

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Permit
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Fire Prevention Code
- 11.20 Housing Code
- 11.24 Condemned Structures
- 11.28 Building Code
- 11.32 Gas Code
- 11.36 Energy Code
- 11.40 Mining
- 11.44 Codes Adopted by Reference
- 11.48 Mechanical Code

CHAPTER 11.04

BUILDING PERMIT

Sections:

- 11.04.01 Requirement
- 11.04.02 Application
- 11.04.03 Fees
- 11.04.04 Fee schedule
- 11.04.05 Review and issuance
- 11.04.06 Expiration
- 11.04.07 Enforcement and penalty

11.04.01 Requirement 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 below, without having obtained a building permit from the city. Such permit will likewise be required in event of remodeling or repair of such structure, but only if such remodeling or repair includes a change in dimension of foundation and/or roofline. The moving or demolition of any structure shall likewise require a permit. Structures included in this requirement are of the following types:

- 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 considered, or any structure used for storage or warehousing purposes. (Ord. No. 2000-408, Sec. 1.)

11.04.02 Application The application for any building permit under this ordinance will be filed by the landowner or his agent in the office of the City Clerk. The application shall be on forms provided by the city, and shall contain the following information as a minimum:

- A. Name, mailing address, and telephone number of the applicant, if applicable;
- B. Type building to be constructed or repaired as listed herein;
- C. Location of the building site;
- D. Outside dimensions of the proposed building or addition;
- E. Construction materials to be used for the foundation, floor, and exterior walls;
- F. Manner in which the proposed building will be anchored to the foundation;
- G. Height of the first floor level above the ground level, as measured from the highest point of the ground level:
 - 1. Prior to any grading or leveling
 - 2. After grading and leveling; and
- H. Date on which construction is proposed to begin.
- I. Scale drawing showing building dimensions, its location on the lot, all lot lines and setbacks, driveway, sidewalk, parking and drainage plans, and any other information which may be required to allow the enforcement of all applicable ordinances and codes. (Ord. No. 2000-408, Sec. 2.)

11.04.03 Fees A fee will be charged at the time of purchasing each applicable permit. Such fees will be in accordance with the fee schedule outline 11.04.04 as established by the City Council and revised as needed from time to time.

On new building structures, and for additions to existing structures, electrical, gas, mechanical and plumbing systems requiring a permit, a fee covering the cost of all inspections is required in accordance with the following schedule. The Building Inspection Department is authorized to use most current average construction costs per square foot as published by the International Building Code and updated yearly for the determination of valuations for building permit fees. (Ord. No. 2005-507, Sec. 1.)

11.04.04 Fee schedule The following fees shall be levied by the city of Clarksville:

A. Permit Fees

Total Valuations	Fee
\$1,000 and less	No fee, unless inspection required.
\$1,000 to \$50,000	\$16.75 for the first \$1,000 plus \$4.25 for each additional thousand or fraction thereof, to and including \$50,000.00
\$50,000 to \$100,000	\$225.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00
\$100,000 to \$500,000	\$425 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00
\$500,000 and up	\$1,625 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

B. For constructing repair, remodeling, replacements to existing structures, the appropriate HVACR, plumbing, or electric permits must be obtained. Inspection fees will be based on \$30.00/hour or fraction thereof. They may be accumulated and paid at the end of the project.

C. Moving fee: For the moving of any building or structure, the fee shall be \$250.00.

D. Demolition fee: For the demolition of any building or structure, the fee shall be:

0 up to 100,000 cu. ft.	\$50.00
100,000 cu. ft. and over	\$0.51/1,000 cu. ft.

E. Driveway permit: \$30.00 (not required if building permit issued)

F. Cell Tower permit fee:

Fee to apply to construct a cell tower or to connect to an existing tower	\$500.00
---	----------

G. Business inspection fee: \$30.00 per hour or fraction of hour.

H. Engineer review fee for
Commercial/Industrial Multi-Family
Residential Development:

The fee will be based on the genuine total estimated cost of all on-site improvements, except buildings, but including grading, drainage, landscaping, driveways, parking, sidewalks, and utilities. Said estimates will be submitted by a licensed architect or engineer associated with the project.

I. Construction Review fees for commercial developments containing public streets and drainage improvements shall be paid to CL&W at the time of issuance of the notice to proceed and shall be calculated at .25% of the developers estimated cost of street and drainage improvements.

The developer shall be responsible for paying for materials testing cost, performed by an independent certified geotechnical technician selected by the city. (Ord. No. 2006-531, Sec. 1.)

Estimated Total Costs

Review Fee

0	-\$25,000	\$250.00	
\$25,001	-\$50,000	\$250.00	+1.0% of amount over \$25,000.00
\$50,001	-\$100,000	\$500.00	+0.8% of amount over \$50,000.00
\$100,001	-\$200,000	\$900.00	+0.75% of amount over \$100,000.00
\$200,001	-\$500,000	\$1,650.00	+0.7% of amount over \$200,000.00
\$500,001	-\$1,000,000	\$3,750.00	+0.6% of amount over \$500,000.00
\$1,000,000	-\$2,000,000	\$6,750.00	+0.5% of amount over \$1,000,000.00
Over \$2,000,000		\$11,750.00	+0.4% of amount over \$2,000,000.00

(Ord. No. 2005-507, Sec. 2.)

11.04.05 Review and issuance Applications for single-family residential buildings and duplex residences built on a single lot, shall be reviewed by the City Building Inspector for conformance to all applicable codes. Permit shall then be issued by Building Inspector.

Applications for all building other than single-family residential, or single-lot duplex, shall be reviewed as follows: Building Inspector shall compile all information as required on application, make initial review, and then deliver application and supporting information to licensed engineer designated by the city. Engineer shall review and inspect site and make written report regarding compliance of the project design with all applicable state and city standards. After Engineer's approval is noted on application, and on any necessary revisions, Inspector shall issue building permit.

Final review and approval of Engineer shall likewise be noted on Certificate of Occupancy and Compliance for all projects requiring Engineering review as noted above. (Art. X, Sec. 3, Zoning Ord. No. 2000-402). (Ord. No. 2000-408, Sec. 4.)

11.04.06 Expiration Each building permit issued hereunder shall expire by limitation at the end of six (6) months from the date of issue, unless work is in progress. In any event, permit shall expire at the end of twelve (12) months, unless an extended period is approved by Inspector and Engineer at time of issuance of permit. Permits for moving or demolition shall require that all work is completed to applicable codes and standards within 120 days. (Art. X, Sec. 2, Zoning Ord. No. 2000-402.) (Ord. No. 2000-408, Sec. 5.)

11.04.07 Enforcement and penalty The provisions of this ordinance shall be subject to enforcement and penalties as set out in Art. X, Sec. 4, Zoning Ord. No. 2000-402. (Ord. No. 2000-408, Sec. 6.)

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
- 11.08.08 Plastic pipes and fittings

11.08.01 Definition **Plumbing** for the purpose of this chapter is hereby defined as the definitions of Act 200 of 1951 (Ark. Stats. 71-1205, et seq) and the Arkansas State Plumbing Code

11.08.02 State Code The provisions and regulations of the Arkansas State Plumbing code, 1991, and amendments thereto, adopted by the State Board of Health of Arkansas 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. 320.)

11.08.03 Inspection and supervision

- A. The Mayor shall designate the official responsible for enforcing and administering this code subject to confirmation by a majority vote of the City Council.
- B. It shall be the duty of the code Enforcement Officer to enforce all provisions of this chapter and such inspector or inspectors are hereby granted the authority to enter all buildings

within or without the corporate limits of the city when such building are connected, or to be connected to the municipal water and/or sewage system.

- C. The Code Enforcement Officer shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
- D. It shall be his duty to inspect and test all plumbing work for compliance with this chapter and its adopted Plumbing Code, and to enforce changing of such installations that do not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by state law.

11.08.04 Applications, permits

- A. Before beginning any work in the city, the person installing or altering same, shall apply to the City Building Inspector 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 homeowner to install or alter plumbing in a single family residence, providing the homeowner does the work himself and that such work shall meet the code requirements.
- B. All applications for permits shall be made on suitable forms provided. The application shall be accompanied by fees in accordance with the schedule in 11.04.03.

An additional fee of \$2.00 shall be charged for each additional trip on the part of the plumbing inspector, caused by the negligence of the plumber of not being ready for inspection or a return for inspection of a corrected installation.

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.

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.

11.08.07 Hazardous conditions

- A. The Water Department is 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 cit Plumbing Code and the regulations of the Arkansas State Board of Health having not been complied with.
- B. The Water Department is 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 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 of Plumbing Code and the regulations of the Arkansas State Board of Health have been complied with.

11.08.08 Plastic pipes and fittings All plastic pipes and fittings for sanitary waste drains and vents outside the building shall be a minimum of Schedule 35. (Ord. No. 169, Sec. 1.)

CHAPTER 11.12

ELECTRICAL CODE

Sections:

11.12.01	Adoption of Electrical Code
11.12.02	Appointment of the Code Enforcement Officer
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

11.12.01 Adoption of Electrical Code The 2017 National Electrical Code is hereby adopted. (Ord. No. 18-805, Sec. 1.)

11.12.02 Appointment of the Code Enforcement Officer The Code Enforcement Officer, the officer responsible for administering this code shall be appointed by the Mayor and approved by a majority of the City Council.

11.12.03 Duties He shall have the duty and is hereby authorized, empowered and directed to regulate and determine the placing of electric wires and other appliances for electric lights, heat or power in the city and to cause all such wires, appliances, or apparatus to be placed, constructed and guarded so as not to cause fires or accidents, endangering life or property, and to be constructed so as to keep to a minimum the loss or waste of electric current.

It shall be his duty to enforce all provisions of this chapter and he is hereby granted the authority to enter all buildings in the city in the performance of his duties at any reasonable hour.

It shall be his duty to inspect and/or test all electrical work and equipment or apparatus for compliance with the code. Whenever electric wiring, appliances or apparatus shall be defective or hazardous

through improper manufacture or 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.

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 be 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 Code Enforcement Officer 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 regulations of this ordinance, 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 ordinance, nor shall current be turned on to such installation, equipment, appliance, motor, heat 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 Code Enforcement Officer 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.

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 ordinance.

11.12.09 Qualification No license shall be issued until the party applying for same has given satisfactory evidence to the Code Enforcement Officer 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 their work or to meet the required standards after having been given notice of the unfit condition by the Building Inspector 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 ordinance. Upon failure to comply with this chapter, the Code Enforcement Officer shall have authority, after due notice, to cut 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.

CHAPTER 11.16**FIRE PREVENTION CODE****Sections:**

- 11.16.01 Adoption of Fire Prevention Code
- 11.16.02 Enforcement
- 11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted
- 11.16.04 Modifications
- 11.16.05 Appeals
- 11.16.06 Penalties

11.16.01 Adoption of Fire Prevention Code There is hereby adopted by the city of Clarksville, Arkansas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code, 1992 Edition, of which code 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 within the corporate limits of the municipality. (Ord. No. 320.)

11.16.02 Enforcement The code hereby adopted shall be enforced by the Chief of the Fire Department of the municipality.

11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted The limits referred to in Section 73 of the code hereby adopted in which storage of flammable liquids in outside above ground tanks is prohibited, the limits referred to in Section 103 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in Section 53 B of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

- A. The area designated on the "Official Zoning Map" of the municipality as the Central Business District;
- B. Within fifteen hundred (1500) feet of any building structure in any built up area within the corporate limits of the municipality.

With the exception of outside above ground tanks for the storage of flammable liquids or for the bulk storage of liquefied petroleum gases having been located in such designated areas prior to the adopting date of this ordinance; provided, however, that the Fire Chief shall inspect such facilities and issue a letter of "Modification" as hereinafter set forth in Section 11.16.04.

11.16.04 Modifications The Chief of the Fire Department shall have the power to modify any of the provisions of the code hereby adopted upon application, in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decisions of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

11.16.05 Appeals Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the governing body of the municipality within thirty (30) days from the date of the decision appealed.

11.16.06 Penalties Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than three (3) days nor more than thirty (30) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defect within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

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

11.20.02 Housing Official

- A. The office of Housing Official is hereby created.
- B. The Housing Official, appointed by the Mayor, shall be responsible for the enforcement of this chapter.

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

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

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

11.20.06 Fair Housing Code The Fair Housing code of the city of Clarksville, Arkansas, of which not less than three (3) copies have been and are now filed in the office of the City Clerk of the

city of Clarksville, Arkansas, and the same are hereby adopted and incorporated as fully set forth at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling with respect to discriminatory housing practice within the area of jurisdiction of the city of Clarksville, Arkansas. (Ord. No. 74, Sec. 1.)

11.20.07 Existing rights unaffected Nothing in this ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance. (Ord. No. 74, Sec. 2.)

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
11.24.05	Notice
11.24.06	Removal
11.24.07	Duties of Mayor
11.24.08	Proceeds of sale
11.24.09	Enforcement of lien
11.24.10	Penalty
11.24.11	Judicial condemnation, penalty, previous sections applicable

11.24.01 Unlawful That is 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 Clarksville, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council.(Ord. No. 2005-524, Sec. 1.)

11.24.02 Condemnation required That 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. 2005-524, Sec. 2.)

11.24.03 Notification to owner

- A. That 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 the 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 for 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. 2005-524, Sec. 3.)

11.24.04 Description of property, reason for condemnation That 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 or names, if known, of the owner(s) or 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. 2005-524, Sec. 4.)

11.24.05 Notice 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) be known or their last known address be known, and a copy thereof shall be posted in 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. 2005-524, 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, it will be torn down and/or removed by the Building Inspector or his duly designated representative. (Ord. No. 2005-524, Sec. 6.)

11.24.07 Duties of Mayor The Mayor 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. 9Ord. No. 2005-254, 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. 2005-524, Sec. 8.)

11.24.09 Enforcement of lien If the city has any net costs in removal of any house, building and/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:

- A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court; or
- B. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks, the determination of said governing body being subject to appeal by the property owner in the Circuit Court, and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the municipality by the County Tax Collector. (Ord. No. 2005-524, 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 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) for each said separate and distinct offense, provided the notice as herein provided in Section 11.28.04 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. 2005-524, Sec. 10.)

11.24.11 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 separate and distinct offense. In the event the owner(s) of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Mayor or any other person or persons referred to in Section 11.28.07 of this ordinance will take such action as provided in Section 11.28.07 hereof, and Section 11.28.08 of this ordinance will be applicable to such owner(s). The provisions contained in the immediately preceding sentences apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 2005-524, Sec. 11.)

CHAPTER 11.28**BUILDING AND MECHANICAL CODES****Sections:**

11.28.01	Adoption of Building and Mechanical Code
11.28.02	Establishment of office of Building Official
11.28.03	Qualifications of Building Official
11.28.04	Duties of Building Official
11.28.05	Liability
11.28.06	Right of entry
11.28.07	Definition
11.28.08	Fees
11.28.09	Call back fees

11.28.01 Adoption of Building and Mechanical Code There is hereby adopted by the City Council of the city of Clarksville, 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 known as the "Standard Building Code", 1991 Edition, and "Standard Mechanical code," 1991 Edition, 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 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.

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 connected with building construction, alteration, removal and demolition.

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 existing 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 inspectors 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 or reports rendered and of notices or orders issued.
- D. All such records shall be open to the 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 in 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 premises 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 Fees

- A. For building permit schedule of fees for erecting or repairing a building or structure, see 11.04.03(A):

Fractions to \$1,000 are considered to be the next \$1,000 in costs.

- B. Building permit schedule of fees for moving of building or structure:

For the moving of any building or structure, the fee should be Ten Dollars (\$10.00).

- C. Building permit schedule of fees for demolition of buildings or structures:

For the demolition of building or structure, the fee should be Four Dollars (\$4.00).

11.28.09 Call back fees If any building or structure fails for any reason to pass the Building Official's inspection and the Building Official has to re-inspect said building or structure, there will be an additional charge of Five Dollars (\$5.00) for each inspection; and any and all fees shall be paid by the person to whom the permit is issued.

CHAPTER 11.32

GAS CODE

Sections:

- 11.32.01 Adopted
11.32.02 Filed

11.32.01 Adopted The Arkansas State Gas Code as printed and bound for 1975 is hereby adopted as the city of Clarksville Code. (Ord. No. 117, Sec. 1.)

11.32.02 Filed The copies of the printed, bound code shall be filed with the City Clerk and Recorder to be kept at all times for inspection by the public. (Ord. No. 117, Sec. 2.)

CHAPTER 11.36**ENERGY CODE****Sections:**

11.36.01 Adoption of Energy Code

11.36.01 Adoption of Energy Code There is hereby adopted by the City Council of Clarksville, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 1994 Arkansas Energy code, being particularly the 1994 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies have been and now are filed in the office of the Clerk or Recorder of the city of Clarksville, Arkansas, 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 in the construction of all buildings and structures therein contained within the corporate limits of the city of Clarksville, Arkansas. (Ord. No. 342, Sec. 1.)

CHAPTER 11.40**MINING****Sections:**

- 11.40.01 Unlawful
- 11.40.02 Penalty
- 11.40.03 Drilling for oil and gas
- 11.40.04 Special use permit application
- 11.40.05 Required information
- 11.40.06 Limitations
- 11.40.07 Conditions
- 11.40.08 Additional requirements
- 11.40.09 Starting time

11.40.01 Unlawful It shall be unlawful for any person, firm or corporation to do any mining for any coal, mineral, stone or other commercial product within the corporate limits of the city. Mining shall mean by any method strip, shaft, slope, hydraulic or any other, to recover any minerals, ores, stone or any commercial product. (Ord. No. 468, Sec. 1.)

11.40.02 Penalty Any person, firm or corporation who shall violate any of the provisions of 11.40.01 hereof shall be upon conviction fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00) or by imprisonment for not more than one (1) year, or, by fine and imprisonment. (Ord. No. 468, Sec. 2.)

11.40.03 Drilling for oil and gas This ordinance is hereby adopted for the purpose of prescribing regulations governing conditions for the drilling of oil and gas wells within the city of Clarksville, Arkansas. A special use permit is hereby established to set standards used in approving oil and gas well operations and to establish procedures for processing the permits. Certain uses are defined as special uses because of the potential harmful effects the use can cause to nearby property and public streets, and because the requirements needed to eliminate those harmful effects vary from site to site. Thus, the City Council, in considering each special use request, will review the overall compatibility of the planned use with surrounding property as well as such specific items as street standards, traffic patterns, compliance with the adopted Fire Prevention Code of the city, amount of dust or spillage created by the operation, traffic control, etc., to make sure no harmful effects occur to nearby property or existing public property. While nothing herein shall be interpreted or applied so as to effectively prevent or eliminate oil or gas drilling within the city limits of Clarksville, the City Council may refuse to grant any permit if the special use in question poses an unreasonable danger to the public health, safety or welfare. (Ord. No. 158, Sec. 1.)

11.40.04 Special use permit application The application for a special use permit shall be made to the office of the Mayor by the owner or agent of the oil and gas well operations. The application shall include four (4) copies of the required site plan. The fee for processing a special use application is One Hundred Dollars (\$100.00).

The required survey and site plan shall be submitted on paper no larger than twenty-four (24) inches by thirty-six (36) inches and no smaller than twelve (12) inches by twenty-four (24) inches. The site plan shall be drawn to scale of no less than one (1) inch equals twenty (20) feet unless the City Council approves a different scale. The survey and site plan shall, at a minimum, contain the following information:

- A. The land to be included in the proposed use along with a written legal description of the land.
- B. The location and dimensions of all public rights-of-way on or abutting the planned area.
- C. Existing and proposed finished grade on the site, with particular attention to drainage.
- D. Location of all points of vehicular entrance and exit to the site. The location and dimensions of all existing easements and public improvements within the site.

- E. The location of permanent or temporary structures or proposed structures to be located on the site.
- F. The location of any reserve pit.
- G. Location of closest available water to the site.
- H. Exact location of the proposed drilling rig.
- I. Location of an all-weather roadway (shale, SB-2, etc.) capable of supporting fire apparatus on the site.
- J. Location of all security fencing around the site (if applicable). (Ord. No. 158, Sec. 2.)

11.40.05 Required information The complete application, including all supportive information, must be received by the Mayor at least thirty (30) working days before the date that work is to commence. The special use application shall contain the following information:

- A. A survey and site plan of the property prepared by a certified land surveyor or registered civil engineer.
- B. The street address or addresses of the entire property.
- C. The present zoning classification of the property, using such words as “residential,” “industrial,” and “commercial” along with the numeral and letters in lieu of letters such as “R-2-MN.”
- D. A description of the proposed special use, including the description of any construction of temporary structures to be erected on the property.
- E. The projected route of truck traffic to and from the operation site including the projected number of trips. The number of trips and route may be regulated by the City Council.
- F. The name of subcontractor responsible for site preparation (a separate special use permit is required).
- G. In addition to the above information, the applicant shall submit supportive information that shall be deemed necessary by the City Council. If additional information is requested, an additional seven (7) working days shall be required for the processing of the application. (Ord. No. 158, Sec. 3.)

11.40.06 Limitations The City Council may impose reasonable conditions and restrictions upon the application under consideration with the intent of minimizing the impact of the special use permit operation upon nearby property or public property. The limitations placed upon a special use permit may include but are not limited to: (1) method for cleaning materials used in the operations that are dropped, shifted, leaked, or otherwise escape onto a roadway from the vehicle transporting such materials, and such material shall be removed as necessary each day; (2) method of controlling traffic (flagman or traffic control devices may be required at the contractor's expense); (3) weight limits may be placed on all haulers to minimize damage to public facilities (reasonable weight limits to be determined by the Mayor or his designated agent); (4) the number of hours that site preparation work can be conducted on the premises may be regulated by the City Council to minimize harmful effects on nearby property owners. (Ord. No. 158, Sec. 4.)

11.40.07 Conditions The applicant must be in compliance with the Fire Prevention Code of the city and must also meet the following conditions:

- A. The reserve pit shall be located a minimum of one hundred (100) feet from any structure.
- B. All standing brush or trees shall be cleared for a radius of fifty (50) feet from a reserve pit.
- C. Reserve pit shall be diked or otherwise constructed to protect public property and the environment.
- D. Water must be available at the site (within one thousand five hundred (1,500) feet by either fire hydrant or hoses which will fit Fire Department connections.
- E. Drilling platform shall be a minimum twenty-five (25) feet from any roadway.
- F. an all-weather roadway capable of supporting fire apparatus shall be available at the site.
- G. When surface blasting is required, the following precautions shall be taken: (1) blasting shall be conducted by federally licensed technicians; (2) authorities having jurisdiction shall monitor blasting and blasting shall be limited to the daylight hours, between the hours of 8:00 a.m. to 5:00 p.m.

- H. The drilling site shall have security fencing around the entire site or personnel on the site twenty-four (24) hours during the operations to prohibit unauthorized access.
- I. A list of trained personnel to be called in case of a blow-out shall be furnished to the Clarksville Fire Department.
- J. Temporary repairs to the city streets may be required by the Mayor or his designated agent. (Ord. No. 158, Sec. 5.)

11.40.08 Additional requirements All reasonable conditions required for a special use must be met before any operations may begin. The owner or applicant filing for a special use permit shall sign a binding agreement with the city of Clarksville that all damages to public property related to this operation, for which the owner or applicant is legally responsible, shall be repaired at the expense of the applicant. The Mayor shall determine the condition of public facilities (including photos and documentation) prior to the initiation of the operation. A bond, for a reasonable amount, shall be required for the amount determined by the City Council. Immediately after completion of the drilling of the well site, repairs will commence on the damage that has been done to the public property. Failure of the applicant to correctly repair all damaged public facilities, for which it has been determined responsible, may result in the revocation of all existing or future permits for said company and the City Attorney is authorized to take what means are necessary to insure that the public facilities are repaired. (Ord. No. 158, Sec. 6.)

11.40.09 Starting time The drilling operation must begin within six (6) months of the authorization unless a special time limit (less than six (6) months has been imposed by the Mayor or his designated agent. (Ord. No. 158, Sec. 7.)

CHAPTER 11.44

CODES ADOPTED BY REFERENCE

Sections:

- 11.44.01 Codes adopted by reference
 11.44.02 Designated official

11.44.01 Codes adopted by reference It is ordained by the city of Clarksville that the following codes are hereby adopted by reference as though they were copied herein fully:

Arkansas Fire Prevention Code	2002
Volume I	Volume II
Volume III	
Appendix B	Appendix C
Appendix C	Appendix E
Appendix D	Appendix I
Appendix J	Appendix H
National Electrical Code	2005
Arkansas Mechanical Code	2003
Arkansas State Plumbing Code	2003
Appendix F	Appendix J
Appendix K	
Current National Fire Protection Association (NFPA)	
National Fuel Gas Code	1999
(Ord. No. 2005-508, Sec. 1.)	

11.44.02 Designated official It is further ordained that within said codes, when reference is made to the duties of a certain official owned therein, that designated official of the city of Clarksville who has duties corresponding to those of the named official in this code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (Ord. No. 2000-405, Sec. 2.)

CHAPTER 11.48

MECHANICAL CODE

Sections:

- 11.48.01 Code adopted
 11.48.02 Amended
 11.48.03 Publication
 11.48.04 Penalty

11.48.01 Code adopted There is hereby adopted by the city of Clarksville the state of Arkansas Mechanical Code, as recommended by the Southern Building Code Congress, being particularly the 1991 Edition thereof, save and except such portions as amended in 11.48.02 below. These rules and regulations are adopted in an attempt to insure safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and the public welfare.

For purposes of this ordinance, the Building Official, his assistants, or any individual assigned by the Mayor, shall be the “Administrative Authority” authorized to enforce the provisions of the Mechanical Code. (Ord. No. 362, Sec. 1.)

11.48.02 Amended The aforementioned code shall be amended as follows:

- A. Flex duct shall be allowed only on branch lines;
- B. Flex duct shall be no longer than six (6) feet in length;
- C. Mechanically approved fittings are required for all turns;
- D. Mechanically approved fittings are required for take off;
- E. Fiber duct shall not be allowed;
- F. The following fee schedule shall be substituted for the “Schedule of Permit Fees” found at appendix B of the Mechanical Code:

Mechanical Code:

Residential Inspections:

One (1) unit	\$20.00
For each additional unit	\$10.00

Commercial Inspections:

For up to four (4) units	\$30.00
For each additional unit over and above four (4) units	\$10.00

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

Inspection 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, ventilation, air conditioning or refrigeration system, the installer of such equipment shall pay a re-inspection fee of \$20.00. (Ord. No. 362, Sec. 2.)

11.48.03 Publication Three (3) copies of this code have been and are now filed in the office of the Clerk and/or building Official of the city of Clarksville, Arkansas, and the same are hereby adopted and incorporated, as amended as fully set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling in the construction of all buildings and other structures within the corporate limits of the city of Clarksville, Arkansas, except as regulated by other ordinances of the Clarksville Municipal Code. (Ord. No. 362, Sec. 3.)

11.48.04 Penalty A.C.A. 14-55-102 empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violations of the Mechanical Code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violations of the Mechanical Code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the provisions of the Mechanical Code as adopted as a result of this ordinance or other provisions of this ordinance shall be punishable by a fine up to Two Hundred Fifty Dollars (\$250.00). Each day that said violation continues shall be a separate offense and each day subsequent to the first day of violation shall be punishable by a fine of up to Two Hundred Fifty Dollars (\$250.00) per day. (Ord. No. 362, Sec. 4.)