

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Permit
- 11.08 Standard Codes
- 11.12 Address Numbers
- 11.16 Structures Vacant and Unsafe
- 11.20 Development Impact Fee
- 11.24 Small Parcels of Land
- 11.28 Swimming Pool Enclosures

CHAPTER 11.04

BUILDING PERMIT

Sections:

- 11.04.01 Building permit fees
- 11.04.02 Other fees

11.04.01 Building permit fees. Building permit fees shall be based on the value of the structure for which the building permit is obtained, which valuation shall be based on ICC Building Valuation Data Table as periodically updated. The building permit fees are hereby set as follows:

<u>Total Valuation</u>	<u>Fee</u>
No fee, unless inspection is required, in which case a \$50.00 fee for each inspection shall be charged.	
\$3,001.00 to \$50,000.00:	\$50.00 for the first \$3,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and include \$50,000.00
\$50,001.00 to \$100,000.00:	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00
\$500,001.00 and above	\$1,660.00 plus \$2.00 for each additional thousand or fraction thereof. (Ord. No. 2010-341, Sec. 1.)

11.04.02 Other fees. Other additional fees are set as follows:

<u>Fee</u>	<u>Amount</u>
Plan review fee	\$50.00
Site inspection fee	\$50.00
Electrical inspection fee	\$100.00
Plumbing inspection fee	\$100.00
Inspection of additions (patios, decks, rooms, covers, etc.)	\$100.00
Final inspection fee	\$50.00
Re-inspection fee (this fee is for any and each re-inspection)	\$50.00
Certificate of occupancy fee	\$25.00
Fee for moving any building or structure	\$100.00
Fee for the demolition of any building or structure	\$50.00

(Ord. No. 2010-341, Sec. 1.)

CHAPTER 11.08

STANDARD CODES

Sections:

11.08.01	Adoption of Codes
11.08.02	Repealer
11.08.03	Corresponding duties
11.08.04	Amendment
11.08.05	More adopted codes

11.08.01 Adopted codes. The following codes have been adopted by reference as though they were copied herein in full:

2012 International Building Code
2012 International Residential Code for One & Two Family Dwellings
2012 International Fire Code
2012 NFPA 101 Life Safety Code
2014 Arkansas Energy Code
2018 Arkansas Plumbing Code
2018 Arkansas Fuel/Gas Code
2020 NFPA National Electric Code (NEC)
2021 IMC Mechanical Code
2021 Arkansas Fire Prevention Code
2018 Manufactured Home Construction and Safety Standards (with supplements through 2024)

(Ord. No. 2013-405, Sec. 1, amended by Ord. No. 2017-013, Ord. No. 2023-003, and Ord. No. 2024-006)

11.08.02 Repealer. To the extent that any matters in any of the codes are contrary to the existing ordinances or codes of the city, the provisions in the currently adopted codes shall prevail, and the existing ordinances and codes are hereby repealed in that respect only. (Ord. No. 2013-405, Sec. 2.)

11.08.03 Corresponding duties. When reference is made in the adopted codes to the duties of certain officials named therein, then the official of the city of Little Flock who had duties corresponding most closely to those of the named official in the said Code shall be deemed to be the responsible official insofar as enforcing the provisions of the said Code. (Ord. No. 2013-405, Sec. 3., amended by Ord. No. 2017-013)

11.08.04 Amendment. To the extent that any of the adopted codes have provisions providing that an officer or employee of the city's inspection department shall not engage in any other work which is inconsistent with his duties or which conflicts with the interests of the inspection department, such provisions are hereby amended to provide that unpaid employees or officers are exempt from such provisions if the Mayor determines that they should be exempt. However, no paid employee or officer shall, under any circumstances, be exempt from such restriction. (Ord. No. 97-169, Sec. 3.)

11.08.05 More adopted codes. The following codes are hereby adopted by reference as though they were copied herein fully:

- A. CABO-1 and 2 Family Dwelling code
State Plumbing Code
National Electrical Code
Standard Fire Code
(Ord. No. 91-71, Sec. 1.)
- B. Inspections required. All of the inspections mentioned, suggested, or provided in any of the codes adopted by Ord. No. 71 shall be mandatory and the landowner or building permit holder shall notify the Little Flock Building Inspector at appropriate times so that the Little Flock Building Inspector is able to make the necessary inspections. Failure to notify the Little Flock Building Inspector or otherwise not complying with the inspection requirements shall be considered a violation of the code which provides for the inspection, and the landowner or building permit holder shall be subject to the civil and criminal remedies provided in such code.
- C. Occupancy permit required. Any building constructed in the city limits of Little Flock shall not be occupied until the Little Flock Building Inspector has issued an occupancy permit for the building. These same rules shall apply to additions or expansions of buildings for which a building permit is required. The Little Flock Building Inspector shall issue the occupancy permit if the building or addition has complied with and passed all inspections.
- D. Misdemeanor penalty. For those codes adopted by Ord. No. 71 which have a provision making a violation a misdemeanor but which do not have a penalty provision for such misdemeanor, the penalty for such misdemeanor shall be a fine up to Twenty-Five

Dollars (\$25.00) for a first offense, a fine up to Fifty Dollars (\$50.00) for a second offense, and a fine of up to One Hundred Dollars (\$100.00) for a third and subsequent violations. Each day of a violation shall be considered a separate offense. (Ord. No. 95-134, Secs. 1-3.)

CHAPTER 11.12

ADDRESS NUMBERS

Sections:

- 11.12.01 Posting
- 11.12.02 Reflective numbers
- 11.12.03 Unobstructed view

11.12.01 Posting. The owner or occupant of each property within the corporate limits of the city of Little Flock and on which there is located a building, structure or residence shall post on the principal building, structure or residence on such property numbers indicating the 911 street number address of such property. The posted numbers shall be numerals and shall be visible from the street which fronts the property. If the principal building, structure or residence is more than fifty (50) feet from the fronting street, then the owner or occupant shall additionally post in at least three (3) inch tall numerals, the 911 street number address on a post, fence or sign within ten (10) feet of the fronting street and of the driveway by which the building, structure or residence on the property is accessed. (Ord. No. 2001-219, Sec. 1.)

11.12.02 Reflective numbers. The numbers posted on a post, fence or sign within ten (10) feet of the fronting street and of the driveway shall be reflective. The numbers posted on the principal building, structure or residence do not have to be reflective unless there are no reflective numbers posted on a post, fence or sign within ten (10) feet of the fronting street and of the driveway, in which situation the numbers posted on the principal building, structure or residence shall be reflective. (Ord. No. 2001-219, Sec. 2.)

11.12.03 Unobstructed view. The owner or occupant of each property within the corporate limits of the city of Little Flock and on which there is located a building, structure or residence shall maintain an unobstructed view of the posted numbers on the principal building, structure or residence and the posted numbers on a post, fence or sign. (Ord. No. 2001-219, Sec. 3.)

CHAPTER 11.16

STRUCTURES VACANT AND UNSAFE

Sections:

11.16.01	Authority
11.16.02	Owner responsibility
11.16.03	Correction order
11.16.04	First notice
11.16.05	Failure to comply
11.16.06	Second notice
11.16.07	Determination of amount
11.16.08	Appeal
11.16.09	Filing
11.16.10	Declaratory judgment action
11.16.11	Enforcement
11.16.12	Court lien
11.16.13	Fine
11.16.14	Civil lawsuit

11.16.01 Authority. This ordinance is passed pursuant to the authority of A.C.A. 14-54-901, et seq. (Ord. No. 2008-318, Sec. 1.)

11.16.02 Owner responsibility. Owners of platted and subdivided real property within the city are required to do the following:

- A. To repair in compliance with applicable Building Codes or to raze any structure that is vacant and is not fit for human habitation, herein called an “Unsafe and vacant structure.”
- B. To remove debris and rubbish and to cut grass that is higher than eight (8) inches, with a lot containing debris, rubbish, or grass higher than eight (8) inches being herein called a “Weed lot.” (Ord. No. 2008-318, Sec. 2.)

11.16.03 Correction order. Whenever the City Council determines that any owner of platted and subdivided property in the city has an unsafe and vacant structure or a weed lot, the City Attorney, the Police Chief, or the Code Enforcement Officer shall issue to the owner of the property a correction order that shall meet the following requirements:

- A. Be in writing;
- B. Include a description of the real estate sufficient for identification;
- C. Include a statement that the City Council has determined:
 - 1. That there is an unsafe and vacant structure on the lot, or
 - 2. That the lot is a weed lot.
- D. Include a statement that if the owner of or lienholder on the lot neglects or refuses to remove, abate, or eliminate the condition stated in the correction order after seven (7)

days' written notice, then the city shall be authorized to do whatever is necessary to correct the condition and to charge the cost thereof to the owner of the lot.

- E. Include a statement of the city's right to a lien against the lot for the cost of removing, abating, or eliminating the condition, including all administrative and collection costs.
- F. Include a statement that any lienholder receiving the correction order shall send, within seven (7) business days from receipt of the correction order, a written response to the city indicating whether the owner of the property is in default under the terms of the note or mortgage. (Ord. No. 2008-318, Sec. 3.)

11.16.04 First notice. The correction order shall be sent by both regular first class mail and certified mail, return receipt requested to:

- A. The owner of record at the owner's address of record with either the Benton County Treasurer or the Benton County Collector.
- B. All lienholders of record at the lienholder's address or lienholders' addresses shown in the land records of Benton County. (Ord. No. 2008-318, Sec. 4.)

11.16.05 Failure to comply. If the owner fails to comply with a correction order within the time prescribed herein, the city shall have the authority to do whatever is necessary to correct the condition. If the city elects to repair or raze an unsafe and vacant structure, the city shall comply with all applicable provisions of Arkansas law regarding competitive bidding for purchases of supplies and materials or for contracts for work or labor needed to complete any such repairs or razing. The costs of correcting the condition shall be charged to the owner of the property and the city shall have a lien against such property for such costs, herein called the Clean-Up Lien. (Ord. No. 2008-318, Sec. 5.)

11.16.06 Second notice

- A. The City Attorney, the Police Chief, or the Code Enforcement Officer shall issue a second notice to the owner and the lienholders setting forth the following:
 - 1. The total amount of the Clean-Up Lien, including administrative and filing costs, and
 - 2. The date, more than thirty (30) days after the giving of the notice, when a public hearing will be held by the City Council to determine the amount of the Clean-Up Lien.
- B. The second notice shall be sent by certified mail, return receipt requested to the owner and all lienholders of record.
- C. If the owner is unknown, the second notice shall be published in a newspaper having a bona fide circulation in Benton County once a week for four (4) weeks.

(Ord. No. 2008-318, Sec. 6.)

11.16.07 Determination of amount. After the public hearing, the City Council shall determine the amount of the Clean-Up Lien and shall create and impose the Clean-Up Lien. (Ord. No. 2008-318, Sec. 7.)

11.16.08 Appeal. Either the owner or a lienholder may appeal the Clean-Up Lien determination of the City Council by filing an appeal with the Benton County Circuit Court within forty-five (45) days from the time that the City Council makes the determination. If there is no appeal, the Clean-Up Lien shall be deemed fully perfected and not subject to further contest or appeal. (Ord. No. 2008-318, Sec. 8.)

11.16.09 Filing. Within sixty (60) days after the city confirms the Clean-Up Lien or, if there is an appeal, within sixty (60) days after the city wins the appeal, the city shall file the Clean-Up Lien with the Benton County Circuit Clerk. (Ord. No. 2008-318, Sec. 9.)

11.16.10 Declaratory judgment action. In order to have priority over all lienholders, the city may bring a declaratory judgment action in the Benton County Circuit Court seeking a declaration that the Clean-Up Lien is entitled to priority over previously recorded liens. All holders of recorded liens shall be named as defendants in the declaratory judgment action. The city shall be entitled to first-priority status for its Clean-Up Lien if the court determines:

- A. That the lienholder failed to exercise its rights to foreclose its lien when the obligation it secures becomes in default, or
- B. That the lienholder failed to pay the costs of the work undertaken by the city that comprise the Clean-Up Lien.

In no event shall the Clean-Up Lien have priority in any amount greater than the amounts set forth in A.C.A. 14-54-903(j)(2) as the same may be amended from time to time. (Ord. No. 2008-318, Sec. 10.)

11.16.11 Enforcement. The Clean-Up Lien may be enforced and collected at any time within ten (10) years of the time that it is filed in one of the following manners:

- A. Lien foreclosure action. The city may bring a lien foreclosure action in the Benton County Circuit Court. In addition to the cost of the repairs or razing, the city shall be entitled to recover court costs, title search fees, and reasonable attorney fees. If the owner is unknown or if his whereabouts are unknown, service by publication may be used. The City Recorder/Treasurer shall file an affidavit in the foreclosure action setting out the facts as to the unknown address or whereabouts of a non-resident owner. In addition, an attorney ad litem shall be appointed to notify the owner by registered mail addressed to the last known place of residence if it can be found.
- B. Collection with property taxes. The city may collect the amount of the Clean-Up Lien plus a ten percent (10%) penalty for collection with the property taxes on the property. The City Council shall certify the amount with penalty to the Benton County Collector,

who shall place the same on the tax books as delinquent taxes and shall collect the same accordingly. The amount, less three percent (3%) thereof, when so collected shall be paid to the city by the tax collector. (Ord. No. 2008-318, Sec. 11.)

11.16.12 Court lien. If a court of competent jurisdiction levies fines or penalties against an owner of an unsafe and vacant structure or a weed lot for failure to comply with applicable Building Codes, then the City Council by majority vote may elect to use the procedures set forth in 5.16.06, 5.16.07 5.16.08, 5.16.09 and 5.16.11 above to create and enforce a lien for the amount of the fines and penalties. Such a lien for fines and penalties shall not have priority over existing lienholders, so notice to lienholders shall not be required. (Ord. No. 2008-318, Sec. 12.)

11.16.13 Fine. Any person failing to comply with a correction order served in accordance with the provisions herein shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. The violation shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Fifty Dollars (\$150.00). Each day of violation shall be deemed a separate offense. (Ord. No. 2008-318, Sec. 13.)

11.16.14 Civil lawsuit. If the correction order is not complied with, the city may institute the appropriate proceeding at law or in equity to prohibit, remedy, enjoin, or abate such unsafe and vacant structure or weed lot. (Ord. No. 2008-318, Sec. 14.)

CHAPTER 11.20

DEVELOPMENT IMPACT FEE

Sections:

- 11.20.01 Definitions
- 11.20.02 Assessment of development impact fees
- 11.20.03 Collection of development impact fees
- 11.20.04 Expenditure of development impact fees
- 11.20.05 Refund of development impact fees

11.20.06 Exemption

11.20.01 Definitions All terms used in this ordinance shall have the same definitions as found in A.C.A. 14-56-103. (Ord. No. 2010-345, Sec. 1.)

11.20.02 Assessment of development impact fees There is hereby assessed a development impact fee of \$944.04 for each new residential unit. A single family residence shall be considered one (1) residential unit. A duplex shall be considered two (2) residential units. A triplex shall be considered three (3) residential units. The impact fee for larger facilities shall be based on the number of residential units in the facility. (Ord. No. 2010-345, Sec. 2.)

11.20.03 Collection of development impact fees All new residential units in the city of Little Flock must be issued a certificate of occupancy by the city before the units may be occupied. Besides compliance with all other criteria for the issuance of the certificate of occupancy, the owner or builder shall pay the applicable impact fee before the certificate of occupancy is issued. All development impact fees shall be kept separate and apart from all other monies collected by the city by being deposited into a special interest-bearing account. (Ord. No. 2010-345, Sec. 3.)

11.20.04 Expenditure of development impact fees. The development impact fees may be expended to provide new public facilities or additional capacity in existing public facilities or to recoup prior capital expenditures in accord with the capital plan and the level of service standards. (Ord. No. 2010-345, Sec. 4.)

11.20.05 Refund of development impact fees. All development impact fees and the accrued interest thereon not expended within seven (7) years of collection shall be refunded to the then present owner of the property that was the subject of new development and against which the fee was assessed and collected. Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the then present owners of the property no later than thirty (30) days after the date on which the refund becomes due. The sending by regular mail of the notices to all then present owners of record shall be sufficient to satisfy the requirements of notice. (Ord. No. 2010-345, Sec. 5.)

11.20.06 Exemption. The development impact fee shall not be assessed on any residential unit for which a building permit was issued on or before May 19, 2004. (Ord. No. 2010-345, Sec. 6.)

CHAPTER 11.24

SMALL PARCELS OF LAND

Sections:

11.24.01 Findings by City Council

- 11.24.02 Small Parcels With Existing Structures
- 11.24.03 Undeveloped Small Parcels
- 11.24.04 Sale of Small Parcels

11.24.01 Findings by the City Council. The City Council has determined that there are parcels of land within the City of Little Flock that are smaller than currently allowed by the zoning regulations of the City (herein called “Small Parcels” or singularly “Small Parcel”). This situation leaves the Small Parcels in a legal limbo.

11.24.02 Small Parcels With Existing Structures. Existing structures on Small Parcels may be repaired, improved, or rebuilt with the obtaining of building permit without changing the current zoning of the Small Parcel.

11.24.03 Undeveloped Small Parcels. Small Parcels without existing structures may be developed with the obtaining of a building permit and with the zoning of the Small Parcel being changed to the closest applicable zone based on the proposed use of the Small Parcel even though the Small Parcel may not meet the acreage requirement of the zone.

11.24.04 Sale of Small Parcels. Small Parcels may be sold, conveyed, or transferred provided that the Small Parcel to be sold, conveyed, or transferred is first zoned to the closest applicable zone based on the proposed use of the Small Parcel even though the Small Parcel may not meet the acreage requirement of the zone.

CHAPTER 11.28

SWIMMING POOL ENCLOSURE

Sections:

- 11.28.01 General
- 11.28.02 Swimming Pool Definition
- 11.28.03 Public Swimming Pools
- 11.28.04 Residential Swimming Pools
- 11.28.05 Penalty for Violation

11.28.01 General. Swimming pools in the City of Little Flock shall comply with the requirements of Chapter 11.28 of the Little Flock Municipal Code. The provisions of this chapter shall apply retroactively to all swimming pools regardless of the date that a swimming pool was originally constructed. For pools constructed prior to June 19, 2017, full compliance is required on or before May 1, 2025. (Ord. No. 2017-005; Ord. No. 2024-007)”

11.28.02. Swimming Pool Definition. A swimming pool is an accumulation of water in an above ground or in ground structure that is used primarily for swimming, water games, or floating. A wading pool that is no more than two feet in depth shall not be considered a swimming pool. A hot tub or spa with a safety cover shall not be considered a swimming pool. A public swimming pool is a swimming pool that is available either to the general public or to a certain portion of the public (such as a subdivision's community pool or an apartment complex pool) with or without the payment of a fee. A residential swimming pool is a swimming pool that is located adjacent to a residential dwelling.

11.28.03. Public Swimming Pools. Public swimming pools shall be completely enclosed by a fence not less than 4 feet (1219 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

11.28.04. Residential Swimming Pools. Residential swimming pools shall comply with the following barrier requirements:

- a. Barrier Height and Clearances. The top of the barrier shall be not less than 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than 4 inches (102 mm).
- b. Openings. Openings in the barrier shall not allow passage of a 4-inch diameter (102 mm) sphere.
- c. Solid Barrier Surfaces. Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- d. Closely Spaced Horizontal Members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be

- located on the swimming pool side of the fence. Spacing between vertical members shall be not greater than $1\frac{3}{4}$ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than $1\frac{3}{4}$ inches (44 mm) in width.
- e. Widely Spaced Horizontal Members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than $1\frac{3}{4}$ inches (44 mm) in width.
 - f. Chain Link Dimensions. Mesh size for chain link fences shall be not greater than a $2\frac{1}{4}$ inch square (57 mm square) unless the fence is provided with slats fastened at the top and bottom that reduce the openings to not more than $1\frac{3}{4}$ inches (44 mm).
 - g. Diagonal Members. Where the barrier is composed of diagonal members, the opening formed by the diagonal members shall be not greater than $1\frac{3}{4}$ inches (44 mm).
 - h. Gates. Access doors or gates shall comply with the requirements of Subsections a through g above and shall be equipped to accommodate a locking device. Pedestrian access doors or gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Doors or gates other than pedestrian access doors or gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the door or gate, the release mechanism shall be located on the pool side of the door or gate 3 inches (76 mm) or more, below the top of the door or gate, and the door or gate and barrier shall be without openings greater than $\frac{1}{2}$ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
 - i. Dwelling Wall As A Barrier. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:
 - 1. Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door or its screen, if present, are opened. The alarm deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door, except in dwellings where special accessibility needs are present.
 - 0. The pool shall be equipped with a power safety cover.

0. Other means of protection, such as self-closing doors with self-latching devices, which are approved, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Item 1 or 2 above.

Indoor swimming pools do not have to comply with the requirements of this dwelling wall as a barrier subsection.

- j. Pool Structure As Barrier. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier that meets the requirements of Subsections a through i above. Where the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
- k. Prohibited Barrier Locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

11.28.05 Penalty for Violation. A violation of the requirements of Chapter 11.28 of the Little Flock Code shall result in the withholding of a building permit or an occupancy certificate. In those situations where the remedies provided in the preceding sentence are inadequate to prevent or stop the violation of the requirements of Chapter 11.28 of the Little Flock Code, then the owner of the premises or the tenant of the premises or both may be served with a citation for a violation on the premises. Each day of the violation shall be considered a separate offense, and a separate citation may be served for each day of violation. Each violation, upon conviction, shall be punished by a fine of not less than \$100 nor more than \$400. (Ord. No. 2017-006)