and construction standards hereinafter fixed. (Ord. No. 259, Sec. 6)

11.36.07 Specifications for material and rules governing installation of service lines

- A. All pipe shall be new, standard, full weight, wrought iron or steel, free from defects; copper pipe may be used subject to the further provisions of Section 11.36.09 of this ordinance.
- B. All fittings shall be of best quality malleable iron. No cast iron fittings shall be used.
- C. No bushings, union globe valves or all-brass stop cocks shall be used.
- D. The service line shall be at least one (1") inch in diameter if the utility's system to which it is connected is a medium pressure system requiring use of service regulator on service riser, and at least one and one-quarter ($1 \frac{1}{4}$) inches in diameter if the utility's system to which it is connected is a low pressure system not requiring use of service regulator on service riser. If the consumer's gas requirements will be greater than that of an ordinary domestic consumer, the utility's representative should be consulted before installation for the proper size of service line.
- E. Wherever possible, the service line shall be laid at a right angle to utility main in a trench sloping from the meter loop to the street, and at no point shall it be lower than the connection with the utility's line. It shall not contain any traps or unnecessary risers, tees or elbows. In the event that the consumer premises are lower than the point of connection with the utility's line, a properly constructed and equipped drip shall be installed at the bottom of the riser below the meter loop or at the lowest point on the service line.
- F. When the service line from the service stub to the structure exceeds one hundred (100') feet, the loop shall be installed at the property line and in a protected location. Curb meters will be installed only for business structures occupying entire land on which located.

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

1. When the consumer premises to be supplied requires an extraordinary amount of gas, the standard specifications of the utility supplying the gas for the installation of the meter loop shall be used and complied with.
2. When required for a residential structure, or a consumer premises using an equivalent amount of gas, the meter loop shall be installed in accordance with the following standards:
 - a. Meter loops shall be installed outside the structure to be supplied. When more than one meter is required for a structure, loops shall be constructed in manifold. When more than two meters are required, the header for loops shall be not less than two (2") inches in size. All meter loops shall be constructed with the outlet for meter to be located not less than two (2') feet above a permanent ground level surrounding the meter loop. The meter risers shall be located not less than two (2") inches from the outside of the wall of structure unless installed at property line as in Section 11.36.07 (F) above provided.
 - b. Meter riser shall be connected to service line with a swing joint, consisting of one ell and a street ell located at a point not less than twelve (12") inches below the permanent ground level. Meter riser shall be equipped with a standard lock wing iron body brass core master stop cock installed six (6") inches above permanent ground level. Service regulators shall be furnished by the utility when required and shall be installed on the outlet side of lock wing master cock on service riser. When manifold meter loops are constructed, a master cock shall be installed on both service riser and for each meter loop. Meter loops shall be installed according to specifications furnished by the utility. (Ord. No. 259, Sec. 7)

11.36.08 Specifications for material and rules governing installation of house piping

- A. All pipe shall be standard, full weight, wrought iron or steel, free from defects; copper pipe may be used subject to the further provisions of Section 11.36.09 of this ordinance.
- B. All fittings shall be best quality malleable iron. No cast iron fittings shall be used.
- C. No bushings, gasket unions, globe valves or all-brass stop cocks shall be used.
- D. No rubber hose and no non-metallic connection shall be used.

- E. No valves or unions shall be placed in any inaccessible place.
- F. The minimum pipe size to be installed from meter to appliance riser for supplying heating and cooking stoves, ranges, hot water heaters, gas logs and other appliances of the ordinary and usual type and size shall be as follows:
1. For one (1) appliance, one and one-quarter ($1 \frac{1}{4}$ ") inch for the first, and one (1") inch for the second.
 2. For three (3) or four (4) appliances, one and one-quarter ($1 \frac{1}{4}$ ") inch to the first and second, one (1") inch to third; and three-quarters ($\frac{3}{4}$ ") inch to fourth.
 3. For five (5) or six (6) appliances, one and one-quarter ($1 \frac{1}{4}$ ") inch to first, second and third; one (1") inch to fourth and fifth, and three-quarters ($\frac{3}{4}$ ") inch to sixth.
 4. For seven (7) or eight (8) appliances, one and one quarter ($1 \frac{1}{4}$ ") inch to first, second, third, and fourth, one (1") inch to fifth and sixth, and three-quarters ($\frac{3}{4}$ ") inch to seventh and eighth.
 5. If more than eight (8) opening are required, or if furnaces, small boilers, or other large or unusual appliances are to be installed, the utility shall be requested to furnish piping requirements specifications.
 6. Risers or ceiling drops to appliances or fixtures shall not be less than the gas manifold pipe size on the appliance, except that the riser to any appliance shall not be less than one-half ($\frac{1}{2}$ ") inch in size.
- G. All outlets or risers for connections of appliances must project beyond the surface of the wall, ceiling, floor or baseboard at least two (2") inches and must be securely fastened. Where appliances are not connected, said outlets or risers shall be left securely capped.
- H. No house piping shall be installed in or in the soil immediately under concrete floors or walls where it can be avoided. If it is unavoidable, the house piping shall be installed in a suitable casing, properly sealed, which will permit it to be readily removed for repairs in case leakage develops.
- I. All house piping shall be rigidly fastened to the building to prevent its being moved or broken.
- J. All pipe and pipe fittings must be made up tight with an approved pipe joint cement or white lead. (Ord. No. 259, Sec. 8)

11.36.09 Copper pipe

- A. Service lines When a service line is constructed with copper pipe, hard copper (Type "K") shall be installed in the following manner:
1. The pipe shall be laid according to the sizes and standards required for steel pipe. Particular attention shall be given to eliminating all traps or sags and avoiding the use of soft copper pipe for gas service pipes.
 2. Meter risers of copper services shall be constructed with steel pipe and according to the sizes and specifications for steel pipe risers. Swing joints shall be installed with twelve (12") inch steel nipples between street ells to provide rigidity for meter loop. Swing joint connection shall be not less than one (1') foot in depth.
 3. Utility may furnish an insulating device which shall be installed in the meter riser above the standard lock wing, iron bodied, brass core, stop cock or at its option, utility may install an insulating device at the time the meter is installed.
- B. House piping When copper pipe is used for house piping, the following specifications shall be followed:
1. The meter loop and pipe shall be secured and rigidly connected to the structure supplied.
 2. Pipe shall be laid according to the size and standards required for steel pipe. Hard copper pipe (Type "K") with threaded or soldered joints is preferred to soft copper pipe (Type "L").
 3. All appliances supplied from soft copper pipe (Type "L") shall be connected to steel or hard copper risers. Risers shall be equipped with threaded caps above floor and connected with soft copper house pipe with a standard malleable iron screw wall tee. The wall tee shall be firmly secured to structure with screws and not nails.
 4. Pipe shall be securely fastened to structure with suitable straps or hangers. (Ord. No. 259, Sec. 9)

11.36.10 Specifications for material and rules governing installation of appliances

- A. All appliances and all devices, attachments and accessories for them shall be of standard make and manufacture and shall conform to the usual and ordinary standards required for safe operation.
- B. No device or attachment shall be installed on any appliance which may in any way impair the combustion of the gas.

- C. No devices employing or depending upon an electrical current shall be used to control or ignite a gas supply if of such a character that failure of the electrical current could result in the escape of unburned gas or in failure to reduce the supply of gas under conditions which would normally result in its reduction unless other means are provided to prevent the development of dangerous temperatures, pressures or the escape of gas.
- D. Appliances shall be adequately supported and so connected to the piping as not to exert undue strain on the connection.
- E. No appliance shall be installed in a room in which the facilities for ventilation do not permit the proper combustion of gas under normal conditions of use.
- F. Water heaters shall not be installed in bathrooms and bedrooms. However, water heaters of the automatic storage type may be installed as a replacement in a bathroom, when specifically authorized by the Gas Inspector, providing they are properly vented and are supplied with adequate combustion air.
- G. A gas cock or shut-off shall be easily accessible and within convenient reaching distance when lighting the burner.
- H. When air or oxygen under pressure is used in connection with any gas supply, effective means shall be provided to prevent the air or oxygen from going back into the gas piping.
- I. The location of gas lighting fixtures shall be such as not to constitute a fire hazard to persons or property. All such fixtures less than five (5') feet from plastered ceiling or overhead woodwork or closer than five (5") inches from plastered walls or woodwork shall be protected by shields.
- J. No swinging or folding gas brackets shall be used.
- K. Gas appliances shall be installed so that their continued operation will not raise the temperature of surrounding combustible material or construction more than ninety (90) degrees Fahrenheit above normal room temperature.
- L. Gas appliances shall be located so that they will be readily accessible for operation, repair and adjustment.
- M. Appliances with closed bases in which no provision is made for the circulation of air below the burner boxes shall be properly insulated from combustible floors.
- N. No appliance shall be connected with flexible tubing except such which are necessarily portable or have to be moved from place to place or which require a vibration joint, in which cases, the installation shall conform to the usual and ordinary standards required for safe operation.

- O. Ranges, water heaters, space heaters, clothes dryers, incinerators, wall heaters, etc., shall not be installed in rooms where the facilities for ventilation do not permit proper combustion of the gas, under normal conditions of use. Appliances of this character shall be designed with a heat deflector or burner tray to prevent incandescent particles of dust, carbon, etc., from falling to the floor and igniting combustible material.
- P. No water heating appliance shall be installed in a closed system of water piping, unless a water pressure relief valve is provided.
- Q. Installations of gas fired, single register, floor furnaces shall conform to the following specifications:
1. A flue connection which shall conform to the ordinary accepted standards for safe operation shall be required.
 2. Where installations are in lowest floors of buildings without basement, ample clearance must be made, and neither the flue pipe nor furnace casing shall be in contact with earth or damp material, and the furnace must be protected from the possibilities of being flooded with water.
 3. No furnace shall be installed in the floor of any aisle or passageway of any auditorium, public assembly room, public hall, or egress from any such room or space.
 4. All furnaces shall be equipped with a gas pressure regulator, which shall be adjusted so the gas input does not exceed the approved input rating.
 5. If automatic operation of floor furnaces is desired, care must be taken that a model designed for use with an automatic pilot is employed. No automatic pilot shall be installed in the field on a floor furnace that has not been designed for such equipment. Automatic safety pilots are recommended for all floor furnaces.
- R. The installation of gas fired boilers, furnaces and conversion burners for house heating shall conform to the standards usually and ordinarily required for safe operation.
- S. Flue connections which shall conform to the usual and ordinary standards required for safe operation shall be required for the following:
1. Domestic appliances with input rating in excess of fifty thousand (50,000) BTU per hour, except domestic gas ranges.
 2. Automatically controlled appliances (as defined in Section 11.36.01 with input rating in excess of five thousand (5,000) BTU per hour, except automatic instantaneous water heaters of the single faucet type, where the single faucet is attached to and made a part of the appliance.

3. Automatically controlled appliances with input rating less than five thousand (5,000) BTU per hour, unless equipped with an automatic device to prevent the escape of unburned gas at the main burner or burners.
4. Each of several appliances, except domestic gas ranges, installed in the same room, which in the aggregate have an input rating as great as thirty (30) BTU per hour per cubic foot of room content.
5. All water heaters except those exempted in Section 11.36.09 (s) (2) above.
6. Space heaters in sleeping quarters for use of transients. Such heaters should also be equipped with an automatic pilot which will effect ignition of the main burner and which, unless it is in operation, will shut off the entire gas supply to the appliance.
7. All house heating steam and hot water boilers and warm air furnaces, including floor furnaces. (Ord. No. 259, Sec. 10)

11.36.11 It shall be unlawful for any person, firm, business association, agency or corporation It shall be unlawful for any person, firm, business association, agency or corporation:

- A. To tap, break, damage, molest or tamper with any gas pipes, lines, meters, regulators or appliances, or any appurtenances, attachments, or connections to or seals on any of same, owned by any utility serving this municipality, or to interfere with the operation of such utility's gas system, and each day any violation of this clause continues shall be deemed a separate offense.
- B. To steal gas from any pipe or fixture employed in furnishing or making available to any consumer a supply of gas, whether or not such pipe or fixture is owned by the utility supplying or distributing such gas, or to install or cause to be installed any piping, tube, hose or other device whatsoever, for the purpose of stealing gas or deflecting the flow of gas around a meter.
- C. To turn on valves, break seals on meter cocks, or do any other act the purpose of which is to cause or attempt to cause a resumption of the flow of gas which has been stopped or shut off by the utility supplying the same. and the existence of any by-pass pipe or other device on or about the pipes or equipment installed or legally used by the utility in furnishing or measuring gas to consumers, or evidence of damage to meters, valves, seals or other appurtenances preventing or interfering with proper use of such equipment for measuring or controlling the flow of gas, shall constitute prima facie evidence of knowledge on the part of the responsible person, firm, business association, agency or corporation having custody or control of the premises where such device or damage is located, of the existence thereof and of the effect thereof to unlawfully take or steal gas, and shall bring such person, firm, business association, agency or corporation prima facie within the scope, meaning and penalties of this ordinance. (Ord. No. 259, Sec. 11)

11.36.12 Penalty Any person, firm, business association, agency, or corporation failing, refusing, or neglecting to comply with the requirements of, or otherwise violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be fined a sum of not less than twenty five (\$25.00) dollars nor more than one hundred (\$100.00) dollars. (Ord. No. 2018-07, Sec. 1.)

11.36.13 Other laws To the extent that any provisions hereof may conflict with the requirements of any valid laws, rules and regulations of any other governmental or regulatory authority having jurisdiction, such other laws, rules and regulations shall prevail. (Ord. No. 259, Sec. 13)

CHAPTER 11.40

HANDICAP GRIEVANCES

Sections:

11.40.01 Procedures

11.40.01 Procedures The city of Heber Springs has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing's regulations (31 C.F.R. 51.55 (d)(2)) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . ."

Complaints should be addressed to: Raymond Robus, Mayor, City Hall, 1001 West Main Street, Heber Springs, Arkansas 72543, Telephone No. 362-3635, who has been designated to coordinate Section 504 compliance efforts.

- A. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- B. A complaint should be filed within five (5) working days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
- C. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Raymond Robus. These rules contemplate informal but thorough investigations,

affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under thirty-one (31) C.F.R. 51.55(d)(2), the city of Heber Springs need not process complaints from applicants for employment or from applicants for admission to post-secondary educational institutions.

- D. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the City Attorney, Pat Gardner, and a copy forwarded to the complainant no later than ten (10) working days after filing.
- E. The Section 504 coordinator shall maintain the files and records of the city of Heber Springs relating to the complaints filed.
- F. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within thirty (30) days to the City Council.
- G. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. (Ord. No. 443)

CHAPTER 11.44

CODE ENFORCEMENT OFFICER

Sections:

- 11.04.01 Created
- 11.44.02 Duties and responsibilities
- 11.44.03 Salaried employee

11.44.01 Created There is hereby created the position of Code Enforcement Officer who shall be an at-will employee of the city of Heber Springs and serve at the pleasure of the Mayor and the City Council. (Ord. No. 89-17, Sec. 1)

11.44.02 Duties and responsibilities The Code Enforcement Officer shall have the duties and responsibilities prescribed by all Heber Springs Zoning Ordinances, and additionally, shall have all of the duties previously prescribed for the City Building Inspector, Plumbing Inspector, Electrical Inspector, Housing Enforcing Official, Building Official and Gas Inspector. (Ord. No. 89-17, Sec. 2)

The duties as prescribed for each of the aforementioned offices, now to be administered by the Code Enforcement Officer are hereby specifically given to the Code Enforcement Officer. (Ord. No. 89-17, Sec. 3)

11.44.03 Salaried employee The Code Enforcement Officer shall be a salaried employee of the city of Heber Springs and his/her salary shall be set and provided for by the City Council as now provided by law. (Ord. No. 89-17, Sec. 4)

CHAPTER 11.48

MECHANICAL CODE

Sections:

- 11.48.01 Adopted
- 11.48.02 Fee schedule

11.48.01 Adopted The Arkansas Mechanical Code, or the most recent edition thereof, is hereby adopted by the city of Heber Springs, and is incorporated herein by reference, to ensure safe mechanical installations including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto, so as to safeguard life, health, and the public welfare.

For the purposes hereof, the Code Enforcement Officer, his or her assistants, or any individual assigned by the Mayor, shall be the "Administrative Authority" authorized to enforce the provisions of the Mechanical Code.

Three copies of the Mechanical Code shall be on file in the office of the Clerk of the city of Heber Springs. From the effective date of this ordinance, the provisions of the Mechanical Code shall be controlling in the construction of all buildings and other structures within the corporate limits of the city, except as may be controlled or regulated by other ordinances of the city.

Violation of the Mechanical Code shall be considered a violation of this ordinance, shall be an unclassified misdemeanor offense, and shall be punishable for a fine up to Two Hundred and Fifty Dollars (\$250.00). Each day that the said violation continues shall be a separate offense and each day subsequent to the first day of the violation shall be punishable by a fine of up to Two Hundred and Fifty Dollars (\$250.00) per day. (Ord. No. 98-11, Sec. 1.)

11.48.02 Fee schedule The following fee schedule shall be substituted for the "Schedule of Permit Fees" found at Appendix B of the Mechanical Code:

Residential Inspections:

One (1) Unit \$20.00

For each additional unit \$10.00

Commercial Inspections:

One (1) Unit \$50.00

For each additional unit \$10.00

Note: One (1) unit consists of one (1) A.C. unit and one (1) heating or combination heat and air unit.

Inspections of alterations:

The fee for inspecting alterations and additions to an existing system shall be \$15.00 unless a new unit is installed.

Re-inspection:

In case it becomes necessary to make a re-inspection of a heating, ventilating, air-conditioning or refrigeration system, the installer of such equipment shall pay a re-inspection fee of \$20.00.

CHAPTER 11.52**SIGNS****Sections:**

11.52.01	Definitions
11.52.02	General provisions
11.52.03	Exemptions
11.52.04	Prohibited signs
11.52.05	Permits
11.52.06	Signs for which permit is not required
11.52.07	Fees

11.52.08	Term of permit
11.52.09	Maintenance
11.52.10	Signs permitted in all zones
11.52.11	Signs permitted in residential zones
11.52.12	Signs permitted in commercial zones
11.52.13	Signs permitted in industrial zones
11.52.14	Signs permitted in the PUD Zone
11.52.15	Violations
11.52.16	Fine

11.52.01 Definitions

Fluttering ribbons and banner Fabric signs, banners or ribbons.

Garage/yard sign A private sale of personal property used to dispose of personal household possessions. Not for use of any commercial venture.

Illumination device An outdoor source of light used to illuminate outdoor signs and/or building façade.

Mansard roof Any roof that has an angle greater than forty-five degrees (45°) and which derives part of its support from the building walls and is attached to (but not necessarily a part of (a low slope roof (less than three (3) inches rise per twelve (12) inches horizontal) and which extends along the full length of the front building wall or three-quarters of the length of the side building wall.

Marquee Any permanent roof-like structure projected beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Product dispensers A dispenser is a device that dispenses products such as newspaper, real estate advertisement, news magazines, etc.

Sign Any outdoor device, figure, painting, message, poster, or other structure which is designed or intended to advertise or inform the public of an establishment, goods, or service.

Sign, advertising An off-premise sign not exceeding thirty-two (32) square feet in area.

Sign, alteration Change of height, size, location will be defined as an alteration. Updating or repair of signage is not alteration.

Sign, billboard An off-premise sign exceeding thirty-two (32) square feet in area.

Sign, balloon A type of temporary sign that floats and is designed to resemble a balloon, blimp, dirigible, hot air device or other flying object tethered to the ground.

Sign, canopy A sign attached to the underside of a canopy.

Sign, construction A temporary sign erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, directional Signs directing or informing of public or quasi-public nature (church, real estate, school, library, hospital, tourist attraction, civic or service clubs). (Ord. No. 2012-8, Sec. 1.)

Sign, directory A sign, usually of ladder construction, listing the tenants or occupants of a building or group of buildings, name of the building or group of buildings, and that may also indicate their respective professions or business activities. Height not to exceed thirty (30) feet.

Sign, flashing Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, freestanding Any non-movable sign not affixed to a building. Height not to exceed thirty (30) feet.

Sign, ghost A sign of historic nature and character painted on the side of a building. These signs generally serve no current purpose with regards to commercial or non-commercial advertising.

Sign, ground A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground.

Sign, height The vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is highest.

Sign, home occupation A sign to identify the business, occupation or profession within a residential structure.

Sign, illuminated A sign designed to give forth any artificial light or reflect such light from an artificial source.

Sign, ladder See **Sign, Directory**.

Sign, non-conforming Any sign which is not permitted within the zone in which it is located or any sign that is defective, damaged, substantially deteriorated or presents a public hazard.

Sign, off-premise A commercial sign, whether leased or owned by the advertising entity, that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, pole A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

Sign, political Temporary sign erected on private property within the city for the purpose of political campaigning regarding a designated election.

Sign, portable Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings. Portable signs include movable "reader board" signs which are signs in which the advertising is accomplished by digitally active electrical lettering.

Sign, projecting A sign which projects from and is supported by a wall of a building and does not extend beyond, into, or over the street right-of-way.

Sign, real estate Signs advertising a specific property for sale, rent, or lease.

Sign, roof A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, special event Temporary signs describing an event of public interest (fair, trade show, auctions, etc.)

Sign, temporary A sign not constructed or intended for long-term use, and not permanently attached to the ground, a building, or structure. Temporary signs shall include all signs made of non-durable materials, including but not limited to cloth, canvas, paper, cardboard, flexible vinyl, nylon, tarpaulin or like material, coated paper or canvas, or organic material. See also, **Balloon sign**.

Structural pylons A support structure for the outdoor signs.

Subdivision sign A sign exclusively constructed to identify the community on whose premise the sign is constructed.

Wall sign any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted, provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the building marquee, building awning, or a building canopy shall be considered a wall sign.

Window sign Any signs, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window.

Wires, overhead All wires suspended above ground by a utility or other entity so that clearances mandated by current editions of the National Electric Safety Code, the National Electric Code, and other state and local regulations must be maintained. (Ord. No. 2012-3, Sec. 1.)

11.52.02 General provisions The following general provisions govern the permitting of signs in the city of Heber Springs:

- A. A permit shall be required for the erection, alteration, or reconstruction of any sign unless otherwise noted in this section and shall be issued by the Planning and Zoning Commission or duly appointed in accordance with these regulations.
- B. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.
- C. Illumination devices shall be so placed and so shielded that rays from the devices or from the sign itself will not be directly cast into any residential zone, or sleeping room in any zone, or in the eyes of a vehicular driver.
- D. Only signs installed or authorized by the state, county, or city may be placed on the public right-of-way.
- E. No advertising sign shall be erected within fifty (50) feet of any adjoining residential zone boundary line if the sign faces perpendicular to the street that the building faces. Further, no flashing sign of any type shall be erected within one hundred fifty (150) feet of an adjoining residential zone boundary line if the face of such sign is perpendicular to the street the building faces.
- F. No sign shall be permanently painted, pasted, or similarly posted directly on the surface of any wall, nor shall any sign be permitted to be placed on any wall, fence, or standard facing the side of any adjoining lot located in any residential zone.

- G. All signs shall be erected within the property lines of the premises upon which they are located. No portion of a freestanding sign shall extend, be erected, or be placed in any street right-of-way. All structural pylons and supports must be set back from the property line or right-of-way line a distance of at least one-fourth the required building setback of the zoned area or other distance as specified within this article, whichever distance is greater. All structural pylons and supports must be setback a distance of at least five (5) feet from any easement.
- H. Signs that, in the opinion of the Planning and Zoning Commission, may be in conflict with public traffic signals shall not be permitted.
- I. No person shall place, maintain, or display any otherwise authorized sign, signal, marking, or device which imitates or resembles an official traffic control device, emergency light, or railroad sign or signal or which has the effect of disrupting the movement of traffic. No person shall place, maintain, or display any sign that hides from view or interferes with the movement of traffic or the effectiveness of any traffic control device or signal.
- J. Signs and sign structures attached to the wall of any building shall not extend more than six (6) feet above the roofline.
- K. No sign shall be constructed in such a way as to interfere or extend into contact with any overhead wires.
- L. No truck, automobile, trailer or boat, modified to advertise a commercial business or product shall be parked on a public parking lot or space, or in a public right-of-way in such a manner as to act as permanent or semi-permanent advertisement.
- M. All electric signs must be installed by person with state electric sign license. (Ord. No. 2012-3, Sec. 2.)

11.52.03 Exemptions This article does not relate to building design, nor does it regulate the following:

- A. Official traffic or governmental signs
- B. The copy and message of signs
- C. Window displays
- D. Product dispensers
- E. Scoreboards on athletic fields
- F. Advertising at public athletic fields
- G. Flags of any nation, government, or non-commercial organization
- H. Gravestones
- I. Barber poles

- J. Religious symbols
- K. Commemorative signs, tablets, or plaques approved by the Heber Springs City Council
- L. Signs required to be maintained by law or government order, rules or regulation
- M. The display of street numbers
- N. Any display or construction not defined as a sign
- O. Off-premise open-house signs for the day on which the open-house is conducted. (Ord. No. 2012-3, Sec. 2.)

11.52.04 Prohibited signs The following signs are prohibited within the city of Heber Springs:

- A. Signs imitating warning signals No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, nor shall any sign use the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might mislead or confuse a vehicular driver.
- B. Signs within street or highway right-of-way No sign whatsoever, whether temporary or permanent, except traffic signs and signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.
- C. Certain attached and painted signs Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings.
- D. Fluttering ribbons and banners Fluttering ribbons and banners and similar devices are prohibited within the front yard setback of applicable zones, except the flags of governments and their agencies.
- E. Billboards Billboards are not permitted within the corporate limits of the city of Heber Springs.
- F. Hand-tacked signs
- G. Temporary signs except as allowed under other specific provisions of this ordinance.
- H. No off-premise sign except as permitted elsewhere in this ordinance.
- I. Portable signs except as allowed under other specific provisions of this ordinance. (Ord. No. 2008-16, Sec. 2, Art. III.)

11.52.05 Requirements applying to specific signs The following regulations apply to specific type signs as noted:

A. Wall signs Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

1. The display surface area of such sign shall not exceed twenty-five percent (25%) of the square footage of the wall to which it is attached not to exceed maximum square feet per zone.
2. Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two (2) street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
3. Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twenty-four (24) inches.
4. Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds of the distance between the top of the window below and the sill of the window above.

B. Pole or ground signs Signs on poles where permitted are subject to the following standards.

1. A premise shall be permitted to have one ground or pole sign for each street frontage.
2. Such signs shall have a maximum display surface specifically allowed within Section XII: Signs permitted in commercial zones, or Section XIII: Signs permitted in industrial zones.
3. The maximum height of a pole sign shall be thirty (30) feet.

C. Ground signs Ground signs are subject to the following standards:

1. Ground signs may not exceed four (4) feet in height except as allowed in the following section.

2. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of ten (10) feet. Sign may not exceed eighty (80) square feet.
 3. Ground signs must be located so that they do not obstruct the view of traffic from any intersection, street, or driveway.
- D. Signs on word under construction Non-illuminated signs not exceeding thirty-two (32) square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, and the financial, selling and/or development agencies are permitted upon the premises of any work under construction, alteration, or removal. They shall be set back not less than fifteen (15) feet from any property or right-of-way line, whichever distance is greater. Such sign shall be removed within thirty (30) days after completion of the project.
 - E. Temporary subdivision signs Temporary signs not exceeding thirty-two (32) square feet in area announcing a land subdivision development are permitted on the premises of the land subdivision. They shall be set back not less than fifteen (15) feet from any property line or right-of-way line, whichever distance is greater. Such signs shall be spaced not less than five hundred (500) feet apart within a single subdivision. They shall be removed when seventy-five percent (75%) of the lots are conveyed.
 - F. Sign, directional Signs indicating directions shall not exceed six (6) square feet, shall not be more than a half mile from property, and no more than two (2) allowed. (Ord. No. 2012-8, Sec. 2.)
 - G. Neon signs Signs which utilize neon lighting, either for the body of the sign or its border, shall comply with all relevant local, state and federal electrical requirements.
 - H. Temporary signs The Planning & Zoning Commission may issue a temporary permit for the placement of a temporary sign on an individual site for a period not to exceed sixty (60) days in any twelve (12) month period.
 - I. Electrical service for illuminated signs shall meet the provisions of the city building and electrical codes.
 - J. Political signs are allowed without permit, in any zone. Signs over four (4) square feet in surface area and/or over four (4) feet in height are required to be set back

at least ten (10) feet from the property line or right-of-way line, whichever distance is greater. All such signs must be removed within seven (7) days following the last election in which the specific candidate advertised in the sign will participate in the designated election cycle. Maximum size sign allowed in a residential zone is nine (9) square feet. Maximum size sign allowed in a commercial zone is thirty-two (32) square feet.

- K. Real estate signs In any residential zone, real estate signs may not be larger than nine (9) square feet in size and only one (1) sign is allowed for each side of the structure that faces a public street. In all other zones, real estate signs may be no larger than thirty-two (32) square feet. Off-premise directional real estate signs are permitted, but written permission of the land owner is required. (Ord. No. 2012-8, Sec. 2.)
- L. Balloon signs The height of a tethered balloon sign shall not exceed thirty-five (35) feet at maximum height or shall not possess a tether of such length that, during straight-line winds, the sign would extend beyond any property line of the property containing the sign or into a public sidewalk, whichever is less.
- M. Temporary advertising signs Temporary signs used to advertise sales, service, products, etc. for a business may be used for a period of three (3) consecutive weeks after which they must be removed or changed out. No sign may be placed in the front setback. (Ord. No. 2012-3, Sec. 2.)

11.52.05 Permits Unless otherwise provided by this article, all signs shall require permits and payment of fees as described in this section. Application for a permit for the erection, alteration, or relocation of a sign, when allowed by this article, shall be made to the Enforcement Officer and approved by the Planning and Zoning Commission or duly appointed. Form or forms may be required to provide the information necessary to administer the provisions of this article. As a minimum, the following information is required.

- A. Height of sign
- B. Sign face detail (both sides, if applicable)
- C. Structure and/or support details
- D. Location of sign in relation to street(s), property line(s), easement(s), buildings, and private drives.
- E. Location of any property lines that may be affected by the sign.
- F. Copy of agreement with property owner if property is leased
- G. All requests for sign permits must be approved by the Planning and Zoning Commission or duly appointed
- H. It shall be the contractor's or owner's responsibility to call for a final inspection when construction of the sign has been completed.

- I. All electrical work performed in conjunction with the installation of a sign shall require an electrical permit as described in the city Electrical Code.
- J. All signs must be designed and constructed to meet all the requirements pertaining to sign design and construction as stated in the city Building Code.
- K. Appeals The Heber Springs Planning and Zoning Commission shall hear all appeals to the requirements of this ordinance. The Planning Commission shall have the following powers and it shall be its duty:
 - 1. To hear and decide appeals where it is alleged there is an error in any order requirement, decision or interpretation made in the enforcement of this article.
 - 2. To hear requests for minimal deviations from the literal provisions of this code for the erection of a new sign in instances where strict enforcement of this code would cause practical difficulties due to circumstances unique to the individual sign under consideration and grant such deviation only when it is demonstrated that such action will be in keeping with the spirit and intent of this article. The Commission may impose reasonable conditions in the granting of a deviation to ensure compliance and to protect adjacent property. A violation of such conditions shall constitute a violation of this ordinance. Any deviation granted by the Planning Commission shall automatically be revoked if the applicant does not comply with the terms of the variance within ninety (90) days from the granting thereof.
 - 3. In exercising the above-mentioned powers, the Commission may reverse or affirm, in whole or in part, or may modify the order, requirements, decision, or determination appealed from, and may make such order, requirement, decision or interpretation as ought to be made.
 - 4. The concurring vote of a majority of the full Commission shall be necessary to reverse any order, requirement, decision or determination of a city official, or to decide in favor of the applicant on any matter addressed under this article, or to effect any variation in this ordinance.
 - 5. Decision of the Planning Commission may be further appealed to the City Council who shall hear such appeal in accordance with the provisions of this section. (Ord. No. 2012-3, Sec. 2.)

11.52.06 Signs for which permit is not required A permit is not required for the following types of signs in any zone:

- A. Traffic, directional, warning, or information signs authorized by any governmental agency.
- B. Official notices issued or required by any court, government agency or officer.
- C. Church bulletin board sign located not less than fifteen (15) feet back from the street right-of-way line not exceeding thirty-two (32) square feet.
- D. One (1) non-illuminated "for sale," "for rent," or "for lease" sign located not less than fifteen (15) feet back from the street right-of-way line, unless attached to the front wall of a building, and not exceeding:
 - 1. Nine (9) square feet in area in residential zones, or
 - 2. Thirty-two (32) square feet in zones other than residential zones.
- E. Allowed home occupation signs.
- F. Maintenance of a sign or for a change of copy on painted, printed, or manual changeable copy signs.
- G. Political signs.
(Ord. No. 2012-3, Sec. 2.)

11.52.07 Fees Unless otherwise modified by ordinance, fees for a sign permit shall be as follows: The fee for signs and signage up to sixty (60) square feet is Fifteen Dollars (\$15.00). The fee for signs and signage over sixty (60) square feet shall be Fifteen Dollars (\$15.00) for the first sixty (60) square feet and Twenty-Five Cents (\$.25) per square foot thereafter, up to the maximum size permitted herein. Calculating footage on new and altered signs are as follows:

- A. Window signage and wall signs The surface area of the sign shall be computed by including the entire area within a single continuous circle, ellipse, sphere or rectangle enclosing the extreme limits of the writing, representation, emblem, backer board, etc. If more than one section of glass is used, all the area including that between sections shall be included in the computation of the display surface area.
- B. Free standing and other miscellaneous signs The square footage of a sign shall be calculated using only one side of the entire surface area of the sign. The largest side shall be used if the sides are different sizes. If more than two sides exist on the sign, use an average of the sides. (Ord. No. 2012-3, Sec. 2.)

11.52.08 Term of permit Each permit shall be valid until the sign is removed, or the city requests removal due to unsatisfactory condition. (Ord. No. 2012-3, Sec. 2.)

11.52.09 Maintenance

- A. All freestanding signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish, and natural growth of grass or weeds. All signs shall be properly maintained at all times. Exposed surfaces shall be clean and painted if paint is required. Defective parks shall be replaced.
- B. The Planning and Zoning Commission is hereby authorized to order the repair or removal of any sign which is defective, damaged, substantially deteriorated, or presents a public hazard, as defined in the edition of the Building Code in force in the city. The permit holder will have thirty (30) days to bring sign into compliance.
- C. Non-conforming signs If structural damage of the sign exceeds fifty percent (50%), the sign shall be brought into compliance.
- D. No-conforming signs Signs removed due to road or utility construction or repair may be replaced in the same location with the approval of the Planning and Zoning Commission. When possible, non-conforming signs shall be brought into compliance before being reinstalled. (Ord. No. 2012-3, Sec. 2.)

11.52.10 Signs permitted in all zones The following signs are permitted in all zones:

- A. All signs not requiring a permit.
- B. One (1) construction sign for each street frontage of a construction project, subject to the requirements of 11.52.04 of this chapter.
- C. Real estate signs as further restricted herein.
- D. One (1) attached nameplate per occupancy, not to exceed two (2) square feet in sign area. Such nameplate shall indicate nothing other than the name and/or address of the occupants, premises, announcement of boarder, or roomers.
- E. Political signs in accordance with 11.52.04(J)
(Ord. No. 2012-3, Sec. 2.)

11.52.11 Signs permitted in residential zones The following signs may be permitted in all residential zones, all other signs being specifically prohibited:

- A. All signs permitted in 11.52.10 of this chapter.
- B. Signs larger than two (2) square feet but not larger than thirty-two (32) square feet may be permitted by special permit for apartment buildings, schools, churches, hospitals, parks, farms, and other special uses approved for the zoning district. Such signs shall indicate nothing other than the name and/or address of the premises and name of the management except that church signs may include information concerning services and other information related to their ministry.
- C. One (1) subdivision identification sign per neighborhood, subdivision, or development.
- D. One (1) sign per street frontage, except that no advertisement for off-the-premises goods and services will be permitted.
- E. A sign identifying a home occupation may not exceed four (4) square feet solely to identify the business, occupation, or profession, and such sign must be physically attached to the structure.
- F. Temporary signs advertising garage or yard sales, provided that such signs shall be removed within twenty-four (24) hours after the end of the sale. The size of the sign will not exceed six (6) square feet. (Ord. No. 2012-3, Sec. 2.)

11.52.12 Signs permitted in commercial zones

- A. Signs in Commercial C-1 Zones In the C-1 Zone, signs may be permitted subject to the following regulations:
 - 1. All those signs permitted in the residential R zones are allowed in commercial C zones.
 - 2. Advertising signs painted on the sides of buildings and signs that advertise products or goods unrelated to the use of the building on which the sign is painted or attached are prohibited except for historic "Ghost Signs." For principal uses, business signs shall be permitted on the basis of one (1) sign not exceeding two (2) square feet of sign area for each one (1) linear foot of building façade, but the maximum total of all permitted signs for a façade of any establishment shall not exceed eighty (80) square feet.

3. Projecting signs are allowed but shall not project into any roadway or driveway and shall be placed with the lowest part a minimum seven (7) feet above the surface of the sidewalk. Sign not to exceed eight (8) square feet.
4. Freestanding signs for single tenant structures Each single tenant structure is allowed freestanding signs provided that the display surface of such signs shall not exceed eighty (80) square feet except that the display surface may be increased two (2) square feet for each foot of street frontage beyond one hundred (100) feet to a maximum display area of one hundred twenty (120) square feet. This signs must have a setback of at least ten (10) feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater. One (1) free standing sign is allowed per lot or commercial street frontage. For buildings on corner lots, one additional free standing sign is allowed on the additional street frontage.
5. Freestanding signs for multi-tenant structures and joint identification Each multi-tenant structure or a group of structures may have one (1) incidental or freestanding identification sign for each street frontage, with a setback of at least ten (10) feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater. The sign shall be a directory sign and serve for the purposes of the joint business identification of tenants within the structure or group of structures. Any business or structure identified on the joint identification directory sign shall be allowed no other freestanding signs.
 - a. For structures or a group of structures with a street frontage of less than one hundred (100) feet, the sign display surface shall not exceed eighty (80) square feet.
 - b. For structures or a group of structures with a street frontage of more than one hundred (100) feet and less than three hundred (300) feet, the sign display surface shall not exceed eighty (80) square feet except that the display surface may be increased two (2) square feet for each foot of street frontage beyond one hundred (100) feet to a maximum display area of one hundred twenty (120) square feet.
 - c. For structures or a group of structures with a street frontage of more than three hundred (300) feet, the sign display surface shall

not exceed one hundred twenty (120) square feet except that the display surface may be increased one (1) square foot for each foot of street frontage beyond three hundred (300) feet to a maximum of two hundred (200) square feet. (Ord. No. 2013-5, Sec. 1.)

B. Signs in the C-2 Zones In the C-2 Zone, signs may be permitted subject to the following regulations:

1. All those signs that are permitted in the residential R zones and C-1 zone are allowed in commercial C-2 zones.
2. Commercial cul-de-sac Commercial subdivision forming a cul-de-sac for individual commercial lots may have a directory sign located at the entrance to the cul-de-sac, and not exceeding thirty (30) feet in height and located in such a manner that it does not restrict the view of traffic entering or exiting the subdivision.
3. One (1) identification wall sign is permitted per principal business use; the size of this sign shall not exceed twenty-five percent (25%) of building façade fronting a public street. Such sign shall be mounted on the principal structure/building. Maximum display area shall not exceed one hundred fifty (150) square feet.
4. Projecting signs are allowed but shall not project into any roadway or driveway and shall be placed with the lowest part a minimum seven (7) feet above the surface of the sidewalk. Sign not to exceed sixteen (16) square feet. (Ord. No. 2013-5, Sec. 1.)

11.52.13 Signs permitted in industrial zones Signs in the I-I Zone shall conform to the following regulations:

- A. All those signs permitted in the residential "R" or commercial "C" zones are allowed in industrial "I" zones.
- B. The total surface area of a business sign or signs on a building or lot shall not exceed twenty-five percent (25%) or two hundred (200) square feet.
- C. Advertising sign structures shall be limited to not more than one (1) structure for a lot of seventy-five (75) foot frontage or less, and to one (1) additional structure for each seventy-five (75) feet of additional lot frontage. No advertising sign may be erected within fifty (50) feet of an adjoining residential district, if designed to or results in facing into such a zone. . (Ord. No. 2012-3, Sec. 2.)

11.52.14 Signs permitted in the PUD Zone Signs in the PUD zone shall be approved as part of the approval process for the development. (Ord. No. 2012-3, Sec. 2.)

11.52.15 Violations The following regulations govern violations of this section:

- A. When, in the judgment of the Planning and Zoning Commission, a violation of this article exists, the Enforcement Officer shall issue a written notice to the alleged violator. The notice shall specify those sections of this article of which the person may be in violation and shall state that the person has thirty (30) days from the date of the order in which to abate the alleged violation or to appeal to the Planning and Zoning Commission. If the violator fails to appeal or to correct the violation within the time allowed by this section, the sign shall be deemed illegal and removed by the sign owner.
- B. If, upon inspection, the Planning and Zoning Commission finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, or is not maintained, such sign or signs shall be deemed illegal and the Planning and Zoning Commission shall issue a written notice to the owner of the sign and/or the occupant of the premises stating the nature of the violation and requiring the sign to be repaired in conformance with this article or removed within thirty (30) days of the date of the notice.
- C. The city reserves the right to remove the sign for failure to cure the violation within the set period of time. The owner will be responsible for any costs incurred by the city in removing a sign for non-compliance or failure to cure a violation. (Ord. No. 2012-3, Sec. 2.)

11.52.16 Fine

- A. Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or double such sum for each repetition thereof. If the violation is in its nature, continuous in respect to time, the penalty for allowing the continuance is a fine not to exceed Five Hundred Dollars (\$500.00) for each day that the same is unlawfully continued.
- B. The owner and also, if applicable, the tenant of any building, structure or premises who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties provided in this section.

- C. The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.
- D. Violations of this code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a fine or penalty, however, does not prevent the simultaneous granting of equitable relief in appropriate cases. (Ord. No. 2012-3, Sec. 2.)

CHAPTER 11.56

HILLSIDE EXCAVATION

Sections:

- 11.56.01 Grading permit required
- 11.56.02 Exempted activities
- 11.56.03 Grading requirements
- 11.56.04 Definitions

11.56.01 Grading permit required Prior to excavating a site for development or for any earth-disturbing activity, the owner shall obtain a grading permit from the Building Official. (Ord. No. 2008-14, Sec. 1.)

11.56.02 Exempted activities The following activities are exempted from the requirement to obtain a grading permit.

- A. Regular agricultural operations.
- B. Routine road maintenance such as the grading of roads, and cleaning drainage ditches.
- C. Any earth-disturbing activity involving less than five hundred (500) square feet of surface area.
- D. Any emergency operations performed by public agencies or private utilities during a time of man-made or natural disaster. (Ord. No. 2008-14, Sec. 2.)

11.56.03 Grading requirements The following requirements cover the grading of land for development or any earth-disturbing activity and shall constitute the conditions upon which an excavation permit shall be issued.

- A. A hillside shall not be graded in such a manner as to leave an unprotected earth surface exceeding a grade of forty-five percent (45%) on any cross section exceeding ten (10) feet in height as measured from the beginning of the slope.

- B. The as-graded surface of a hillside shall exist in such a manner that a grade of between twenty-five (25%) and forty-five percent (45%) shall not extend for a height of ten (10) feet from the beginning of the slope before it is terraced, with the grade of the terrace not exceeding ten percent (10%). The width of the terrace shall not be less than ten (10) feet.
- C. The finish grade of a lot for which the grade exceeds twenty-five percent (25%) but is less than forty-five percent (45%) shall be landscaped with sod or other natural ground cover to prevent erosion within thirty (30) days of the excavation.
- D. Vertical retaining walls exceeding five (5) feet in height shall be designed by a Professional Engineer, P.E.
- E. If the Building Official determines that a hazardous condition may result from approval of an excavation permit, he may refer the application to the Planning Commission for further review.
- F. The Planning Commission may, upon a finding of fact that these regulations would constitute a hardship due to physical factors unique to a particular property, modify or exempt all or part of these regulations upon concurrence by the City Council. (Ord. No. 2008-14, Sec. 3.)

11.56.04 Definitions The following definitions apply to these regulations:

As graded - topography of a site on completion of grading.

Earth-disturbing activity - mechanical removal of any rock, natural soil, fill or any combination thereof.

Excavation - the mechanical removal of earth material.

Fill - a deposit of earth material placed by artificial means.

Grade - the number of feet of horizontal distance traveled for every one foot of vertical rise in the ground surface expressed as a ration (e.g., a 3:1 grade means three feet of horizontal distance is traveled for every one (1) foot of vertical rise in the ground surface).

Grade, existing - the ground surface prior to grading.

Grade, finish - the final grade of a site which conforms to the approved plan, and provides final site drainage.

Grade, natural - the ground surface unaltered by artificial means.

Hazardous condition - a condition when the state of any natural ground, natural slopes, excavation, fill or drainage device, which exist on private or public property, is a menace to life or limb, a danger to public safety, or endangers or adversely affects the safety, usability or stability of adjacent property, structures, or public or private facilities. (Ord. No. 2008-14, Sec. 4.)