# TITLE 11

# BUILDINGS AND CONSTRUCTION

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11.08 Plumbing Code
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## CHAPTER 11.04

## BUILDING PERMIT

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11.04.01 Cost of construction The fees for building permits required by the Building Code shall be determined by the total cost of construction in accordance with the following schedule except as provided in 11.04.02 and 11.04.03 of this ordinance. The total cost of construction shall be determined by utilization of the ICC Building Valuation table dated August 2007 and attached hereto as an appendix and included as a part of this ordinance.

| Total cost of construction | Fee |
|---|---|
| $1,000 or less | No fee unless an inspection is required, in which case, the single phase of construction or miscellaneous inspection fee shall apply. |
| $1,001 to $50,000 | $25.00 for the first $1,000.00 plus $4.00 for each additional thousand or fraction thereof, to and including $50,000.00. |
| $50,001 to $100,000 | $245.00 for the first $50,000.00 plus $3.00 for each additional thousand or fraction thereof, to and including $100,000. |
| $100,001 to $500,000 | $445.00 for the first $100,000.00 plus $2.00 for each additional thousand or fraction thereof, to and including $500,000.00 |
| $500,001 and up | $1,245.00 for the first $500,000.00 plus $1.00 for each additional thousand or fraction thereof. (Ord. No. 2013-7, Sec. 1.) |

11.04.02 Other fees The fees for the following items shall be as follows:

| | | |
|---|---|---|
| A. | Re-inspection fee | $50.00 |
| B. | Plan review fee (required for only commercial or industrial buildings) | $50.00 |
| C. | House moving/manufactured home moving or set up fee | $100.00 |
| D. | Single phase of construction or misc. inspection fee | $50.00 per inspection |
| E. | Lost permit fee | $15.00 |

(Ord. No. 2013-7, Sec. 2.)

11.04.03 Agricultural buildings Agricultural buildings as defined as follows are exempt from the building permit process, inspections, and fees.

**Agricultural building** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public. (Ord. No. 2013-7, Sec. 3.)

11.04.04 Completion deposit Each building permit issued under the provisions of 11.04.01of this ordinance shall be accompanied by a completion deposit equal to fifty percent (50%) of the building permit fee. This deposit shall be refunded upon issuance of a Certificate of Occupancy for the building. If a Certificate of Occupancy is not issued for the building due to occupancy of the building prior to an approved final inspection, then the completion deposit shall be forfeited. (Ord. No. 2013-7, Sec. 4.)

11.04.05 Waiver of fees Building permit fees for public or quasi-public agencies may be waived upon application to the city of Decatur and approval by the Mayor. (Ord. No. 2013-7, Sec. 5.)

11.04.06 Fine A violation of this ordinance shall be a misdemeanor and punishable by a fine not exceeding Five Hundred Dollars ($500.00) 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 thereof is a fine not to exceed Two Hundred Fifty Dollars ($250.00) for each day that the same is unlawfully continued. (Ord. No. 2013-7, Sec. 6.)

11.04.07 Building Inspector That the building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated, trailers and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage, (iv) over-the-top ties at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side, (v) all base flood elevation data shall be recorded by the building inspector and a permanent record placed with the building inspector and the City/Recorder; (Ord. No. 78-3, Sec. 1.)

11.04.08 Duties

A. The Building Inspector shall review subdivision proposals and other proposed new developments to assure that

1. All such proposals are consistent with the need to minimize flood damage,

2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and

3. Adequate drainage is provided so as to reduce exposure to flood hazards;

B. The Building Inspector shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and avoid impairment of them or contamination from them during flooding. (Ord. No. 78-3, Sec. 2-3.)

## CHAPTER 11.08

## PLUMBING CODE

Sections:

11.08.01 Adopted
11.08.02 Enforcement
11.08.03 Appeal

11.08.01 Adopted There is hereby adopted by the city of Decatur, Arkansas, that certain code known as the Arkansas State Plumbing Code, being particularly the Arkansas State Plumbing Code, 1995 edition as amended thereof, and the whole thereof of which not less than three (3) copies have been and are now on file in the office of the Recorder/Treasurer of the city of Decatur, Arkansas, the same having been opened to and available for public inspection as set forth in notice by publication thereof, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date upon which the ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the city of Decatur, Arkansas.

11.08.02 Enforcement In all instances where said code refers to an enforcing officer or official, the same shall be the Mayor of the city of Decatur, Arkansas, or his designated representative or officer.

11.08.03 Appeal In all provisions concerning appeal from the decision of the enforcing officer or official, the Board of Appeals of said code shall be the Planning Commission of the city of Decatur, Arkansas.

# CHAPTER 11.12

# ELECTRICAL CODE

Sections:

11.12.01 National Electrical Safety Code

11.12.01 National Electrical Safety Code The city of Decatur hereby adopts and incorporates by reference the 1999 National Electrical Safety Code, as promulgated by the Institute of Electrical and Electronics Engineers, Inc., and approved by American National Standards Institute, of which not less than three copies have been and now are filed in the office of the City Recorder. (Ord. No. 99-5, Sec. 1.)

# 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 That the Arkansas Fire Prevention Code, 1999, edition, shall be adopted and enforced by the city of Decatur, Arkansas. (Ord. No. 00-02, Sec. 1.)

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 Decatur 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 of the city of Decatur, Arkansas, 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 Recorder/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 of the city of Decatur, Arkansas. 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.

## CHAPTER 11.24

## CONDEMNED STRUCTURES

Sections:


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|---|---|
| 11.24.01 | Unlawful |
| 11.24.02 | Condemnation required |
| 11.24.03 | Description of property, reason for condemnation |
| 11.24.04 | Notice |
| 11.24.05 | Removal |
| 11.24.06 | Duties of Building Inspector |
| 11.24.07 | Proceeds of sale |
| 11.24.09 | Penalty |
| 11.24.09 | 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 Decatur, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 81-2, 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. 81-2, Sec. 2.)

11.24.03 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 or names, if known, of the owner or owners 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. 81-2, Sec. 3.)

11.24.04 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 or owners thereof, if the whereabouts of said owner or owners 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 or owners of said house, building and/or structure be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice. (Ord. No. 81-2, Sec. 4.)

11.24.05 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 Police Chief or by such other person or persons as shall be designated by the City Council. (Ord. No. 81-2, Sec. 5.)

11.24.06 Duties of Building Inspector The Police Chief or any other person or persons designated by the City Council 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. 81-02, Sec. 6.)

11.24.07 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 Recorder/Treasurer. If any such house, building and/or structure, or the saleable materials therefrom 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 Recorder/Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance. (Ord. No. 81-2, Sec. 7.)

11.24.08 Penalty A fine of Fifty Dollars ($50.00) is hereby imposed against the owner or owners 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 Fifty Dollars ($50.00) for each said separate and distinct offense, provided the notice as herein provided in Section 11.24.04 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. 81-2, Sec. 28)

11.24.09 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 or owners 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 Chancery 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 Fifty Dollars ($50.00) is hereby imposed against the owner or owners thereof from the date said finding is made by the court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars ($50.00) for each separate and distinct offense. In the event the owner or owners 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 Police Chief or any other person or persons referred to in Section 11.24.06 of this ordinance will take such action as provided in Section 11.24.06 hereof, and Section 11.24.07 of this ordinance will be applicable to such owner or owners. 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. 81-2, Sec. 9.)

## CHAPTER 11.28

## BUILDING CODE

Sections:

11.28.01 Adoption of Building Code by reference

11.28.01 Adoption of Building Code by reference The city of Decatur hereby adopts and incorporates by reference the 1997 Standard Building Code, as promulgated by the Southern Building Code Congress International, Inc., of which not less than three copies have been and now are filed in the office of the City Recorder. (Ord. No. 98-5, Sec. 1.)

# CHAPTER 11.32

# MECHANICAL CODE

Sections:

11.32.01 Mechanical Code adopted by reference
11.32.02 Responsible official

11.32.01 Mechanical Code adopted by reference The city of Decatur hereby adopts and incorporates by reference the 1997 Standard Mechanical Code, as promulgated by the Southern Building Code Congress International, Inc., of which not less than three copies have been and now are filed in the office of the City Recorder. (Ord. No. 98-6, Sec. 1.)

11.32.02 Responsible official Within said code, when reference is made to the duties of a certain official named therein, that designated official of the city of Decatur who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (Ord. No. 98-6, Sec. 3.)

# CHAPTER 11.36

# ENERGY CODE

Sections:

11.36.01 Adopted

11.36.01 Adopted There is hereby adopted by the City Council of Decatur, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 2011 Arkansas Energy Code, being particularly the 2011 Arkansas Energy Code edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies of this ordinance, as well as, three (3) copies of the 2011 Arkansas Energy Code, have been and now are filed in the office of the Clerk or Recorder of the city of Decatur, Arkansas, and the same ordinance is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city of Decatur, Arkansas. (Ord. No. 2011-5, Sec. 1.)