

## **TITLE 11**

### **BUILDING AND CONSTRUCTION**

#### Chapters:

- 11.04 Building Code and Permits
- 11.08 Fees – General Contractors
- 11.16 Electrical Code
- 11.20 Fire Prevention Code
- 11.24 Erection of Tents
- 11.28 Housing Code
- 11.32 Non-residential Code
- 11.36 Gas Code
- 11.52 Energy Efficiency Standards

#### **CHAPTER 11.04**

##### **BUILDING CODE AND PERMITS**

#### Sections:

- 11.04.01 Adoption
- 11.04.02 Definition
- 11.04.03 Building official
- 11.04.04 Duties
- 11.04.05 Right of entry
- 11.04.06 Fire limits
- 11.04.07 Awnings
- 11.04.08 Swimming Pools

11.04.01 Adoption. The International Existing Building Code and The Arkansas Energy Code current edition automatically adopting each code as they're revised and are hereby adopted in full as ordinances of the City of Blytheville, Arkansas. No less than three (3) copies of each shall be filed in the Office of the City Clerk, and the same are adopted and incorporated as fully as if set out at length herein. (Ord. No. 1636, Sec. 1)

11.04.02 Permit required. A building permit and assessment of a permit fee shall be required in the following circumstances:

- A. Where a change in use of a building or dwelling in the following classes is from one class to another: Residential, apartments, institutional, business and industrial.
- B. Residential dwelling change where the change is to add one or more families.

- C. Residential accessory building is changed to a residence.
- D. Where a residence is change to a boarding house or for any other business purposes.
- E. The permit fees for the above changes in building use will be assessed in accordance with Section 11.08.01.
- F. There shall be a \$20,000 limit for any residential remodeling contractor who is in the business of remodeling and repairing of residential dwellings. Any project that exceeds \$20,000 must be done by an Arkansas State Building or Residential Licensed Contractor. (Ord. No. 1636, Sec. No. 2)
- G. Where work, for which a permit is required by said codes, is started or proceeded prior to obtaining a permit, the permit fee shall be doubled. The payment of such double fee shall not relieve any persons from fully complying with the requirements of said codes in the execution of the work, nor from any other penalties prescribed herein. (Ord. No. 1636, Sec. 3)
- H. Any person found to be in violation of said codes shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for each day such violation continues after having been found in violation by the District Court of Mississippi County Arkansas, in Blytheville.(Ord. No. 1636, Sec. 5)

#### 11.04.03 Demolition Permit Required

- 1. A permit shall be required prior to the commencement of demolition activity, including removal of any item attached to the building or structure; whether interior or exterior.
- 2. An application for a demolition permit shall be made to the Code Enforcement Office of the “City”. The application shall include the name of the owner of the property; address and description of the property; the extent of the structure to be demolished and a statement of intent for the end-use of the property following demolition; and a proposed demolition schedule.
- 3. The Code Enforcement Officer shall determine that the applicant meets all the requirements for license and certification to perform the work.
- 4. Where an accessory building on a residential property is the subject of the demolition, said accessory building shall be exempt from the requirements of this section.

5. The fees for a demolition permit shall be based on a rate of two (2) cents per square foot of floor space for residential structures or five (5) cents per square foot for commercial structures, provided that the minimum for any such fee for a permit shall be fifteen dollars (\$15.00). In addition to the demolition permit, there shall also be assessed a fee of fifteen dollars (\$15.00) for the inspection(s) of such premises by the code official. The removal of a structure to another site or another location shall in addition to a permit and inspection defined by this section also require a building permit to be located at its new site.
6. Prior to the issuance of any permit or the commencement of any demolition activity, the code official shall conduct an onsite inspection of the premises. The inspection shall be to ensure that all utility companies have been notified and all such utilities have been safely disconnected and/or removed. In addition, the code official may require other tests, inspections or conditions as deemed prudent. Such tests, inspections or conditions shall include, but not be limited to, the following:
  - A. Tests for and the abatement of any asbestos, mold; lead or other hazards.
  - B. An inspection to determine the presence of any mice, rats, vermin or other animals or insects and extermination procedures to rid the structure of any infestation and prevent the spread of any infestation to adjoining areas.
  - C. The placement of a safety fence or other barriers around the perimeter.
  - D. Where deemed necessary by the code official or fire inspector during the demolition process the applicant shall be required to provide for a fire watch or fire protection guard to remain on site at the end of the demolition work day until work commences the next day or during other times and conditions as required by the code official.
  - E. A traffic control plan where appropriate. (Ord. No. 1730, Sec. 2 & all subparts)

#### 11.04.04 Demolition Procedures

1. Upon issuance of a permit, and once demolition has begun, the owner or his agent shall have thirty (30) days in which to raze the structure, clear all debris and restore the site. A permit for demolition shall expire sixty (60) days from the date of issuance unless demolition activity has commenced. The code official may grant extensions after the demolition has commenced for inclement weather or other conditions that exist that prevent demolition or site clearing activities.
2. The code official may require that the site be continuously sprayed or saturated to minimize dust or other airborne particles.

3. The code official shall have the right to enter upon any such property under demolition to inspect such activity to determine that work undertaken is in compliance with the permit. The code official shall have the right to revoke any such permit or order the cessation of any work where the applicant fails or refuses to complete the work authorized by the permit, said permit has expired, the applicant has violated any provisions of the permit or this section and fails or refuses to cure such violation(s), or where such conditions exist that threaten the public health or safety.
4. Following demolition and debris removal, the following conditions shall be met to ensure the restoration of the property:
  - A. The structure, including foundations, onsite sidewalks, driveways, footings, etc., shall be completely removed from the property.
  - B. The lot shall be graded level or with a slight crown to promote proper drainage. Soil shall be imported as necessary to achieve fill and proper grade.
  - C. A sewer cap is required at the junction of the service line and sewer main with an approved cap. An inspection is required prior to the cap being covered.
  - D. If a septic tank is on the property, it must be pumped out prior to the tank being demolished and removed from the property. A receipt from a pumping company shall be considered as evidence of sewage/sludge removal.
  - E. Abandoned wells shall be capped in an approved manner as prescribed by local and state guidelines.
  - F. An inspection shall be made to ensure that utilities are properly capped or removed; street/curb/sidewalk damage and proper removal of soil and debris from the street or rights-of-way.(Ord. No. 1730, Sec. 3 & all subparts)

#### 11.04.05 Structures Creating a Hazard or Nuisance

1. Whenever the code official, or other city official designated by the City to enforce the City's building codes, shall determine that a residential, commercial or other structure is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health and safety of the community, then that code official shall:

A. *Notice:* Send a notice by certified mail, return receipt requested, to the owner of record of the property to demolish, repair, or enclose the property or remove any garbage, debris, or other hazardous, noxious or other unhealthy substances, materials or conditions such that the hazard or nuisance to the public health and safety no longer exists, as determined by the code official.

B. *Remedial Action:* Should the property owner fail or refuse to abate the hazard or nuisance within thirty (30) days the code official may proceed with condemnation proceedings, as outlined by other applicable state laws or city ordinances, should the City determine that demolition is required to abate the hazard. Should the boarding or enclosure of the property be necessary or the removal of hazardous conditions or substances to abate or mitigate the hazard or nuisance the City shall have the right, but not the obligation, to board or enclose the structure or remove the hazardous condition or nuisance. The City may file a lien against said property to recover any expense as provided for in this section.

#### 11.04.06 Emergency Demolition

*Immediate Danger:* Where the code official, director of public works, police chief or fire chief determines that any structure, whether residential or non-residential has been so damaged by a catastrophic event as to constitute an immediate danger or threat to persons or adjacent properties and further determines that it would be impractical to enclose the structure itself to eliminate the immediate danger or threat, said official shall undertake reasonable steps to promptly notify the owner of the necessity of the erection of a perimeter enclosure or demolition. A perimeter enclosure shall mean the erection of a cyclone fence or similar fence on the lot on which the damaged structure is located which is of sufficient strength, permanency and location to stop the entry of unauthorized persons to the lot and structure pending further action. If the owner cannot be found or refuses to erect the perimeter enclosure so as to eliminate the immediate danger or threat to persons or adjacent properties or cannot be found within a reasonable period of time, the City shall have the right, but not the obligation, to eliminate the danger or threat by erecting a perimeter enclosure as described by the section. If such perimeter enclosure is not adequate to respond to the imminent danger or threat to persons or adjacent properties, the City may demolish the structure. (Ord. No. 1730, Sec. 5 (1))

*Lien:* Following the action of the City to eliminate any danger or threat posed by any such structure the City may file a notice of lien against the real property in the circuit court of Mississippi County for the cost of the erection of the perimeter enclosure or demolition within 120 days of the action taken by the City. The lien shall include any and all costs associated with the expenses incurred by the City together with any attorney fees and administrative costs. (Ord. No. 1730, Sec. 5 (2))

**11.04.06 Penalty and Enforcement** Enforcement of the provisions of this section shall be made by the City's code enforcement official(s) or other persons designated by the City Council. Violations of any provisions of this section shall be punishable by a fine of \$100.00 per day. Each section shall be considered a separate violation and each day a violation continues shall be considered a separate offense. (Ord. No. 1730, Sec. 6)

**11.04.07 Swimming Pools**

- A. A permit must be issued by the Code Enforcement office for all swimming pool construction.
- B. The permit application will comply fully with the provisions set out in Ordinance #1097, as well as any other easements required by the City.
- C. The fee for this permit will be \$15.00
- D. A standard permit for is attached hereto and made a part hereof.
- E. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply thereafter with any of the requirements thereof, shall be deemed guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner of owners of any building or premises or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person or other corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be deemed guilty of a separate offense and upon conviction thereof shall be fined as hereinabove provided. (Ord. No. 1099, Secs. 1-5.)

**CHAPTER 11.08**

**CONTRACTORS LICENSE**

**Sections:**

11.08.01	Definitions
11.08.02	Payment period
11.08.03	Permits and fees

#### 4.30.01 Definitions

- A. General Contractor - An individual or business firm contracting for a fixed price and undertaking the performance of work on a large scale or furnishing of goods on a large scale whether for the public or a company or an individual, retaining in himself of business control of means, method and manner of accomplishing the desired result.
- B. Sub-contractor - An individual or a business firm entering into a contract expressed or implied for the performance of an act with the individual or firm already having contracted for its performance. (Ord. No. 966, Sec. 1.)

4.30.02 Payment period The period covered by any license paid shall be for one (1) calendar year. However, at the option of the licensee, said license may be paid in two (2) equal installments, in January and July, respectively, of each year, provided, he has an established business or residence in the city of Blytheville. (Ord. No. 966, Sec. 2.)

#### 4.30.03 Permits and fees.

### **New Construction and Rehabilitation**

<b>Residential</b>			
Permit	Sq. Ft. Fee	Sq. Ft	Cost
Building	\$ 0.05	2125	\$ 106.25
Electric	\$ 0.05	2125	\$ 106.25
Gas	\$ 0.05	2125	\$ 106.25
Plumbing	\$ 0.05	2125	\$ 106.25
Sewer	\$ 0.05	2125	\$ 106.25
HVAC	\$ 0.05	2125	\$ 106.25
CO	\$ 25.00		\$ 25.00
Total	\$ 25.30	2125	\$ 662.50

<b>Commercial</b>			
Permit	Sq. Ft. Fee	Sq. Ft	Cost
Building	\$ 0.05	15000	\$ 750.00
Electric	\$ 0.05	15000	\$ 750.00
Gas	\$ 0.05	15000	\$ 750.00
Plumbing	\$ 0.05	15000	\$ 750.00
Sewer	\$ 0.05	15000	\$ 750.00
HVAC	\$ 0.05	15000	\$ 750.00
CO	\$ 50.00		\$ 50.00
Total	\$ 25.30	15000	\$ 4,550.00

<b>Industrial</b>			
Permit	Sq. Ft. Fee	Sq. Ft	Cost
Building	\$ 0.05	50225	\$ 2,511.25
Electric	\$ 0.05	50225	\$ 2,511.25
Gas	\$ 0.05	50225	\$ 2,511.25
Plumbing	\$ 0.05	50225	\$ 2,511.25
Sewer	\$ 0.05	50225	\$ 2,511.25
HVAC	\$ 0.05	50225	\$ 2,511.25
CO	\$ 75.00		\$ 75.00
<b>Total</b>	<b>\$ 75.30</b>	<b>50225</b>	<b>\$ 15,142.50</b>

<b>Renovations</b>			
	Residential	Commercial	Industrial
Permit	\$10.00	\$15.00	\$20.00
Cost Per Thousand	\$2.00	\$5.00	\$5.00
All Inspections	\$20.00	\$25.00	\$30.00
Sewer Connection	\$20.00	\$30.00	\$40.00
Meter Loop	\$5.00	\$7.50	\$10.00
Gas per 10 outlets	\$5.00	\$7.50	\$10.00
HVAC per unit	\$2.00	\$5.00	\$10.00
Plumbing per 5 fixtures	\$5.00	\$10.00	\$15.00

After hour inspections	Residential \$20.00	Commercial \$30.00	Industrial \$40.00
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Holiday and weekend inspection fee: \$75.00 plus \$25.00 per hour after first hour.

(Ord. No. 1716, Sec. 1.)

## **CHAPTER 11.16**

### **ELECTRICAL CODE**

**Sections:**

- 11.16.01 Electrical code adopted
- 11.16.02 Disconnect required
- 11.16.03 Work without permit
- 11.16.04 Penalty for violation

**11.16.01 Electrical code adopted** The City of Blytheville hereby adopts in full as ordinance the edition of the National Electrical Code currently in force by the Board of Electrical Examiners of the State of Arkansas, of which not less than three (3) shall be filed in the office of the City Clerk, and the same are adopted and incorporated as fully as if set out in length herein. (Ord. No. 1639, Sec. 1.)

**11.16.02 Disconnect required** The City of Blytheville shall require the main disconnect to be outside within 2 feet of service meter. The main disconnect needs to be accessible for the safety of emergency and service personnel. (Ord. No. 1639, Sec. 2.)

**11.16.03 Work without permit** Where work, for which a permit is required by said codes, is started or proceeded prior to obtaining a permit, the permit fee shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of said codes in the execution of the work, nor from any other penalties prescribed herein. (Ord. No. 1639, Sec. 3.)

**11.16.04 Penalty** Any person found to be in violation of said code shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for each day such violation continues after having been found in violation by the District Court of Mississippi County Arkansas, in Blytheville. (Ord. No. 1639, Sec. 4.)

## **CHAPTER 11.20**

### **FIRE PREVENTION CODE**

#### Sections:

- 11.20.01 Adoption
- 11.20.02 Work started without permit
- 11.20.03 Fire code penalty
- 11.20.04 Prevent or Control Fires in Public Places
- 11.20.05 Agricultural Burning
- 11.20.06 Exceptions
- 11.20.07 Violations

11.20.01 Adoption. The Arkansas Fire Prevention Code volumes I, II and III, current edition, automatically adopting each code as they're revised and are hereby adopted in full as ordinance of the City of Blytheville, Arkansas. No less than three (3) copies of each shall be filed in the Office of the City Clerk, and the same are adopted and incorporated as fully as if set out at length herein. (Ord. No. 1637, Sec. 1.)

11.20.02 Work started without permit Where work, for which a permit is required by said codes, is started or proceeded prior to obtaining a permit, the permit fee shall be doubled. The payment of such double fee shall not relieve any persons from fully complying with the requirements of said codes in the execution of the work, nor from any other penalties prescribed herein. (Ord. No. 1637, Sec. 2.)

11.20.03 Fire code penalty. Any person found to be in violation of said code shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for each day such violation continues after having been found in violation by the District Court of Mississippi County in Blytheville. (Ord. No. 1637, Sec. 3.)

#### 11.20.04 Prevent or Control Fires in Public Places

Fire in public places and vacant lots. It shall be unlawful for any person to burn or cause to be burned any trash, lumber, leaves, paper, straw, brush, grass, wire, insulation, or any other combustible material of any kind; or to kindle a fire, to furnish material for a fire, or in any way to authorize or allow any fire to be made or in any manner aid or assist in making any fire in any street, alley or other public place or on any sidewalk or vacant lot in the City of Blytheville, Arkansas, without first obtaining or having in full force and effect permission to do so from the Chief of the Blytheville Fire Department (hereinafter Chief). No permit shall be issued to kindle, build, maintain or use a fire within fifteen (15) feet of a fire hydrant, or within two (2) feet of any

concrete curb or the surface of any permanent pavement except for the purpose of repairing, removing, or constructing same. A fire kindled, built and maintained under a permit as herein provided shall be continually under the care and direction of a competent adult from the time it is kindled until it is extinguished. Such burning shall be done under such proper safeguard as the Chief may prescribe. Smoke emission from permissible open burning shall be not be allowed to become a nuisance or safety hazard. In the event that such emissions are identified by the Chief or his representative to be of an offensive nature to surrounding landowners and/or is determined to be detrimental to the general safety and well-being of the public, the Chief or his representative may require discontinuance of such open burning without recourse. (Ord. No. 1748, Sec. 1)

#### 11.20.05 Agricultural Burning

Agricultural burning. Open burning in the course of agricultural operations shall not be allowed unless the following conditions are met: (1) the parameter of the parcel to be burned is tilled, disked or plowed in order to remove vegetation from the ground surface. Vegetation removal must be no less than fifty (50) feet in width. (2) The fire must be attended at all times by the person conducting the burn or his representative. (3) Burning shall not commence before one (1) hour after sunrise and shall not extend beyond one (1) hour before sunset. (Ord. No. 1748, Sec. 2)

#### 11.20.06 Exceptions

Exceptions. Provisions of this article do not pertain to the following types of open burning: (1) Fires of a controlled and manageable nature used in the course of food preparation that incorporate the use of barbecue equipment, outdoor fireplaces, cooking grilles, or cooking pits specifically designated and created for the preparation of food. However, such fires must be attended at all times. (2) Burning associated with road construction operations and the use of mobile and portable equipment and machinery incident thereto. (3) Fires allowed by the Chief or his representative for the purpose of weed abatement or for the prevention and/or elimination of a fire hazard. (4) Instruction of fire department employees in methods of firefighting or for civil defense instruction. (5) Fires associated with ceremonial or recreational purposes so long as such fires comply with Section 1. Furthermore, in such instances notification must be given to the Chief or his representative at least 24 hours prior to the intended burning and authorization must be obtained from the Fire Marshal, Assistant Chief, or Chief of the City Fire Department before burning may begin. (Ord. No. 1748, Sec. 3)

#### 11.20.07 Violations

Violations. Any person found guilty of violating this Ordinance shall be guilty of a misdemeanor and shall be fined in an amount not to exceed \$1,000.00. (Ord. No. 1748, Sec. 4)

## **CHAPTER 11.24**

### **ERCTION OF TENTS**

#### Sections:

- 11.24.01 License; application
- 11.24.02 Inspection; supervision
- 11.24.03 Location, construction and material
- 11.24.04 Safety appliances
- 11.24.05 Aisles and seats
- 11.24.06 Exits
- 11.24.07 Smoking prohibited
- 11.24.08 Equipment using gasoline
- 11.24.09 Motion pictures

11.24.01 License; application. No tent exceeding one hundred (100) square feet in area shall be erected, maintained, operated or used except under license from the city. Such license shall not be issued for a period exceeding thirty (30) days and shall be revocable for cause. Application shall be made on proper form and, when deemed necessary by the City Clerk, shall include plans drawn to scale, showing exits, aisles and seating arrangements and details of structural support of tents, seats, platforms, etc. No license shall be issued until the provisions of this chapter have been complied with, and approval has been obtained from the Building Department, Police Department, the Fire Department, and when tents are to be used for two hundred (200) or more persons, from each and every department having jurisdiction over places of assembly. (Ord. No. 464, Sec. 1, 8-21-45)

11.24.02 Inspection; supervision. Uniformed firemen shall be detailed to all circuses, carnivals, or other exhibitions where large crowds assemble. They shall familiarize themselves with all fire protection facilities and fire prevention features and with the condition of exits and shall patrol the entire area of the tent during the time it is occupied. Special policemen or firemen shall see that overcrowding is not permitted, that aisles and exit ways are kept open, and that no smoking rules are observed. (Ord. No. 464, Sec. 9, 8-21-45)

#### 11.24.03 Location, construction and material.

- A. Tents exceeding 120 square feet in area shall not be erected in the fire limits nor within twenty (20) feet of other buildings. All tents shall be constructed and erected to withstand a wind pressure of ten (10) pounds per square foot. All canvas, curtains, cloth, rope, netting and decorative material shall be rendered flameproof, a test being made of the tent by the Fire Department prior to each

erection and on the decorative and other material before they are attached to or placed therein. In lieu of such tests, the Fire Department may accept a certificate from the manufacturer that the material has been tested by the Underwriter's Laboratories, Inc., or some other recognized laboratory, and found to be permanently flameproof, provided that material has proper identification markings and is not more than three (3) years old or has not been waterproofed subsequently by a process which increases its flammability.

- B. Where tents are used as places of assembly with a capacity of two hundred (200) or more persons, the seats, chairs, jacks and other appurtenances, if made of wood, must be suitably treated to reduce the fire hazard by a suitable application of a surface treatment or by impregnation.
- C. No tier of seats shall rise to a height exceeding 12 feet.
- D. All lighting shall be by electricity, with lamps properly guarded to prevent ignition by radiation. In places of assembly emergency lighting facilities must be provided as set forth in the building and electrical code for theaters.
- E. All wiring conductors shall be of a type approved for the class of service and be protected against over-current. Loads for feeders and branch lines shall be limited in accordance with the carrying capacities as specified in the national electrical code. When deemed necessary by the Electrical Inspector, conductors shall be trenches and covered.
- F. Tents in which persons sleep, and mess tents, shall not be used for any exhibition purpose. (Ord. No. 464, Sec. 2, 8-21-45)

#### 11.24.04 Safety appliances.

- A. The chief of the fire department shall survey, or cause to be surveyed, each tent for which a permit has been granted, after it is erected and, if it is to be used as a place of assembly, before it is occupied. He shall require the installation of such safety appliances as are deemed necessary and designate their location. Such safety appliances may consist of water tanks, pumps, hose, water buckets, extinguishers and fireproof blankets.
- B. All safety appliances shall be kept in working condition and all pumps and hose, when used in connection with tank wagons, shall be inspected, and tested, if deemed necessary, prior to the occupancy of the tent. Portable extinguishers and similar appliances shall be properly distributed and readily accessible. It shall be the duty of the owner or manager of each exhibition to properly train sufficient responsible employees in the use of fire equipment so that it can be quickly put in operation, the chief of the Fire Department may require their employees to prove their fitness. (Ord. No. 464, Sec. 8, 8-21-45)

11.24.05 Aisles and seats.

- A. A minimum of two exits shall be provided where a tent is used as a place of assembly with a capacity of one hundred (100) or more persons, in any tent where ten (10) or more persons sleep and, in any tent, involving conditions hazardous to life. When tents are used as a place of assembly with a capacity in excess of five hundred (500) people, each exit shall be not less than nine (9) feet wide, and the number of exits shall be based upon the ratio of one (1) exit to each five hundred (500) persons or major fraction thereof which the tent is designed to seat or hold. Such exits shall be placed not over seventy-five (75) feet apart and exit ways serving such exits shall be not less than nine (9) feet in clear width.
- B. Aisles not less than forty-four (44) inches in width shall be provided so that there are not more than ten (10) seats between any seat and aisle. Where individual seats are not provided a distance of eighteen (18) inches along any bench or platform shall constitute one seat in computing required aisles and exits, every aisle shall lead directly to an exit way, or to a cross aisle running parallel with the seat rows and leading to an exit way. Such aisles shall not be less in width than the combined width of aisles what they connect. In tents having a capacity of one thousand (1,000) or over facilities must be provided for admitting patrons on opposite sides or ends convenient to their seating location.
- C. Aisles and exit ways shall be used only for passage to and from seats and for vendors carrying their wares. No poles or ropes shall be permitted in aisles and exit ways and all exit ways and exits shall be kept unobstructed at all times and so maintained as to not present a hazard from fire. The area for a distance of twenty (20) feet beyond an exit shall be kept free and clear and be made readily passable.
- D. Where two or more tents adjoin, with an opening between, an exit to the outside shall be provided at the point of juncture. (Ord. No. 464, Sec. 3, 8-21-45)

11.24.06 Exits. All required exits, other than those normally used for entrance, shall be plainly marked during hours of darkness, as to be readily distinguished. Required exit ways shall also be kept adequately lighted at such times, including the immediate area outside of the exits. (Ord. No. 464, Sec. 4, 8-21-45)

11.24.07 Smoking prohibited. Signs prohibiting smoking shall be prominently displayed at all entrances and at other locations within any tent used as a place of assembly, so that they may be clearly visible to all occupants. Frequent announcements regarding such prohibition shall be made, preferable over a public address system if available. Suitable non-combustible containers shall be provided at all entrances for the proper disposal of cigar or cigarette butts and pipe residue. A uniformed attendant shall be stationed at such locations to advise patrons of the no smoking regulations. (Ord. No. 464, Sec. 5, 8-21-45)

11.24.08 Equipment using gasoline. All equipment using gasoline shall be supplied by means of an approved safety can; by a hose from fixed pumps; from wheeled tanks with pumps; or from pumps on a tank wagon located not closer than twenty-five (25) feet from any tent. (Ord. No. 464, Sec. 7, 8-21-45)

11.24.09 Motion pictures. No motion picture film of the nitrocellulose type shall be used, stored or exhibited within a tent. Such exhibitions, when held within a tent, shall be restricted to the use of a safety film only. (Ord. No. 464, Sec. 6, 8-21-45)

## **CHAPTER 11.28**

### **HOUSING CODE**

#### Sections:

11.28.01	Adoption
11.28.02	Nuisances
11.28.03	Applicability of building regulations
11.28.04	Conflict
11.28.05	Conflict of permits and licenses
11.28.06	Shift of responsibilities
11.28.07	Prosecution of existing violations
11.28.08	Penalty
11.28.09	Amendments

11.28.01 Adoption. There is hereby adopted for the purpose of establishing rules and regulations governing the proper construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, the Standard Housing Code, 1979 Edition, is adopted in full as an ordinance of the city, of which not less than three (3) copies shall be filed in the office of the Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein and the provisions thereof shall be controlling in the construction of all buildings and other structures therein contained within the city limits. (Ord. No. 915, Sec. 1)

11.28.02 Nuisance. Nothing in this chapter shall be deemed to abolish or impair any existing remedies of the city, or its officers or agencies relating to the removal or abatement of nuisances, or to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary. (Ord. No. 656, Sec. 8.1, 11-21-61)

11.28.03 Applicability of building regulations. Whenever the provisions of this chapter require the construction, installation, alteration or repair of a dwelling or dwelling unit or the facilities, utilities or equipment, the required work shall be done in full compliance with the applicable provisions of this code of ordinances except as provided in Section 11.28.04 of this chapter. (Ord. No. 656, Sec. 8.2, 11-21-61)

11.28.04 Conflict. In any case where a provision of this chapter requires an action to be taken which is prohibited except when done in a certain manner by the provisions of any zoning, building, fire, safety, health or other ordinances, code, or regulations of the city, the provisions of this chapter shall be inoperative. (Ord. No. 656, Sec. 8.3, 11-21-61)

11.28.05 Conflict of permits and licenses. All departments, officials and employees of the city which have the duty or authority to issue permits or licenses in regard to the construction, installation, repair, use or occupancy of dwellings, dwelling premises or dwelling equipment or facilities, shall conform to the provisions of this chapter, and no permit or license for any construction, installation or repair shall be issued if such would be in conflict with the provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter shall be null and void. (Ord. No. 656, Sec. 8.4, 11-21-61)

11.28.06 Shift of responsibilities. Nothing in this chapter shall prevent an owner, operator or occupant, by agreement, from shifting the responsibility of the one to the other, provided that the primary and final responsibility in every case shall remain upon the person designated as the owner. (Ord. No. 656, Sec. 8.5, 11-21-61)

11.28.07 Prosecution of existing violations. This chapter shall not affect violations of any other ordinance, code or regulation of the city existing prior to December 21, 1961, and such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

11.28.08 Penalty. Failure to comply with any provisions of any order of the enforcing officials within the time allowed herein after the cause shall have become final as provided in this chapter shall constitute a misdemeanor punishable upon conviction as prescribed in Section 1.32 of this code, except each twenty (20) day period such violation continues shall be considered a separate offense. (Ord. No. 656, Sec. 8.9, 11-21-61)

11.28.09 Amendments. The provisions of this chapter may be amended by the city council, provided notice of any proposed amendment be published twice, once a week, in the Blytheville daily paper, the last notice to be published not less than seven (7) days before consideration of the amendment at a public hearing to be held by the City Council. Such notice shall quote the proposed amendment verbatim and state the hour, date and place of the public hearing.

## **CHAPTER 11.32**

### **NON-RESIDENTIAL CODE**

#### Sections:

- 11.32.01 Applicable
- 11.32.02 Uses prohibited
- 11.32.03 Governing provision
- 11.32.04 Definitions
- 11.32.05 Minimum standards
- 11.32.06 Refuse and garbage
- 11.32.07 Natural growth
- 11.32.08 Drainage
- 11.32.09 Storage areas
- 11.32.10 Parking and loading areas
- 11.32.11 Walls and foundations
- 11.32.12 Roofs
- 11.32.13 Chimneys
- 11.32.14 Repair
- 11.32.15 Windows, doors and entrances
- 11.32.16 Store fronts
- 11.32.17 Signs, marquees, and awnings
- 11.32.18 Structural members
- 11.32.19 Walls and ceilings
- 11.32.20 Floors
- 11.32.21 Toilets and lavatories
- 11.32.22 Lighting of washrooms
- 11.32.23 Stairways and entrances
- 11.32.24 Electrical service
- 11.32.25 Fuses and protective devices
- 11.32.26 Overloading of circuits
- 11.32.27 General and specific provisions
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- 11.32.29 Right of entry
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11.32.01 Applicable. It is the intent of the city that this chapter be applicable to all non-residential structures regardless of the particular non-residential use made of said structures.

11.32.02 Uses prohibited. No person shall make use of non-residential structures not in compliance with the requirements of the "Minimum Non-residential Standards Law". No owner of a non-residential structure shall permit the use of any structure not in compliance with the requirements of this law.

11.32.03 Governing provision. The conditions and requirements set forth in this chapter shall not be construed as amending, repealing or in any other way modifying, expressly or by implication any and all duly enacted chapters of the city. The conditions or requirements of any chapter relating to said non-residential use shall be fully complied with pursuant to said conditions and requirements. In the event there is a direct irreconcilable conflict between the conditions and requirements of this chapter and any other duly enacted ordinance of the city then the more stringent conditions and requirements shall take precedence and the said non-residential structure shall be in compliance therewith.

11.32.04 Definitions. For the purpose of this chapter the following words and phrases shall have the meanings assigned to them:

**ACCESSORY STRUCTURE:** A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

**BUILDING:** A combination of material to form a construction adapted to permanent or continuous occupancy for use for public institutional, residence, business or storage purposes.

**BUILDING CODE:** The Building Code of the city.

**DETERIORATION:** The condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, excessive use or lack of maintenance.

**EXPOSED TO PUBLIC VIEW:** Any premises, or any part thereof, or any building, or any part thereof, which may be lawfully viewed by the public, or any member thereof, from a sidewalk, street, alleyway, open parking lot or from any adjoining or neighboring premises.

**EXTERIOR OF THE PREMISES:** Those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

**EXTERMINATION:** The control and elimination of insects, rodents and vermin by eliminating their harborage places; by removing or making inaccessible material that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other approved means of pest elimination.

**FIRE CHIEF:** The Fire Chief of the city.

**FIRE HAZARD:** (Also see NUISANCE) Anything or any act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay or hinder, or may become the cause of an obstruction, a delay, a hazard or a hindrance to the prevention, suppression or extinguishment of fire.

**HEALTH OFFICER:** The Health Officer of the city.

**INFESTATION:** The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

**MIXED OCCUPANCY:** Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to non-dwelling uses.

**NUISANCE:**

- A. Any public nuisance known at common law or in equity jurisprudence, or as provided by the statutes of the state or the ordinances of the city.
- B. Any attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts,

basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures; lumber, trash, fences, debris, or vegetation such as poison ivy, oak, or sumac, which may prove a hazard for inquisitive minors.

- C. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the condition exists.
- D. Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this code.
- E. Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.
- F. Fire Hazards.

**OPERATOR:** Any person who has charge, care or control of premises, or a part thereof, whether with or without the knowledge and consent of the owner.

**OWNER:** Any person, who alone, jointly or severally with others shall be in actual possession, have charge, care or control of, any building, premises, or vacant lot within the city as owner, whether individual, firm, partnership, or corporation, or as trustees or guardian of the estate or person of the title holder and shall include the owner of record as reflected by the County Court Clerk.

**PLUMBING:** All plumbing and plumbing fixtures shall be maintained in a safe and useable condition as provided in Section 302 of the Southern Standard Housing Code, adopted by Ordinance 746.

**PREMISES:** A lot, plot or parcel of land including the buildings or structure thereon.

**PUBLIC OFFICER OR BUILDING OFFICIAL:** Chief Building Inspector of the city, or such other person as the City Council may specifically designate and such other officials as the Public Officer may designate to act in his behalf.

**REFUSE:** (Also see GARBAGE, RUBBISH) All putrescible and non-putrescible solid wastes, (except body wastes), including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, solid market and industrial wastes.

**REGISTERED MAIL:** Registered mail or certified mail.

**ROOM:** Space in an enclosed building, or space set apart by a partition or partitions.

**RUBBISH:** (Also see GARBAGE, REFUSE) Non-putrescible solid wastes consisting or both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

**SANITARY SEWER:** Any sanitary sewer owned, operated and maintained by the city and available for public use for the disposal of sewage.

**SEWAGE:** Waste from a flush toilet, bathtub, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.

**STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished ceiling level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

**STRUCTURE:** Combination of any materials, whether fixed or portable, forming a construction, including buildings.

**WASHROOMS:** Enclosed space containing one or more bathtubs, showers, or both, and which shall also include toilets, lavatories, or fixtures serving similar purposes.

**WATER CLOSET COMPARTMENT:** Enclosed space containing one or more toilets which may also contain one or more lavatories, urinals and other plumbing fixtures.

**WEATHERING:** Deterioration, decay or damage caused by exposure to the elements.

**11.32.05 Minimum standards.** It shall be the duty of an owner of a non-residential structure to cause said structure to be in compliance with this chapter.

**11.32.06 Refuse and garbage.** All non-residential structures shall be maintained in compliance with Title 5 and the Southern Standard Housing Code.

The owner or operator shall have the duty and responsibility of removing garbage. Storage bins, rooms and areas shall not be used for accumulated garbage or refuse. Inflammable or combustible liquid or other materials may not be stored on the premises unless they are of a type approved for storage by the regulations of the Fire Department, and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations.

**11.32.07 Natural growth.** Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating condition or storm damage, constitute a hazard to persons in the vicinity thereof shall be abated. Trees shall be kept pruned and trimmed to prevent such conditions.

11.32.08 Drainage. All portions of a premise shall be so graded that there is not pooling of water. All condensate and waste cooling water shall be discharged to the sewer system and shall not discharge to the ground surface.

11.32.09 Storage areas. All open salvage yards and open storage shall be completely obscured from surrounding property by a solid screen not less than six (6) feet in height.

11.32.10 Parking and loading areas. All public service, i.e., automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair. When lighted for nighttime use, lights shall not be permitted to cast their direct light upon dwellings nearby. All other parking or loading areas on non-residential property shall be an all weather surface which shall be constructed and maintained in such a manner and at such grade as to not allow excessive pooling or standing of water.

11.32.11 Walls and foundations. All foundations and walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

11.32.12 Roofs. The roof shall be maintained weather proof and all rainwater conveyed therefrom in a manner to prevent wet walls and so as not to create a nuisance to others.

11.32.13 Chimneys. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating material such as paint or similar surface treatment.

11.32.14 Repair. Every non-residential structure shall be kept in good repair and structurally sound by the "owner". All wood, composition, or metal siding shall be maintained weather proof and shall be properly surface coated when required to prevent deterioration. These requirements pertain also to accessory buildings, fences and signs.

11.32.15 Windows, doors, and entrances. All windows exposed to public view shall be kept clean and in a state of good repair. No storage of materials, stock, or inventory shall be permitted in window display areas or other areas ordinarily exposed to public view unless said areas are first screened from the public view by drapes, Venetian blinds, or other permanent rendering of the windows opaque to the public view. All screening of interiors shall be maintained in a clean and in good state of repair.

11.32.16 Store fronts. All store fronts shall be kept in good repair, painted where required, and shall not constitute a safety hazard or nuisance. In the event repairs to a store front become necessary, such repairs shall be made with the same or similar materials used in the construction of the store front in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.

11.32.17 Signs, marquees, and awnings. All canopies, marquees, signs, metal awnings, stairways, fire escapes, stand pipes, exhaust ducts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment. All signs shall be in accordance with the city ordinances pertaining to signs and billboards.

11.32.18 Structural members. All supporting structural members of all non-residential buildings shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them in accordance with the Building Code.

11.32.19 Walls and ceilings. The interior walls and ceilings of all non-residential structures shall be kept structurally sound, capable of safely supporting the imposed loads upon them, free of cracks and breaks, loose plaster or covering and maintained in a clean, safe and sanitary manner.

11.32.20 Floors. Floors shall be maintained structurally sound, and capable of supporting the imposed loads without undue deflection. They shall be maintained at all times so as to be smooth, level, clean and free of breaks, cracks or other unsafe condition.

11.32.21 Toilets and lavatories. Every non-residential building regularly used or occupied by persons shall be provided with toilet and lavatory facilities as further provided in this section except that small buildings not over one hundred and fifty (150) square feet in floor area used for shelter in connection with the operation of parking lots, storage lots, kiosk, watchman stations, or similar uses shall not be required to have such facilities if such facilities are otherwise conveniently available to workers using such buildings and are so used at all times.

11.32.22 Lighting of washroom. Every washroom and water closet compartment shall be provided with permanently installed artificial lighting fixtures with a switch and wall plate so located and maintained that there is no danger of short-circuiting from water from other bathroom facilities or from splashing of water.

11.32.23 Stairways and entrances. All stairways and entrances which may give access to the structure for employees or for business shall be kept in a good state of repair and structurally sound and properly lighted in accordance with the requirements of the Building Code.

Any exterior stairway or entrance used by employees or for business shall be protected from the elements and against decay and rust by periodic application of a weather-coating or other protective treatment.

11.32.24 Electrical service. All premises shall be properly connected to and be provided with electric power through safely insulated conductors conforming to the National Electrical Code. Except as hereinafter stated, all wiring or cables shall be properly affixed or attached to the structure. Insulation shall be provided for all wiring and cables and kept in good repair. No loose cords or loose extension lines in excess of six (6) feet in length shall be permitted and no ceiling or wall fixture shall be used for supplying power to equipment other than that for which they are designed.

11.32.25 Fuses and protective devices. Maximum fuse sizes consistent with safety shall be posted conspicuously on the inside cover of all fuse boxes and no fuse shall be installed therein in excess of the stated maximum except that owners shall not be responsible for violation in fuse installations without their knowledge where the correct maximum is stated and the fuse box is located within any part of the premises which is in the exclusive possession of occupants other than the owner.

11.32.26 Overloading of circuits. Overloading of circuits is prohibited. Where the Building Official finds after notice and hearing that by reason of the appliances and fixtures there is continuing overloading of an electrical line creating a hazard, the owner shall be required to install a line of sufficient capacity to absorb the load to which the line is subject or otherwise eliminate the conditions causing the overload. For purposes of this section, the Building Official may consider the peak seasonal load to which the line is subjected.

11.32.27 General and specific provisions. Upon discovery by an occupant of any condition on the premises which constitutes a violation hereof, the occupant shall report the same to the Building Official responsible for enforcement thereunder. All parts of the premises under the control of the operator shall be kept in a clean and sanitary condition and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition.

Eliminating infestation: Every operator shall be responsible for the elimination of infestation in and on the premises subject to his control.

Malicious damage: Every operator shall be responsible for willfully or maliciously causing damage to any part of the premises.

Maintenance of plumbing: Every operator shall maintain all plumbing fixtures used by him in a clean and sanitary condition and he shall not deposit any material in any fixture or sewer system which would result in stoppage or of damage to the fixture or sewer system.

Providing notice of defect to owner: Where the owner would not otherwise know of a defect of any facility, utility, or equipment required to be furnished hereunder the same is defective or inoperable, each operator affected thereby, shall upon learning of said defect, provide notice to the owner or person in charge of the premises. Nothing herein shall be construed to provide a defense to any owner violating this Code.

11.32.28 Supervision. Supervision vested in the Building Official and all inspections, regulations, enforcement, and hearings on violations of the provisions of this Code, unless expressly stated to the contrary, shall be under his direction and supervision. He may appoint or designate such other public officials or employees of the city to perform duties as may be necessary to the enforcement of this Code, including the making of inspections and holding of hearings.

11.32.29 Right of entry. In the discharge of the duties and powers contained in the "Minimum Non-residential Standards Law," the Building Official, or his authorized representative, shall have authority and are empowered to enter any non-residential structure or part thereof, between the hours of 9 a.m. and 5 p.m., or at any other hour on the same day, as the owner or occupant may request. Should the above described right of entry be denied, then the above described officials may invoke the aid of the Police Department to enforce said right. No person shall deny entry to the above described officials for the purposes herein provided.

11.32.30 Entry by inspectors. Where the Building Official or his agent is refused entry or access or is otherwise impeded or prevented by the owner or operator from conducting an inspection of the premises such person shall be in violation of this Code and subject to the penalties hereunder.

11.32.31 Condemnation for human use. The designation of a nonresidential structure or portion thereof as unfit for human use and the procedure for condemnation and the placarding of such unfit structure, or part thereof shall be carried out in compliance with Sections 11.32.33 and 11.32.34. The Building Official shall condemn as unfit for human use, any non-residential structure thereof which:

- A. Is in such condition as to be damaged, decayed, dilapidated, unsanitary, unbeatable, unsafe, or vermin infested that it is liable to be an immediate danger to the lives of persons.
- B. By reason of the lack of illumination, ventilation, or sanitary facilities, it is in such condition and liable to be an immediate danger to lives or persons.
- C. By reason of its general condition it is liable to be dangerous to the lives of persons.

11.32.32 Notice. Whenever the Building official has condemned a non-residential structure or a part thereof as unfit for human use, he shall immediately give notice to the owner thereof of such determination and to placard as unfit for human use such structure or part thereof. Such notice shall contain a statement informing the owner and "user" of the right to appeal the determination of the Building Official within thirty (30) days after said notice is served.

11.32.33 Service of notice. The service of notice shall be made by:

- A. The posting of a copy upon the non-residential structure; and,
- B. By causing said notice to be delivered to such owner; or,
- C. If the owner is not found, then by leaving a copy at his usual place of abode.
- D. If service pursuant to (c) and (b) cannot be had, then by sending a copy of the notice by registered letter, to the last known address.

Service of notice pursuant to sections (a) and (d) shall be deemed to have been made twenty-four (24) hours after the posting and mailing thereof respectively.

11.32.34 Placarding. In the event no appeal has been taken within the thirty (30) days period or after a final determination upon review upholding the determination of the Building Official then there shall be posted in a conspicuous place or places upon the structure or portion thereof a placard or placards bearing the following words:

"Condemned as unfit for human use."

After such placarding, the structure or portion thereof shall be vacated within a time as determined by said Official.

11.32.35 Violating Section 11.32.34. No person shall occupy, enter, refuse to leave, or remain in a non-residential structure or portion thereof which is placarded except persons directly employed in securing or removing such condemned structure or portion thereof.

11.32.36 Right of appeal. Any owner or occupant of a non-residential structure or part thereof determined by the Building Official to be unfit for human use may file in the office of the Building Official a written appeal to the Board of Adjustments and Appeals requesting a hearing and setting forth a statement of the grounds within thirty (30) days after service of the notice herein provided. The filing of an appeal shall act as a stay and the Building official shall not proceed to placard until such hearing shall be completed. Except as herein provided the procedure for hearing by the Board of Adjustments and Appeals as set forth by the Building Code.

11.32.37 Violations and penalties. Any person, firm, corporation or agent, who shall violate a provision of this chapter, 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 this chapter shall be guilty of a misdemeanor. Each person shall be deemed guilty of a separate

offense for each and every day or portion thereof during- which any violation of the provisions of this chapter is committed, or continued, and upon conviction of any such violation such person shall be subject to a fine of not less than Five (\$5.00) Dollars and no more than Two Hundred (\$200.00) Dollars for each and every separate offense.

11.32.38 Notice and hearing not required. Where the violation of condition existing on the premises are of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the Building Official may either abate the violation or condition immediately or order the owner, operator or occupant to correct the violation within a period of time not to exceed three (3) days and upon failure to do so, the Building Official shall abate the condition immediately thereafter.

11.32.39 Board of Adjustments and Appeals. The Board of Adjustments and Appeals shall have jurisdiction to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or any determination made by the Building Official in the enforcement of the "Minimum Non-residential Standards Law."

11.32.40 Appeal procedure. Appeals may be taken to the Board of Adjustments and Appeals by any person aggrieved by any decision of the Building Official. Such appeal shall be taken within thirty (30) days after the decision is rendered by filing with the Building official a notice of appeal and specifying the grounds therefor. The Building Official shall forthwith submit to the Board a copy of this notice of appeal together with all the papers constituting the record upon which the action appealed from is taken.

11.32.41 Stay pending appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building official shall certify to the Board subsequent to the filing of any notice of appeal, that, by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by the order of any court of competent jurisdiction.

11.32.42 Inspection reports. The Building official shall furnish the Board of Adjustment and Appeals, upon request, copies of reports of any or all inspections made by such officers in the matter on appeal and furnish such other information as may be available to them and requested by the board.

11.32.43 Hearings. The Board of Adjustments and Appeals shall fix a time and place for the hearing of appeals. Such hearing shall be had within a reasonable time after the filing of the notice of appeal. Notice of the time and place of hearing shall be mailed to the applicant or to his attorney of record and such hearing shall not be less than ten (10) days after the mailing of the notice.

11.32.44 Powers of Adjustments and Appeals Board. In exercising its power the Board of Adjustments and Appeals may reverse or affirm, wholly, or partly, or may modify the order, requirement, decision or determination as ought to be made.

11.32.45 Action of Board. The Board of Adjustments and Appeals shall act by majority vote and a quorum shall consist of at least five (5) members. The Action of the Board shall not become effective until after the resolution of the Board setting forth the full reason for its decision and the vote of each member participating therein has been spread upon the minutes. Such resolution, immediately following the Board's final decision, shall be filed in the Office of the Board and shall be open to public inspection.

11.32.46 Powers additional to those in building code. The powers granted by this law to the Board of Adjustments and Appeals shall be in addition to those conferred upon it by the Building Code.

11.32.47 Remedy at owner's expense. If an owner fails to comply with the provisions of the "Minimum Non-residential Standards Law" the Building Official may take such action as may be necessary to remedy the conditions, at the expense of the owner of the structure. The Building Official shall submit bills for the cost thereof to the owner of the structure. These debts shall be a lien against the property where the work has been done.

11.32.48 Time limit for compliance. Rehabilitation or demolition should be begun no later than thirty (30) days following notification of sub-standard conditions, but the housing Official should have the authority to grant up to one hundred-twenty (120) days in cases where an owner showed definite progress towards such action (such as securing a loan). Whenever the building official shall find any building or structure or portion thereof to be unsafe, unsanitary or unfit for human habitation, he shall in accordance with established procedure for legal notice, give the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner to initiate and complete the required rehabilitation or demolition according to the requirements of the Building Inspector within thirty (30) to one hundred-twenty (120) days.

11.32.49 Demolition as compliance. Any owner of a non-residential structure that does not conform to the "Minimum Non-residential Standards Law" may remove or demolish such building and such action shall be deemed compliance. (Ord. No. 796)

## **CHAPTER 11.36**

### **PLUMBING AND GAS CODE**

#### Section:

- 11.36.01 Adoption by reference
- 11.36.02 Required Permits
- 11.36.03 Violation

11.36.01 Adoption by reference. The City of Blytheville hereby adopts in full as ordinance the edition of the Arkansas Plumbing and Gas Codes currently in force by the Arkansas Department of Health, of which not less than three (3) copies shall be filed in the office of the City Clerk, and the same are adopted and incorporated as fully as if set out in length herein. (Ord. No. 1676, Sec. 1)

11.36.02 Required Permits

Where work, for which a permit is required by said codes, is started or proceeded prior to obtaining a permit fee shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of said code in the execution of the work, nor from any other penalties prescribed herein. (Ord. No. 1676, Sec. 2)

11.36.03 Violation

Any person found to be in violation of said codes shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for each day such violation continues after having been found in violation by the District Court of Mississippi County Arkansas, in Blytheville. (Ord. No. 1676, Sec. 3)

## **CHAPTER 11.52**

### **ENERGY EFFICIENCY STANDARDS**

Sections:

11.52.01 Adoption of. The City Council of Blytheville, 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 Blytheville, 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 Blytheville, Arkansas. (Ord. No. 1740, Sec. 1)

## **CHAPTER 11.56**

### **MECHANICAL CODE**

Sections:

11.56.01 Adoption of.

11.56.01 Adoption of.

- A. The City of Blytheville hereby adopts in full as ordinance the edition of the Arkansas Mechanical Code currently in force by the Arkansas Department of Health, of which not less than three (3) copies shall be filed in the office of the City Clerk, and the same are adopted and incorporated as fully as if set out in length herein.
- B. Where work, for which a permit is required by said code, is started or proceeded prior to obtaining a permit fee shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of said code in the execution of the work, nor from any other penalties prescribed herein.
- C. Any person found to be in violation of said code shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for each day such violation continues after having been found in violation by the District Court of Mississippi County Arkansas, in Blytheville. (Ord. No. 1638, Secs. 1-3.)