TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

11.04 Building Permits
11.08 Building Policy
11.12 Condemned Structures
11.16 Plumbing Code
11.20 Mechanical Code
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CHAPTER 11.04

BUILDING PERMITS

Sections:

11.04.01 Amounts
11.04.02 Special account

11.04.01 Amounts The fees to be charged for obtaining building, mobile home and relocation permits in the city of Atkins:

Estimated Cost of Building Structure or Mobile Home	Permit Fees	Inspector's Share
0 - $999.99	$25.00	$15.00
$ 1,000.00 - $2,499.99	$30.00	$20.00
$ 2,500.00 - $4,999.99	$35.00	$25.00
$ 5,000.01 - $9,999.99	$50.00	$25.00
$10,000.00 - $29,999.99	$60.00	$35.00
$30,000.00 - $49,999.99	$65.00	$35.00
$50,000.00 - $74,999.99	$80.00	$50.00
$75,000.00 - $100,000.00	$125.00	$65.00
Greater than 100,000.00	$1.50 per thousand or part of $1,000.00	$80.00

(Ord. No. 2015-7, Sec. 1)

11.04.01 Special account All permit fees other than amounts paid to the Building Official shall be set aside in a special account. Such fees shall be deposited into a special account to be used only for future expenditures relating to amendments to the Atkins Land Development Code, printing and reprinting of zoning maps, and any other expense recommended by the Planning Commission and approved by the Mayor and City Council. (Ord. No. 93-01, Sec. 2.)

CHAPTER 11.08

BUILDING POLICY

Sections:

11.08.01 Declaration of policy
11.02.02 Definitions
11.08.03 Unlawful practices
11.08.04 Exceptions
11.08.05 Procedure
11.08.06 Other remedies
11.08.07 Penalties

11.08.01 Declaration of policy It is hereby declared to be the policy of the city in the exercise of its police power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex or national origin and, to that end, to prohibit discrimination in housing by any persons. (Ord. No. 79-5, Sec. 1)

11.08.02 Definitions When used herein:

Discrimination or **discriminatory housing practice** means any difference in treatment based upon race, color, religion, sex, or national origin; or any act that is unlawful under this ordinance.

Financial institution includes any person, as defined herein, engaged in the business of lending money or guaranteeing losses.

Housing accommodation or dwelling means any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy, as, a residence by one or more families, and any vacant land which is offered for sale or lease for the

construction or location thereon of any such building, mobile home or trailer, structure, or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.

Open market means the market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

Owner includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

Person includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

Real estate broker or **real estate salesman** includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents, or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

Real property includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums. (Ord. No. 79-5, Sec. 2)

11.08.03 Unlawful practices In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful within the city for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

A. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his or her race, color, religion, ancestry, national origin, sex, or place of birth; or

B. To discriminate against a person in the terms, conditions, or privileges of the sale,

purchase, rental or lease of any housing accommodation, or in the furnishing of facilities of services in connection therewith; or

C. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, sex, or place of birth; or

D. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his or her race, color, religion, ancestry, national origin, sex or place of birth; or

E. To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact, it is so available, or to refuse to permit a person to inspect any housing accommodation because of his or her race, color, religion or national origin, sex or place of birth; or

F. To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, purchase, rental lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation which indicates any discrimination or any intent to make a discrimination;

G. To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental, or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or

H. To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipating presence of persons of any particular race, color, religion, sex or national origin or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

1. The lowering of property values in the area.

2. An increase in criminal or antisocial behavior in the area, or

3. A decline in the quality of the schools serving the area.

I. To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing for any of the above, or the sale, purchase,

rental or lease of any housing accommodation in any area in the city for the purpose of including or attempting to induce any such listing or any of the above transactions; or

J. To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or

K. To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this article, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this ordinance; or

L. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this ordinance; or to obstruct or prevent any person from complying with the provisions of this ordinance; or any other issued thereunder; or

M. By canvassing, to commit any unlawful practices prohibited by this ordinance; or

N. Otherwise to deny to, or withhold any housing accommodation from a person because of his or her race, color, religion, ancestry, national origin, sex or place of birth; or

O. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise, whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, because of the race, color, religion, sex, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan of other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan of other financial assistance is to be made or given; or

P. To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or

to discriminate against him or her in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, or national origin. (Ord. No. 79-5, Sec. 3)

11.08.04 Exemptions This ordinance shall not apply to:

A. A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, sex or national origin.

B. A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

C. Any single-family house sold or rented by an owner: Provided that such private individual owner does not own more than three such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period: Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time: Provided further, the sale or rental of any such single-family house shall be excepted from the application of this ordinance only if such house is sold or rented:

1. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and

2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604 (c) or of 11.08.03 of this ordinance; but nothing in this provision shall prohibit the use of attorneys, escrow agents,

abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

D. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupied one of such living quarters as his residence. (Ord. No. 79-5, Sec. 4)

11.08.05 Procedure Any person aggrieved by an unlawful practice prohibited by this ordinance may file a complaint with the City Attorney within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than sixty (60) days after the alleged unlawful practice occurred. (Ord. No. 79-5, Sec. 5)

11.08.06 Other remedies Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from billing his complaint with any appropriate governmental agency. (Ord. No. 79-5, Sec. 6)

11.08.07 Penalties Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined as follows:

First Offense - Not Less than Twenty-Five Dollars ($25.00)
Second Offense - Not less than One Hundred Dollars ($100.00)
Third or More Offenses - Not less than Five Hundred Dollars ($500.00)
(Ord. No. 80-9, Sec. 1)

CHAPTER 11.12

CONDEMNED STRUCTURES

Sections:

11.12.01 Unlawful
11.12.02 Condemnation
11.12.03 Resolution
11.12.04 Notice
11.12.05 Removal
11.12.06 Alternate service
11.12.07 Removal of structure

11.12.08 Sale of building materials or contents
11.12.09 Lien

11.12.01 Unlawful It shall be unlawful for any person or entity to own any house, building or structure in the city of Atkins which in the opinion of the Council has become

dilapidated, unsightly, unsafe, unsanitary, obnoxious or detrimental to the public welfare and has been declared to be a nuisance by resolution of the City Council. (Ord. No. 2014-2, Sec. 1)

11.12.02 Condemnation Any such house, building or structure declared to be a nuisance by resolution of the City Council will be condemned to insure the removal or abatement of the nuisance as hereinafter provided. (Ord. No. 2014-2, Sec. 2.)

11.12.03 Resolution The resolution condemning any such house, building or structure shall contain an adequate description and location of such structure, the name and address of the owner, and the reasons such structure has been condemned. (Ord. No. 2014-2, Sec. 3.)

11.12.04 Notice Prior to the City Council adopting a resolution condemning a structure for any of the reasons stated hereinabove, the City Council shall authorize the Mayor to enter into a contract with an engineer for the purpose of employing the engineer to evaluate the subject house, building or structure to assist the Council in determining whether or not the subject structure should be condemned and therefore removed. (Ord. No. 2014-2, Sec. 4.)

11.12.05 Removal Promptly after a house, building or structure has been declared to be a nuisance and condemned by resolution of the City Council a copy of the resolution will be mailed by certified mail to the owner of the structure and a copy of the resolution shall be posted in a conspicuous place on the house, building or structure advising the owner that the owner has thirty (30) days from the date of passing of the resolution to remove or rehabilitate the offending structure subject to the terms of the City Council or the structure will be removed, razed, or destroyed by the city of Atkins. (Ord. No. 2014-2, Sec. 5.)

11.12.06 Alternate service In the event the city is unable to serve notice on the owner by certified mail, the city may, but is not required, to serve notice on the owner by any alternate method of service as provided in Rule 4 of the Arkansas Rules of Civil Procedure pertaining to service of a summons and complaint on a defendant in a civil case. (Ord. No. 2014-2, Sec. 6.)

11.12.07 Removal of structure In the event the property owner has not rehabilitated the property or removed the property within the time period as allowed as provided for above, the Mayor and the City Council shall take whatever steps deemed necessary to have the offending structure removed and the lot restored to a sanitary condition. Before removal of the structure the Mayor shall employ a qualified inspection to conduct an asbestos survey on the structure and, if necessary, employ a contractor to remove any existing asbestos in the structure. Thereafter the

city, unless it uses its own employees to remove the structure, shall advertise for bids to remove the structure and restore the property to a sanitary condition. (Ord. No. 2014-2, Sec. 7.)

11.12.08 Sale of building materials or contents In the event any building material or contents may be sold either before or after demolition, all of the proceeds of the sale shall be paid to the city and shall be applied towards any costs incurred by the city of Atkins concerning

any inspections or removal of the offending property. Any remainder shall be returned to the owner of the property. (Ord. No. 2014-2, Sec. 8.)

11.12.09 Lien In the event the city of Atkins incurs any net costs as a result of the removal of the structure, the city shall have a lien on the property as provided by A.C.A. 14-54-904. Said lien may be collected in the matter described therein either in the Circuit Court or by placing a lien on the tax records with the Pope County Tax Collector. (Ord. No. 2014-2, Sec. 9.)

CHAPTER 11.16

PLUMBING CODE

Sections:

11.16.01 Definitions
11.16.02 Plumbing code
11.16.03 Inspections and supervision
11.16.04 Applications for permits
11.16.05 Bond
11.16.06 Street openings
11.16.07 Cross connections - back flow
11.16.08 Penalties

11.16.01 Definitions

Apprentice A plumber's apprentice is any person other than a journeyman or master plumber who is engaged in learning and assisting in the installation of plumbing and drainage.

Journeyman plumber A journeyman plumber is any person other than a master plumber, who is engaged in the practical installation of plumbing.

Master plumber A master plumber is any person skilled in the planning, superintending and the practical installation of plumbing and familiar with the laws, rules and regulations governing the same.

Plumbing means and includes:

A. All piping, fixtures, appliances and appurtenances in connection with the water supply and drainage systems within a building and to a point from three (3) to five (5) feet outside of the building.

B. The construction and connection of any drain or waste pipe carrying domestic sewage from a point within three (3) to five (5) feet outside of the foundation walls of any building within the sewer service lateral or other disposal terminal,

including the alteration of any such system, drain or waste pipe, except minor repairs to faucets, valves, pipes, appliances and removing of stoppages.

C. The water service piping from a point within three (3) to five (5) feet outside of the foundation walls of any building to the water meter or other water utility property or other terminal and the connecting of domestic hot water storage tanks, water softeners, and water heaters with the water supply system.

D. A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement, and to prevent with a margin of safety unequal air pressures of such forces as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building.

E. All plumbing fixtures, appliances, appurtenances or pipes used in the installation of gas. (Ord. No. 85-17, Sec. 1)

11.16.02 Plumbing Code

A. Provisions and regulations of the Arkansas State Plumbing Code and amendments thereto adopted by the State Board of Health of Arkansas are made a part of this ordinance by reference except as otherwise provided in subsections B and C of this section, three (3) certified copies of which shall be on file in the office of the City Clerk and shall extend over and govern the installation of all plumbing installed, altered or repaired within or without the city of Atkins, Arkansas, wherever water or sewer service is provided by the Municipal Water and Sewer System.

B. Any customer service sewer line which is constructed or repaired after the inception of this ordinance shall be totally constructed or replaced with pipe in size and strength of not less than four (4) inch PVC (polyethylene vinyl chloride) schedule 40 DWV (drain, waste and vent).

C. Any customer service water line constructed or repaired after the inception of this ordinance shall have a cut-off valve installed on the customer side of the meter not less than two (2) feet from the meter and shall have an adequate separate cover for said cut-off valve. (Ord. No. 85-18, Sec. 1)

11.16.03 Inspection and supervision

A. There is hereby created the position of Plumbing Inspector or Inspectors who shall be employed by the city of Atkins, Arkansas.

B. The Plumbing Inspector or Inspectors shall have experience in plumbing to the extent that enables the Inspector to know when plumbing is installed correctly.

C. The Plumbing Inspector or Inspectors shall not be directly connected in any way with any person, firm or corporation, directly or indirectly engaged in the business of plumbing or supplying plumbing supplies.

D. The Inspector shall receive as full compensation for his services, a salary designated by the city of Atkins, Arkansas.

E. It shall be the duty of the Plumbing Inspector or Inspectors to enforce all provisions of this ordinance, and such Inspector or Inspectors are hereby granted the authority to enter all buildings within or without the corporate limits of the city of Atkins, Arkansas, when such buildings are connected, or are to be connected to the Municipal Water and/or Sewage System.

F. The Plumbing Inspector shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such documents.

G. It shall be the duty of the Plumbing Inspector to inspect and test all plumbing work for compliance with this ordinance and the adopted plumbing code, and to enforce correctly any installations that do not meet the stated city code requirements. It further shall be the Inspector's duty to determine that all persons installing, altering or working on plumbing shall be qualified by state law. (Ord. No. 85-16, Sec. 3)

11.16.04 Applications for permits

A. Before beginning any plumbing work inside or outside the city of Atkins, Arkansas, on any building connected or to be connected to the Municipal Waterworks and/or Sewer System, the master plumber or home owner installing, altering or working on same, shall apply to the Plumbing Inspector or other

designated official to obtain a permit to do such work. Only master plumbers legally authorized to perform plumbing work may be issued permits except that a permit may be issued to a property owner to install or alter plumbing in a building owned and occupied by him as his home provided that such person performs the plumbing work himself and that such work shall meet the code requirements.

B. All applications for permits shall be made on suitable forms provided by the Plumbing Inspector. The application shall be accompanied by fees in accordance with the following schedule:

NEW CONSTRUCTION:

Plumbing rough-in inspections	$10.00
Each plumbing fixture and/or water and/or waste discharging devices	.75
Final inspection of Plumbing Inspector	7.50

An additional fee of Twenty Dollars ($20.00) shall be charged for each additional inspection performed by the Plumbing Inspector, caused by the permit holder's not being ready for inspection after having requested the Plumbing Inspector to make an inspection or caused by the Plumbing Inspector's having to return for an additional inspection after having inspected plumbing work that was not correctly installed. (Ord. No. 85-17, Sec. 2)

11.16.05 Bond Every master plumber doing business in the city of Atkins, Arkansas, shall executive and deliver to the city a bond with a surety bonding company in the sum of One Thousand Dollars ($1,000.00) to indemnify the city or any citizen for an y damage caused by the failure of such master plumber to comply strictly with the provisions of this ordinance. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the city and is in full force and effect. (Ord. No. 85-16, Sec. 5)

11.16.06 Street openings

A. All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.

B. All openings must be repaired and placed in precisely the same condition as before the excavation started and all rubbish and material must be removed at once, leaving the street or sidewalks clean and in perfect repair.

C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the openings at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to persons or property. (Ord. No. 85-16, Sec. 6)

D. Before opening any public street or alley, the permit holder shall obtain any permit and shall post any bond required by the city before opening such street or alley. (Ord. No. 85-17, Sec. 3)

11.16.07 Cross connections - back flow

A. The Water and Sewer Commission of the city of Atkins, Arkansas, and the Plumbing Inspector of the city of Atkins, Arkansas, are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply, by reason of the requirements of the Arkansas State Plumbing Code and the Plumbing Code and the regulations of the Arkansas State Board of Health having not been complied with.

B. The Water and Sewer Commission of the city of Atkins, Arkansas, and the Plumbing Inspector of the city of Atkins, Arkansas, are hereby authorized and directed to take such steps as are necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining said potential hazards it shall be the duty of said Commission and said Inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event that said hazard is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirements of the Arkansas State Plumbing Code, this ordinance, and the regulations of the Arkansas State Board of Health have been complied with. (Ord. No. 85-16, Sec. 7)

11.16.08 Penalties Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00), together with the costs of such prosecution. Each day during which a violation continues shall be a separate offense. (Ord. No. 85-16, Sec. 8)

CHAPTER 11.20

MECHANICAL CODE

Sections:

11.20.01 Adoption
11.20.02 Amendments
11.20.03 Filing of copies
11.20.04 Penalty

11.20.01 Adoption There is hereby adopted by the city of Atkins the state of Arkansas

Mechanical Code, as recommended by the Southern Building Code Congress, being particularly the 1991 Edition thereof, save and except such portions as amended in Section 2 below. These rules and regulations are adopted in an attempt to ensure safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances there-to, so as to safeguard life, health, and the public welfare. For purposes of this Ordinance, the Building Official, his assistants, or any individual assigned by the Mayor, shall be the "Administrative Authority" authorized to enforce the provisions of the Mechanical Code.

11.20.02 Amendments. The aforementioned Code shall be amended as follows:

A. Flex duct shall be allowed only on branch lines;
B. Flex duct shall be no longer than six (6) feet in length;
C. Mechanically approved fittings are required for all turns;
D. Mechanically approved fittings are required for take off;
E. The following fee schedule shall be substituted for the "Schedule of Permit Fees" found at Appendix B of the Mechanical Code:

Residential inspections

One (1) unit	$20.00
For each additional unit	$10.00

Commercial inspections

For up to four (4) units	$50.00
For each additional unit over and above four (4) units	$10.00

(Note - One (1) unit consists of one (1) a.c. unit and one (1) heating or combination heat andair unit.)

Inspection of alterations The fee for inspecting alterations and additions to an existing system shall be $15.00 unless a new unit is installed.

Re-inspection In case it becomes necessary to make a re-inspection of a heating, ventilation, air conditioning or refrigeration system, the installer of such equipment shall pay a re-inspection fee of $20.00.

11.20.03 Filing of codes Three (3) copies of this code have been and are now filed in the office of the Clerk and/or Building Official of the city of Atkins, Arkansas, and the same are hereby adopted and incorporated, as amended, as fully as if set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling in the construction of all buildings and other structures within the corporate limits of the city of Atkins, Arkansas, except as regulated by other ordinances of the Atkins Municipal

Code.

11.20.04 Penalty Arkansas state law (Arkansas Code Annotated Sec. 14-55-102) empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violations of the mechanical code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violations of the Mechanical Code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the provisions of the Mechanical Code as adopted as a result of this ordinance or other provisions of this ordinance shall be punishable by a fine up to $250.00. Each day that said violation continues shall be a separate offense and each day subsequent to the first day of violation shall be punishable by a fine of up to $250.00 per day. (Ord. No. 96-4, Secs. 1-4)

CHAPTER 11.24

SIGNS

Sections:

11.24.01 Definitions
11.24.02 General

11.24.01 Definitions

Sign A sign includes any type of object or part thereof, permanently attached to, painted on, or represented on a building, poles or other structure, upon which is displayed or included

any letter, work, model, banner, flag, pennant, insignia, decoration, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention directing device. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city, or other political unit, or any political, charitable, educational, philanthropic, civic, professional, or religious campaign, drive, movement, or event. A sign shall contain no more than four (4) square feet in area unless otherwise specifically provided for in this ordinance.

Sign, advertising A sign which directs attention to a business, commodity, or service which is entirely or primarily conducted, sold, or offered elsewhere than upon the lot on which the sign is located, containing no more than two hundred (200) square feet in area.

Sign, animated Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Sign, area The area of a sign includes the larger of the outer extremities of all letters, figures, characters, and delineations, or the outer extremities of the framework or background of the sign. The support of the sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area.

Sign, awning, canopy or marquee A sign painted, stamped, perforated, stitched or otherwise applied on the valance of an awning.

Sign, billboard A sign of more than two hundred (200) square feet in area but limited to no more than twelve hundred (1,200) square feet in area that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Sign, bulletin board A sign portraying a non-commercial message.

Sign, business an accessory sign, which directs attention to a profession, business, commodity or service, conducted, sold, or offered on the same lot.

Sign, complex identification A sign identifying a common area containing a group of structures, or a single structure, such as a residential subdivision, apartment complex, industrial park, manufactured home park, or shopping center, located at the entrances of the area.

Sign, directional A sign identifying entrances, exits, aisles, ramps, and similar traffic-related information.

Sign, electronic message board Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, flashing Any sign which by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

Sign, free standing A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Sign, identification A sign, which serves as an identification for a person, organization, public institution, or business operating on the premises where the sign is located. Such sign may name the person, organization, public institution, or business, but shall not portray any other message.

Sign, illuminated A sign illuminated in any manner by an artificial light source.

Sign, information A sign which identifies a residence, a non-commercial activity including historic markers, or which conveys cautionary or similar information.

Sign, non-conforming A sign existing on or before the effective date of the adoption of this ordinance, which is prohibited after the adoption of this ordinance.

Sign, portable Any sign not permanently affixed to the ground, a building, pole, or structure and constructed of a durable material intended to be easily or readily moveable from one location to another.

Sign, protruding Any sign other than a wall sign that is attached and protruding from the wall or face of a building or structure.

Sign, public A sign erected on behalf of a governmental body to post a legal notice, identify public property, convey public information, or to direct or regulate pedestrian or vehicular traffic.

Sign, residential Any sign located in a district zoned for residential uses that contains no commercial message except such sign may contain a representation advertising the sale or lease of the residential premises.

Sign, roof Any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above a roof or roof eave.

Sign, temporary A display, informational, banner, or advertising object constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays, public demonstrations or construction signs identifying architects, engineers, contractors, and other individuals or firms involved with construction on property sites.

Sign, wall A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building. (Ord. No. 2002-3, Sec. 1.)

11.24.02 General The regulations established herein are designed to regulate signs in order to insure light, air, and open space; to reduce the hazards at intersections; to prevent the accumulation of trash; and to protect property values of the entire community. The regulations for signs, billboards, and other advertising signs, are indicated below as follows:

A. All districts The following general regulations shall apply in all zoning districts:

1. All signs described in "Section 1 Definitions" are allowed in the city of Atkins unless specifically prohibited or altered as hereinafter provided.

2. No sign, whether temporary or permanent, shall be erected or maintained at any location in the city where by reason of its position, wording, shape, size, illumination, or color, it may obstruct, impair, obscure, or interfere

with the view of, or be confused with, any authorized traffic control sign, signal, or device.

3. No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such a manner as to interfere with, mislead, or confuse traffic.

4. No flashing, animated or illuminated sign shall be permitted within twenty-five (25) feet of any Residential District.

5. Al sign, including billboards, shall be erected in conformity with the side and rear yard requirements of structures in the zoning district in which they are located, except that they shall be no closer than eight (8) feet from the street property line.

6. No temporary sign shall be erected or otherwise affixed to any pole, tree, stone, fence, building, structure, or any object within the right-of-way of any street or at the intersection of any street in such a manner as to obstruct vision or be confused with any authorized traffic sign, signal, or device. Temporary signs shall not exceed thirty-two (32) square feet in area.

7. Bulletin boards or signs appertaining to the lease, hire or sale of a buildings or premises may equal no more than thirty-two (32) square feet in area and must be removed as soon as the premises are leased, hired or sold.

8. Political and real estate signs shall be exempt from obtaining a sign permit. Political signs shall be removed within one (1) week after the election date unless there is a run-off election, and then such signs shall be removed within one (1) week after the run-off election.

9. No sign, awning, canopy or marquee will be placed in or protrude into a public right-of-way except in a Central Business District. In a Central Business District they shall not protrude more than three (3) feet over the public right-of-way and the bottommost portion of any such signs shall be no lower than eight (8) feet from the sidewalk.

10. No sign shall exceed eighty (80) feet in height from ground elevation.

11. Portable signs are allowed only in Commercial Districts subject to the provisions as provided in Section 2 (H) (3).

12. Billboards are prohibited in all districts unless otherwise stated in this ordinance.

13. No sign permit for a public sign may be approved and issued unless written approval has first been obtained from the Department Head of the Street Department of the city of Atkins, Arkansas. Every aspect of such a sign and its placement and location is subject to the approval or disapproval of the Department Head of the Street Department. (Ord. No. 2005-4, Sec. 1.)

14. Fees for sign permits shall be determined by the Atkins Planning Commission based on the cost of the sign or time period it may be displayed. (Ord. No. 2005-4, Sec. 2.)

B. Residential requirements The following standards shall apply in all Residential Districts:

1. An identification sign for a home occupation shall not exceed four (4) square feet in area and must be attached to the structure it identifies. No such sign shall be lighted or contain lights.

2. For any two-family or three-family dwelling, identification signs shall not exceed two (2) square feet in area. Identification signs shall be permitted for each dwelling unit and indicate nothing other than name and/or address of the occupant.

3. For multi-family dwellings, groups, dwellings and boarding houses, identification signs may equal no more than sixteen (16) square feet in area. Such signs shall indicate nothing more than the name and/or address of the premises, name of management and telephone number.

4. Church, school or public building bulletin boards may equal no more than thirty-two (32) square feet in area. Such bulletin boards shall not be located in a manner so as to obscure or impair the vision of persons operating vehicles entering or leaving the premises where the sign is located.

C. Commercial requirements: the following requirements shall apply in all Commercial Districts:

1. Advertising signs (as contrasted from identification signs) painted or attached to the sides of buildings advertising products, goods, or services unrelated to the use of the building are prohibited.

2. Billboards are permitted only in C-2 Commercial Business Districts.

3. Business signs on building facades shall be permitted on the basis of one sign per business not exceeding two (2) square feet of sign area for each one (1) linear foot of building façade, provided however the maximum total are of the sign for a façade of any business may equal no more than two hundred (200) square feet in area.

4. Electronic message boards are permitted only in Commercial Business Districts.

D. Industrial requirements There are no additional requirements for Industrial Districts.

E. Agricultural requirements There are no additional requirements for Agricultural Districts.

F. Non-conforming sign: No non-conforming sign, or any portion thereof, existing at the time this ordinance is adopted may be altered as to size, height, location or user until said sign is made to conform to all of the regulations of this ordinance.

G. Enforcement: The provisions of this ordinance shall be administered by the Permits Inspector and the Atkins Planning Commission.

H. Permits, permanent, temporary or portable:

1. No sign or billboard as defined by this ordinance shall be constructed or erected in the city of Atkins prior to obtaining a sign permit. A sign permit will be issued only when the application has been approved by the Permits Inspector as meeting all the requirements of this ordinance. All applications for a sign permit shall be accompanied by a plat or plan showing the actual dimensions of the lot, the size in area and height of the sign to be erected on the lot or building, information showing the cost of the sign or billboard such as an estimate or receipt from the company installing or building the sign, insurance binder or any other information required by the Permits Inspector, which in his opinion is necessary to determine whether the application will be approved. A record of all applications and plats or plans shall be kept by the Permits Inspector and the Atkins Planning Commission.

2. No temporary sign, other than a portable sign, requires a permit, and may exist for no more than thirty (30) days, without permission of the Planning Commission, except as provided in Section 2 (A)(8).

3. A portable sign requires a temporary permit issued for (30) (60) or (90) days and may exist only for the time specified on the permit at which time

it must be removed, except as provided in Section 2 (A)(8).

I. Penalty: Any person, corporation or other entity who shall violate any of the provisions of this ordinance or fail to comply with any of the requirements thereof, or shall construct or erect any sign in violation of any plat or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be subject to a fine of not more than One Hundred Dollars ($100.00). Each day such violation exists shall constitute a separate offense.

J. Variance

1. The Atkins Planning Commission shall hear requests for variances from the literal provisions of this sign ordinance in instances where strict compliance to the provisions of the ordinance would cause undue hardship due to the circumstances unique to the individual property under consideration.

2. The Commission may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of this sign ordinance.

3. The Commission shall not permit as a variance any use in a zone that is not permitted under this ordinance.

4. The Commission may impose conditions in the granting of the variance to insure compliance and protect adjacent property.

5. A public hearing shall be held whenever an application for a variance is made to the Commission. Notice of the public hearing stating the date, time and place of the hearing shall be published at the expense of the applicant in a newspaper of general circulation in Atkins, at least once not less than seven days preceding the date of such hearing. Said notice shall list the name of the person or entity and street address where the variance is requested and a brief statement explaining the reason for the variance request. A fee of Ten Dollars ($10.00) shall be required before an application will be heard. (Ord. No. 2002-3, Sec. 2.)

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