

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Standard Codes
- 11.08 Building Permit
- 11.12 Plumbing Code
- 11.16 Fair Housing Code
- 11.20 Mechanical Code
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CHAPTER 11.04

STANDARD CODES

Sections:

- 11.04.01 Standard codes
- 11.04.02 Conflicting ordinances
- 11.04.03 Duties of officials

11.04.01 Standard codes The following codes are hereby adopted by reference as though they were copied herein fully:

Standard Amusement Device Code	1997 Edition
Standard Building Code	1997 Edition
Standard Existing Buildings Code	1997 Edition
Standard Fire Prevention Code	1997 Edition
Standard Gas Code	1997 Edition
Standard Housing Code	1997 Edition
Standard Mechanical Code	1997 Edition
Standard Plumbing Code	1997 Edition
Standard Swimming Pool Code	1997 Edition
Standard Unsafe Building Abatement Code (Ord. No. 2002-188, Sec. 1.)	1985 Edition

11.04.02 Conflicting ordinances Any matters in said codes which are contrary to existing ordinances of Lake City, Arkansas, shall prevail and to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. No. 2002-188, Sec. 2.)

11.04.03 Duties of officials Within said codes when reference is made to the duties of a certain official named therein, that designated official of Lake City, Arkansas, 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. 2002-188, Sec. 3.)

CHAPTER 11.08

BUILDING PERMIT

Sections:

11.08.01	Building permits
11.08.02	Building Inspector
11.08.03	Qualifications
11.08.04	Duties
11.08.05	Liability
11.08.06	Right of entry
11.08.07	Application
11.08.08	Fees
11.08.09	Penalty

11.08.01 Building permits The owner or tenant of any property situated within the incorporated limits of the city of Lake City, Arkansas, shall neither construct nor allow construction or placement, on such property or any building or structure of a type set forth in sub-paragraphs below, without having obtained a building permit from the city of Lake City, Arkansas, for such construction or placement.

- A. Single-family residence
- B. Multiple-family residence
- C. Any building in which, or from which, any business, commercial enterprises, or manufacturing process is to be conducted, or which is to be used for related storage or warehousing purposes.
- D. Any storage shed, storm cellars, workshop, swimming pools, playhouse or garage.

- E. Any fence or dog pen
- F. And/or any additions, alterations or modifications of the structures outlined above. (Ord. No. 94-158, Sec. 1.)

11.08.02 Building Inspector

- A. The office of Building Inspector is hereby re-established and the executive official in charge shall be known as the Building Inspector.
- B. The Building Inspector shall be appointed by the Mayor with the approval of the City Council. His/her appointment shall continue during good behavior and satisfactory services. He/she shall not be removed from office except for cause and after full opportunity has been given to him to be heard on specific charges.
- C. During temporary absences or disability of the Building Inspector, the Mayor shall designate an acting Building Inspector.
- D. The Building Inspector shall be paid an annual salary of Six Hundred Dollars (\$600.00). (Ord. No. 94-158, Sec. 2.)

11.08.03 Qualifications He shall have a basic knowledge of construction. He shall be physically capable of making the necessary examinations and inspections. The Building Inspector must reside within the city limits and have a telephone. (Ord. No. 94-158, Sec. 3.)

11.08.04 Duties

- A. He shall receive applications for permits, 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. To enforce compliance with law, he shall issue such notices or orders as may be necessary.
- B. The Building Inspector shall keep comprehensive records of applications or permits issued, of certificates issued, of inspections made, or reports rendered, and of notices of orders issued.
- C. He shall provide the City Clerk with the original copy of all such records which shall be open to public inspection for good and sufficient reasons at state office hours, but shall not be removed from the office of the City Clerk without her written permission.
- D. The Building Inspector shall serve on the Planning and Zoning Committee. (Ord. No. 94-158, Sec. 4.)

11.08.05 Liability The officer or employee, charged with the enforcement of this ordinance acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted on the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this ordinance shall be defended by the City Attorney or legal representative of the city. (Ord. No. 94-158, Sec. 5.)

11.08.06 Right of entry The Building Inspector, 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. (Ord. No. 94-158, Sec. 6.)

11.08.07 Application The application for any building permit required by this ordinance will be submitted by the landowner concerned to the Building Inspector of Lake City and shall contain as a minimum the following:

- A. Name, mailing address, and telephone number of the applicant.
- B. Type building to be constructed (as listed in 11.04.01)
- C. Location of the building site.
- D. Outside dimensions of the proposed building.
- 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, and
 2. After grading and leveling.
- H. Date on which construction is proposed to begin.
(Ord. No. 94-158, Sec. 7.)

11.08.08 Fees

- A. A fee of Five Dollars (\$5.00) will be charged for each building permit issued for a fence or storage shed measuring 8' x 10' or less. The fee on any other structure or addition will be figured at \$.07 per square foot. Payment of said amount shall be submitted upon receipt of each building permit.

- B. The permit shall be granted unless found to be in violation of any flood zone ordinance or other ordinance heretofore or hereinafter adopted by the city.
- C. Any building permit issued under the provisions of the ordinance will remain valid only for a period of six (6) months from its date of issuance, and becomes void if construction is not completed within that period, or unless it is renewed within this period. (Ord. No. 94-158, Sec. 8.)

11.08.09 Penalty Any person receiving written notification from the city of Lake City that he is in violation of the provisions of this ordinance shall have a period of thirty (30) days following his receipt of such notice in which to effect compliance, or otherwise will upon conviction be subject to a fine of no more than Twenty-Five Dollars (\$25.00) per day for so long as he remains in violation. (Ord. No. 94-158, Sec. 9.)

CHAPTER 11.12

PLUMBING CODE

Sections:

- 11.12.01 Definitions
- 11.12.02 State code
- 11.12.03 Inspection and supervision
- 11.12.04 Applications; permits
- 11.12.05 Bond
- 11.12.06 Street openings
- 11.12.07 Cross connections; back flow
- 11.12.08 Penalties

11.28.01 Definitions Plumbing for the purposes of this ordinance is hereby defined as the definitions of Act 200 of 1951 of Arkansas and the Arkansas State Plumbing Code. (Ord. No. 49, Sec. 1.)

11.12.02 State code The provisions and regulations of the Arkansas State Plumbing Code, and amendments thereto, adopted by the State Board of Health of Arkansas are made a part of this ordinance by reference, three certified copies of which shall be on file in the office of the City Clerk, and shall extend over and govern the installation of all plumbing installed, altered or repaired within or without the city of Lake City, Arkansas. Wherever water and/or sewage service originating from the municipal water and/or sewer system is furnished. (Ord. No. 49, Sec. 2.)

11.12.03 Inspection and supervision

- A. There is hereby created the position of Plumbing Inspector or Inspectors who shall be employed by the city of Lake City, Arkansas.
- B. The Plumbing Inspector or Inspectors shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly.
- C. The Plumbing Inspector or Inspectors shall not be directly connected in anyway with any person, firm, corporation, directly or indirectly engaged in the business of plumbing, or plumbing suppliers.
- D. The Inspector shall receive as full compensation for his services a salary designated by the city of Lake City, Arkansas.
- E. It shall be the duty of the Plumbing Inspector or Inspectors to enforce all provisions of this ordinance, and such Inspector or Inspectors is hereby granted the authority to enter all buildings within or without the corporate limits of the city of Lake City, Arkansas, when such buildings are connected or to be connected to the municipal water and/or sewage system.
- F. The Plumbing Inspector shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
- G. It shall be the duty of the Plumbing Inspector to inspect and test all plumbing work for compliance with this ordinance and its adopted Plumbing Code, and to enforce changing of such installations that does not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by state law. (Ord. No. 49, Sec. 3.)

11.12.04 Applications; permits

- A. Before beginning any work in the city of Lake City, Arkansas, the person installing or altering same, shall apply to the Plumbing Inspector or other designated official and obtain a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a home owner to install or alter plumbing in a single family residence, providing the home owner does the work himself and that the building is owned and occupied by the owner as his home. All such work shall meet the code requirements.
- B. All applications for permits shall be made on suitable forms provided. The application shall be accompanied by fees in accordance with the following schedule:

Plumbing rough-in inspections	\$1.00
Each plumbing fixture and/or water and/or waste discharging devices	\$.25
New or reconstructed sewer connection	\$1.00
Each septic tank system	\$1.00
Hot water heater, new or replaced	\$1.00
Water service or connection	\$1.00
For final certificate of Inspector	\$1.00

An additional fee of \$3.00 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. (Ord. No. 49, Sec. 4.)

11.12.05 Bond Every master plumber doing business in the city of Lake City, Arkansas, 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 ordinance. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the city and is in full force and effect. (Ord. No. 49, Sec. 5.)

11.12.06 Street openings

- A. All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.
- B. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and material must be removed at once, leaving the street or sidewalks clean and in perfect repair.
- C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property. (Ord. No. 49, Sec. 6.)

11.12.07 Cross connections; back flow

- A. The City Water Department of the city of Lake City, Arkansas, and the city Plumbing Inspector of the city of Lake City, Arkansas, be and they are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply, by reason of the requirements of the Arkansas State Plumbing Code and the city

Plumbing Code and the regulations of the Arkansas State Board of Health having not been complied with.

- B. The City Water Department of the city of Lake City, Arkansas, and the city Plumbing Inspector of the city of Lake City, Arkansas, be and they are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining said potential hazards it shall be the duty of said department and said Inspector to immediately cause notice to get to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event that said hazard is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirements of the Arkansas State Plumbing Code, and the regulations of the Arkansas State Board of health have been complied with. (Ord. No. 49, Sec. 7.)

11.12.08 Penalties Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), together with the costs of such prosecution. Each day during which violation continues shall be a separate offense. (Ord. No. 49, Sec. 8.)

CHAPTER 11.16

FAIR HOUSING CODE

Sections:

- 11.16.01 Housing and property ownership
- 11.16.02 Compliance
- 11.16.03 Legal rights
- 11.16.04 Grievance procedure

11.16.01 Housing and property ownership It is hereby declared that the police of the city of Lake City are to adhere to, encourage and comply with all laws prohibiting discriminatory policies and practices based on color, creed or national origin in relation to both the private and public use of housing and property ownership in the city of Lake City. (Ord. No. 79-85, Sec. 1.)

11.16.02 Compliance It is hereby declared to be the policy of the city of Lake City to comply with all provisions of the law dealing with open housing and non-discrimination in all matters relating thereto. (Ord. No. 79-85, Sec. 2.)

11.16.03 Legal rights It is further declared that efforts on the part of the city of Lake City to resolve discriminatory practices shall not in any way alter, affect or prejudice the parties legal rights to resolve such difference. (Ord. No. 79-85, Sec. 3.)

11.16.04 Grievance procedure It is further declared that the city of Lake City establish a procedure through which grievances may be presented, investigated and resolved where possible by conciliation. Should the city of Lake City fail to resolve such grievances through conciliation, then all possible assistance shall be given to the party(ies) alleging discrimination in filling out and forwarding appropriate forms to the responsible division of the HUD area office. (Ord. No. 79-85, Sec. 4.)

CHAPTER 11.20

MECHANICAL CODE

Sections:

- 11.20.01 Mechanical Code adopted by reference
- 11.20.02 Fees

11.20.01 Mechanical Code adopted by reference There is hereby adopted by the City Council of the city of Lake City, Arkansas, for the purpose of establishing rules, regulations and minimum requirements for the safe mechanical installations, including alteration, repair, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto in order to safeguard the life, health and public welfare and protection of property within the city limits of the city of Lake City, Arkansas, that certain Mechanical Code known as Arkansas Mechanical Code 1991 Edition. Not less than three copies have been and now are filed in the office of the City Clerk, and the same are hereby adopted and incorporated as if set out at length herein. (Ord. No. 95-163, Sec. 1.)

11.20.02 Fees The fees for permits and inspections required by this ordinance shall be as follows for H.V.A.C.R:

- A. The fee for each installation and for the first One Thousand Dollars (\$1,000.00) or fraction thereof shall be Twenty-Five Dollars (\$25.00).
- B. The fee for additional One Thousand Dollars (\$1,000.00) or fraction thereof shall be Two Dollars (\$2.00). (Ord. No. 95-164, Sec. 1.)

CHAPTER 11.24

BOARD OF APPEALS

Sections:

11.24.01	Created
11.24.02	Duties
11.24.03	Members
11.24.04	Removal
11.24.05	Terms

11.24.01 Created There is hereby created a Board of the city of Lake City, Arkansas, to be known as the Lake City Board of Appeals, which said Board shall consist of five members who shall meet on call by the Mayor, shall serve without compensation and of which not more than one-third (1/3) shall hold any other municipal office or appointment. (Ord. No. 1977-74, Sec. 1.)

11.24.02 Duties The Board of Appeals shall have all the duties and functions authorized by Act 629 of the General Assembly of Arkansas, 1969. (Ord. No. 1977-74, Sec. 2.)

11.24.03 Members The members of the Board of Appeals shall be appointed by the Mayor and his appointments shall be valid and effective upon confirmation by the City Council. Members of the Board of Appeals may be suspended or removed from the Board by the Mayor for just cause and such actions shall be final upon approval of the City Council. (Ord. No. 1977-74, Sec. 3.)

11.24.04 Removal Cause for removal from the Board of Appeals shall be the same as for other appointive offices of the city of Lake City, except that Board members may be suspended or removed from office by the Mayor for non-attendance of called meetings. (Ord. No. 1977-74, Sec. 4.)

11.24.05 Terms The terms of members of the Board of Appeals shall be three (3) years. However, in the initial appointments to the Board, the Mayor shall appoint two (2) members for a term of one (1) year, two (2) members for a term of two (2) years, and one (1) member for a term of three (3) years. Thereafter as vacancies occur on the Board of Appeals, said vacancies shall be filled for a term of three (3) years and said appointees shall hold office until expiration of the term to which appointed. All members of the Board of Appeals whose terms expire shall serve until their successors in office have been duly appointed and confirmed. Should a member of the Board of Appeals fail to complete the term of office to which appointed due to death, illness, or removal for cause, a person shall be appointed to serve out the remainder of the term as provided in 11.24.03. (Ord. No. 1977-74, Sec. 5.)

CHAPTER 11.28

CONDEMNATION OF BUILDINGS

Sections:

11.28.01	Definitions
11.28.02	Declaration of unsafe
11.28.03	Notice to owner
11.28.04	Notice of Condemnation
11.28.05	Lien
11.28.06	Compensation
11.28.07	Emergency
11.28.08	

11.28.01 Definitions An unsafe building or structure is defined as one which is unsafe and is a hazard to public health and safety. In determining whether the building is unsafe the following factors may be taken into account:

- A. whether the building is occupied or unoccupied;
- B. whether the building has windows which are broken out or whether the windows are intact;
- C. the length of time that the building has remained unoccupied;
- D. whether the building presently complies with State Plumbing or Electrical Codes;
- E. whether the structure appears readily to the average person to be in a rundown and dilapidated condition;
- F. whether any part of the construction of the structure has spontaneously crumbled or fallen apart;
- G. the existence of rats or other disease producing characteristics;
- H. whether the structure or any part thereof has burned and has not been repaired or repairs commenced within 90 days. (Ord. No.92-141, Sec. 1.)

11.28.02 Declaration of unsafe If the City Council of Lake City, Arkansas, determines that a building or structure is unsafe on account of a combination of the aforementioned factors, then the City Council shall declare in its minutes at a regular or special meeting that the property is unsafe and shall take measures designed herein to correct the situation. (Ord. No. 92-141, Sec. 2.)

11.28.03 Notice to owner Upon making a determination that a building or structure is unsafe, the City Council or its duly appointed representative shall inform the property owner or lessee, or person claiming a right to the building or structure of the determination of the City Council, and at the same time, shall give the individual thirty (30) days within which to either correct the deficiencies or satisfy the City Council of his intention to correct the deficiencies. The City Council shall on request advise the individual as to the exact deficiencies which exist on the property and just exactly what will have to be done in order for the building to comply with this ordinance. (Ord. No. 92-141, Sec. 3.)

11.28.04 Notice of Condemnation If upon giving the required notice, the owner, lessee, or person claiming a right to the property shall fail to either correct the deficiencies or satisfy the City Council of his intention to correct the deficiencies. Then, in that event, an additional notice shall be sent to the individual which shall be styled "Notice of Condemnation." This "Notice of Condemnation" shall be served on the owner, or lessee, or other person claiming a right to the property by certified mail return receipt requested and shall include an accurate legal description of the property to be condemned if possible and if not, the best possible description of the property to be condemned shall be included and the notice shall further state that the individual has an additional thirty (30) days to correct the deficiencies in the property as stated herein. In the event the individual does not take any measures within the thirty (30) day period of time to correct the deficiencies as stated herein, then the city of Lake City, Arkansas, shall have a right of entry upon the property in question, and shall be entitled to demolish, raze, burn, tear down, or otherwise destroy the building or structure in question. (Ord. No. 92-141, Sec. 4.)

11.28.05 Lien In the event the city is called upon to demolish the building as described herein, it shall have a lien on the property for any expenses or cost involved in the demolishing or razing of the building. The city of Lake City, Arkansas, may secure this lien at any time within four (4) months of the razing or destruction by filing a statement of the lien with the Craighead County Chancery Clerk and said lien shall be under oath and shall contain a description of the property, a statement of how the property was demolished or razed, and an exact statement of the amount due and owing. In the event the lien is not satisfied by the owner, lessee, or person claiming a right to the property, then the lien may be enforced in Chancery Court at any time within one (1) year from the filing thereof. (Ord. No. 92-141, Sec. 5.)

11.28.06 Compensation It is hereby declared that the old buildings which substantially meet the definition of this ordinance are a public nuisance. In this connection no property owner shall be entitled to any compensation for loss of property resulting from the enforcement of this ordinance. (Ord. No. 92-141, Sec. 6.)

11.28.07 Emergency There are many old buildings in the city of Lake City, Arkansas, which meet the terms of this ordinance and as such the health, welfare, and safety of the citizens of Lake City, Arkansas, is in jeopardy and an emergency is hereby declared to exist. Therefore this ordinance is in force and effect immediately upon passage. (Ord. No. 92-141, Sec. 7.)

CHAPTER 11.32

HOUSE NUMBERING

Sections:

- 11.32.01 Dimensions
- 11.32.02 Coordination
- 11.32.03 Notice to resident
- 11.32.04 Fine

11.32.01 Dimensions All residences and places of business shall exhibit on the side of said residence or business facing the nearest street a number clearly visible from the street and not less than three (3) inches in height, of any color, fashion or design, so long as it meets the previous requirements set forth herein. (Ord. No. 90-124, Sec. 1.)

11.32.02 Coordination The City Council shall designate one or more persons to assign the applicable numbers to the residences or places of business. As closely as possible, said numbers will be coordinated with the United States Postal Service, Lake City, Arkansas. (Ord. No. 90-124, Sec. 2.)

11.32.03 Notice to resident Numbers will be assigned to each residence or place of business and the occupant shall be notified by Certified Mail, Return Receipt Requested, and shall be responsible for affixing the numbers not later than thirty (30) days after said notice. (Ord. No. 90-124, Sec. 3.)

11.32.04 Fine Any occupant of any residence or place of business found not in compliance with said ordinance, shall be guilty of a misdemeanor and fined not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for said offense. Each day in which the number is not affixed shall constitute a separate offense under this ordinance. (Ord. No. 90-124, Sec. 4.)

CHAPTER 11.36

METAL STORAGE CONTAINERS

Sections:

- 11.36.01 Definition
- 11.36.02 Permit
- 11.36.03 Fine

11.36.01 Definition

Metal storage container Any metal structure usually containing one door, the dimensions of which vary from ten (10) feet wide to thirty (30) feet in length and is designed to be a weather proof container for storage purposes. (Ord. No. 2007-227, Sec. 1.)

11.36.02 Permit

- A. No person shall permit such a container to remain on his/her property for more than thirty (30) continuous days.
- B. Any person desiring to place such a container on his/her property must apply for a permit from the city. (Ord. No. 2007-227, Sec. 1.)

11.36.03 Fine Any person found to be in violation of this ordinance shall be fined up to One Hundred Dollars (\$100.00). (Ord. No. 2007-227, Sec. 1.)