

ORDINANCE NO. 1010

AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, CONVERSION, DEMOLITION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF BUILDINGS OR STRUCTURES WITHIN THE CORPORATE LIMITS OF THE CITY OF EUREKA SPRINGS, ARKANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; DECLARING AND ESTABLISHING A FIRE DISTRICT; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

SECTION 1. ADOPTION OF SOUTHERN STANDARD BUILDING CODE.

The 1973 Edition of the Southern Standard Building Code of the Southern Building Code Congress, hereinafter called "this code," as most recently supplemented and amended by appendages thereto, is hereby adopted by reference and in its entirety, subject to modifications and adaptations thereof made by this Ordinance and through amending ordinances and parts of ordinances hereafter passed by the City Council of the City of Eureka Springs, Arkansas, the adoption of this code, as modified and adapted hereinafter, being for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings or structures within the corporate limites of the City of Eureka Springs, Arkansas. Not less than three (3) copies of this Code have been filed in the office of the Building Inspector of the City of Eureka Springs, Arkansas, for inspection and reference by all interested persons.

SECTION 2. AMENDMENT OF SECTION 102 OF THIS CODE.

Section 102 of this Code, entitled "Organization," is hereby amended, in its entirety, to read as follows, to-wit:

SECTION 102 -- ORGANIZATION

102.1--BUILDING INSPECTOR.

- (a) There is hereby established the position of "Building Inspector."
- (b) The Building Inspector shall be a person who shall have demonstrable competence, qualifications and expertise, through experience and/or training, with regard to the abilities of such person to knowledgeably review plans for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and/or maintenance of buildings and structures, and to knowledgeably inspect work-in-progress and completed work under such plans, all with regard to compliance with the provisions of this Code. The Building

Inspector shall be appointed by the Mayor of the City of Eureka Springs, Arkansas, subject to confirmation by a majority of the members elected to the City Council of the City of Eureka Springs, Arkansas. Such appointment shall continue during good behavior and satisfactory service, and without regard to changes of the persons holding the Office of Mayor and the Offices of Aldermen of the said City Council. The Building Inspector shall not be removed from said position hereinabove established except for cause after full opportunity has been given the Building Inspector to be heard on specific charges before the said City Council. Removal shall be only by a vote of the majority of the members elected to said City Council.

102.2--RESTRICTIONS ON BUILDING INSPECTOR.

The Building Inspector shall not be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building, or in the making of plans or of specifications therefor, unless the Building Inspector is the owner of such building. The Building Inspector shall not engage in any work which is inconsistent with his duties or with the interests of the City of Eureka Springs, Arkansas.

102.3--RECORDS.

The Building Inspector shall keep, or cause to be kept, a record of the official business of the Building Inspector. The records of the Building Inspector shall be open to public inspection.

102.4--FINALITY OF DECISIONS.

Every decision of the Building Inspector shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. Every decision shall be in writing and promptly filed in the Office of the Building Inspector, and shall be open to public inspection. Therefore, Sections 111, 112 and 113, inclusive, of this Code are hereby repealed, and all references elsewhere in this Code to "the Board of Adjustment and Appeals" are hereby declared to be deleted from this Code and of no effect whatsoever.

102.5--TERMINOLOGY.

Elsewhere in this Code, where the term "Building Official" shall appear, it shall, instead, be read as "Building Inspector."

SECTION 3. PERMITS AND FEES.

3.1--PERMITS REQUIRED.

Subsection 106.1, paragraph (2) of this Code is hereby amended by substituting a comma for the period at the end of said paragraph and, thereafter, adding the following words, to-wit, "together with all other necessary permits, including but not limited to permits for electrical work, plumbing work, gas systems work, and work relating to sewer systems and/or septic tank systems."

3.2--CONTRACTORS LICENSE AND BOND REQUIRED.

That portion of Subsection 106.2 of this Code regarding the requirement of contractors bond is hereby amended so as to conform to the bond requirements of the State of Arkansas for contractors.

3.3--BUILDING PERMITS.

Whenever any structure or building is to be improved or erected, moved or structurally altered, a Building Permit shall be obtained from the Building Inspector. Every applicant for a Building Permit shall furnish the following information:

A plot plan, drawn to scale, showing the exact size, shape and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved, and the size, arrangement, number of parking stalls, movement of vehicles, and ingress and egress drives for all offstreet parking and loading facilities.

A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.

Additional information relating to the proposed improvement needed to determine compliance with these regulations.

A survey prepared by an engineer registered in the State of Arkansas of the boundaries of the lot on which the improvement is proposed to be located may be required by the Building Inspector.

3.4--BUILDING PERMIT VALUATIONS.

(a) Subsection 107.4 (2) of this Code is hereby amended, in its entirety, to read as follows, to-wit:

(1) An applicant for a permit to erect, build or construct a building for commercial purposes shall tender with the application a fee for the permit, such fee to be based on the valuation formula provided in Subsection 107.5 (2) of this Code, and such fees shall be as follows, to-wit:

A. For the valuation up to and including \$15,000.00

the fee shall be \$3.00 per thousand or fraction thereof.

B. For a valuation over \$15,000.00 up to and including \$100,000.00 the fee shall be \$45.00 for the first \$15,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

C. For a valuation over ^{\$100,000} ~~\$100,000.00~~ up to ^{and} including \$500,000.00 the fee shall be \$215.00 for the first ~~\$100,000.00~~ plus \$1.00 for each additional \$1,000.00 or fraction thereof.

D. For a valuation over ^{500,000} ~~\$500,000.00~~ up to and including \$1,000,000.00, the fee shall be \$615.00 for the first ~~\$500,000.00~~ plus \$.40¢ for each additional \$1,000.00 or fraction thereof.

E. For a valuation over \$1,000,000.00 the fee shall be \$815.00 for the first Million Dollars plus 15 cents for each additional \$1,000.00 or fraction thereof.

(2) An applicant for a permit to erect, build or construct a building for residential purposes shall tender with the application a fee for the permit, such fee to be based on the estimated value of construction as follows, to-wit:

ESTIMATED VALUE OF CONSTRUCTION		PERMIT FEE
\$ 50.00	to \$ 500.00	\$ 5.00
500.00	to 1,000.00	11.00
1,001.00	to 2,500.00	12.00
2,501.00	to 4,000.00	13.00
4,001.00	to 5,500.00	14.00
5,501.00	to 7,500.00	15.00
7,501.00	to 9,500.00	16.00
9,501.00	to 11,000.00	17.00
11,001.00	to 13,000.00	18.00
13,001.00	to 15,000.00	20.00
15,001.00	to 17,500.00	22.00
17,501.00	to 20,000.00	24.00
20,001.00	to 25,000.00	26.00
25,001.00	to 35,000.00	28.00
35,001.00	to 45,000.00	38.00
45,001.00	to 55,000.00	48.00
55,001.00	to and up	58.00 plus \$1.00 per thousand

(b) Subsection 107.5 of this Code is hereby amended, in its entirety, to read as follows, to-wit:

(1) For the purpose of determining the proper permit fee provided by part (1) of Section 107.4 (a) of this Code with regard to building to be used for commercial purposes, the valuation of such buildings shall be Four and 00/100 Dollars per square foot.

(2) Valuation of the enlargement, alteration, repair or conversion of any existing building or structure shall be based on the actual cost to the owner of all labor and materials for such enlargement, alteration, repair or conversion, and the valuation shall be equal to such actual cost; the permit fee required for the same shall be determined by referring to the appropriate fee schedule set forth in Subsection 107.4 (a) of this Code, depending on whether the building or structure to be enlarged, altered, repaired or converted is to be used for residential or

commercial purposes. If, in the opinion of the Building Inspector, the valuation of such enlargement, alteration, repair or conversion of an existing building or structure appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimated cost to meet the approval of the Building Inspector. Such permit valuations shall include total cost, such as plumbing, electrical, mechanical equipment and other systems.

SECTION 4. SIGNS AND OUTDOOR DISPLAYS.

Chapter XXIII of this Code, entitled "Signs and Outdoor Displays," is hereby declared to be supplemental to Ordinance No. 998 of the City of Eureka Springs, Arkansas. Where there is actual and irreconcilable conflict between any provision of said Chapter and any provision of said Ordinance, the provision of said Ordinance shall be controlling and the provision of said Chapter shall be without legal force or effect.

SECTION 5. EFFECT ON ORDINANCE NO. 915, AS AMENDED.

This Code is hereby declared to be supplemental to those provisions of Ordinance No. 915 of the City of Eureka Springs, Arkansas, as amended, which pertain to the same or similar subject matter as do certain provisions of this Code. Where there is actual and irreconcilable conflict between any provision of said Ordinance No. 915 and any provision of this Code, then such provision of said Ordinance No. 915 shall be controlling and such provision of this Code shall be of no legal effect or force whatsoever.

SECTION 6. FIRE DISTRICT DECLARED AND ESTABLISHED.

A Fire District is hereby declared and established in and for the City of Eureka Springs, Arkansas, as hereinafter described with particularity, and such Fire District shall be subject to the building restrictions and other matters set forth in Chapter III of this Code. Said Fire District, for the purposes of this Code, is hereby described as follows, to-wit:

For the place of beginning, begin at the intersection of Mountain Street and North Main Street, thence South on North Main Street to Douglas Street, thence South on Douglas Street to North First Street, thence Southwesterly on North First Street (becoming South First Street) until this street terminates at the Courthouse Parking Lot, thence South to Armstrong Street, thence Southwesterly along Armstrong Street to its intersection with South Main Street, thence Northeasterly along South Main Street to its intersection with Spring Street, thence following Spring Street to its intersection with German Alley and Howell Avenue, thence Southeasterly on German Alley to Center (Centre) Street, thence South on Center (Centre) Street to Mountain Street, thence Easterly on Mountain Street to its intersection with North Main Street, being the place of beginning, including all that part of the City inside said

boundaries and One Hundred (100) Feet outside of the above streets and alleys forming said boundaries.

SECTION 7. VIOLATIONS AND PENALTIES.

Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed or continued, and upon conviction of any such violation such person shall be fined in a sum not less than Twenty Five and no/100 Dollars (\$25.00), nor more than Two Hundred Fifty and no/100 Dollars (\$250.00) for each such violation and in addition thereto, shall be assessed all applicable and customary court costs and fees.

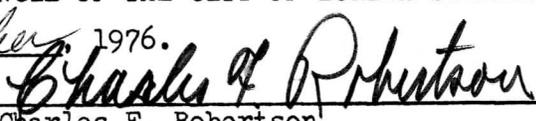
SECTION 8. VALIDITY.

If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or enforceability of the remaining portions of this Ordinance or of the Southern Standard Building Code adopted thereby by reference, as amended, modified and adapted by this Ordinance and future Ordinances.

SECTION 9. REPEAL OF CONFLICTING ORDINANCES AND CONFLICTING PARTS OF ORDINANCES.

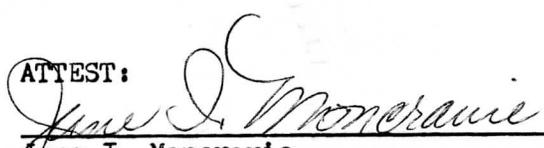
Ordinances Nos. 854 and 905 of the City of the City of Eureka Springs, Arkansas, are hereby repealed, together with any other ordinances or any parts of other ordinances in conflict with this Ordinance.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 20th DAY OF November, 1976.



Charles F. Robertson
Mayor

ATTEST:



June I. Moncravie
City Clerk